

Aboriginal Consultation

NOTE: For the purpose of this information request, “potentially affected Aboriginal groups” refer to: Alexis Nakota First Nation, Ermineskin First Nation (Mountain Cree (Smallboy) Camp), Foothills Ojibway First Nation, Gunn Metis Local 55, Horse Lake First Nation, Metis Nation of Alberta – Region 4, Nakcowinewak Nation of Canada, O’Chiese First Nation, Paul First Nation, Samson Cree First Nation, Stoney First Nation, Sunchild First Nation, Whitefish Lake First Nation.

- 1. Provide an update of consultation measures undertaken with potentially affected Aboriginal groups, or any Aboriginal groups who have expressed an interest in the Project, since the time of completion of the latest submissions included in the SIR II “ESRD Appendix 2: First Nation Consultation” that includes:**
 - a. any updated consultation activities or current information provided by Aboriginal groups that has been received; and**
 - b. any update to the identification of issues of concern organized in a disaggregated manner, attributable to a specific Aboriginal group.**

This response has been generated to reflect those groups listed as “potentially affected Aboriginal groups” as per the above. It provides a succinct history of discussions with each of the groups, but will not seek to reproduce every detail found in the original application and responses to subsequent Supplementary Information Requests. Appendix A contains 16 tables from the various Aboriginal groups providing updates to the identification of issues of concern as per Part B of the question.

1. General History of Consultation Efforts 2006-2015

The potentially affected Aboriginal groups initially included under the Robb Trend Coal Mine Expansion Project’s (Project) Aboriginal Consultation Plan were established using previous consultation efforts as the precedent, and at the direction of Alberta’s Aboriginal Consultation Office (ACO; formerly SREM Aboriginal Affairs Branch or SAAB). The list of potentially affected Aboriginal groups above does not reflect those groups deemed by ACO as requiring project consultation (Alexis Nakota Sioux First Nation, Ermineskin First Nation, O’Chiese First Nation, Paul First Nation, Samson Cree First Nation, Sunchild First Nation, Whitefish Lake First Nation) or those groups otherwise included in consultation efforts on behalf of the Proponent.

The Project is located in the Treaty 6 area; consultations efforts have not been limited to Treaty First Nations groups, as the area has also been used by several non-Treaty Aboriginal groups in the region. Westmoreland Coal Company (WCC) and its predecessors have been responsible for providing capacity funding to those Aboriginal groups with asserted Treaty or Aboriginal Rights and traditional uses in the area in order for effective consultation and traditional use studies to occur.

Consultation and traditional use studies were initiated for the Project in late July, 2006 when information about three proposed mine extensions (Yellowhead Tower, Mercoal West, and the Project), was sent to each potentially affected group included in the existing Aboriginal Consultation Plan of the time. This process was re-initiated in February, 2011 specifically for the Project alone, along with more

recent changes and additions to the Project area. On February 23, 2011, Margaret Fairbairn, Acting Regional Director of CEAA, mailed early notification letters to potentially affected First Nations and Métis groups, noting that the Project was subject to a Provincial EA, consideration of an EA under CEAA, and participation by the Major Project Management Office (MPMO). Bi-monthly updates on the progress of the consultation program have been provided to the ACO and specific Aboriginal groups since the approval of the Project's mandated Aboriginal Consultation Plan in February, 2011. At the request of the ACO, the Aboriginal Consultation Plan was revised in January, 2013 to include consultation with the Samson Cree Nation and to clearly reflect that consultation was voluntary with the Mountain Cree Camp and mandatory with the Ermineskin Cree Nation. In the time since approval of the Consultation Plan, all eleven aboriginal communities detailed in the Plan have been contacted to provide copies of the Consultation Plan, Project Description, Detailed Maps, Proposed Terms of Reference, Terms of Reference, and the federal Project Agreement for the Project. Other groups have been provided such documentation as relevant when engagement efforts were initiated with them at various times. All groups have been provided copies of the *Robb Trend Project Environmental Impact Assessment and Mine Permit Application* (April 2012) and encouraged to provide comment.

The Proponent's responses to the first set of Supplemental Information Requests (SIR) were provided to Aboriginal groups in January 2013, the second set of SIRs were provided August, 2013, and to the third set of SIRs in April, 2014. Groups were supplied with detailed air photo maps of the proposed lease areas, and field studies to identify particular traditional use locations have been largely completed or are underway where appropriate. Numerous major or otherwise significant meetings have been held between the Proponent and Aboriginal groups to discuss the Project and any Aboriginal concerns, including those related to site specific concerns, concerns related to Treaty or Aboriginal Rights and traditional uses, general environmental impacts, and socio-economic impacts. Other consultation efforts have included open houses and tours of the Project area and existing Coal Valley Mine (CVM) operations. Subsequent consultation steps will include further discussion to consider avoidance, mitigation, and monitoring strategies to address Aboriginal concerns related to the development of the Project.

Throughout the consultation process representatives from the Proponent have included:

Past Representatives

Les LaFleur (retired) (Robb Trend Project Manager),

Dave Rutland (CVM General Manager),

Brian McKinnon (Director, Robb Trend Extension),

Current Representative:

Dan Rousseau (CVM General Manager),

Kari McDonald (Manager, Environmental and Regulatory Affairs, Westmoreland Coal Company),

Dr. Dan Meyer, Jason Roe, and Mary Attia (Lifeways of Canada),

Jim Gendron (LTG Consulting) and various others during the long history of the consultations.

During that time, Alberta Crown mandated consultation activities have been directed by Alberta Environment (AENV), then subsequently the SREM Aboriginal Affairs Branch (SAAB), and now rest with the Aboriginal Consultation Office (ACO). CEAA has undertaken consultation efforts on behalf of the Federal Crown.

2. Alexis Nakota Sioux First Nation (ANSN)

2.1 Consultation Activities August 2006 to June 2013

Over the course of the last eight and a half years numerous meetings have been held between representatives of CVRI and Alexis leadership and other community members to discuss the Project (among other consultation efforts). Consultations with Alexis regarding the Project began in August 2006, with a presentation by Rolfe Timm, then CVM general manager, to Elders, other members of the community, and to council members at a campout in the Grave Flats area. This presentation discussed current mine operations, plans for all extensions (including the Project, Mercoal West and Yellowhead Tower), and efforts to address environmental impacts. This presentation was followed by a bus tour of the existing CVM operations. A meeting with Chief and Council on January 15, 2007 discussed important topics such as reclamation, a memorandum of understanding or similar agreement, and contracting opportunities. Two other meetings were held in March and May 2007 between representatives of Coal Valley Resources Inc. (CVRI) and Alexis, including Nelson Alexis, Lands Manager, and Shakir Alwarid, a consultant for Alexis. Topics discussed have been economic, contracting, and employment opportunities, a draft memorandum of understanding and traditional use studies. Traditional use field studies originally commenced on July 3, 2007 with an environmental assessment based on traditional knowledge for the Project, Yellowhead Tower, Mercoal West, Pit 29, and 29 haul road. As a result of these earlier consultation efforts, CVRI and the Alexis Nakota Sioux Nation entered into an Memorandum of Understanding or Protocol Agreement (MOU) on October 29, 2009 to address Alexis concerns about the proposed extensions, which anticipated the development of the Project.

Consultations with Alexis were re-initiated in February 2011 for the Project specifically, with Darwin Alexis (Councillor, Consultation), Orlando Alexis (Lands Consultation Manager), and Rhonda Alexis (CVRI Liaison). This included continual discussions and a meeting in April in regards to the Project description, Aboriginal Consultation Plan, and proposed Terms of Reference (ToR). In June and August, 2011, meetings with Orlando Alexis discussed the scheduling and scope of field studies for the additional Project areas. Several meetings occurred in October, 2011 regarding scheduling of field studies, on-going consultation, environmental concerns, employment opportunities, and a development impact agreement. From October 13-19, 2011, representatives of the Alexis Nakota Sioux Nation Lands Consultation department completed the fieldwork for traditional studies and environmental monitoring of the additional Project areas with some visits to portions of the previously investigated Project areas. CVRI provided capacity funding for the fieldwork program. Personnel from Lifeways of Canada (Lifeways) provided some assistance in terms of showing best access or other logistics, but the Alexis Lands Consultation office was solely responsible for data collection, management, assessment, and presentation. The monitoring program included the collection of detailed information on traditional use sites and available resources by both Elders and environmental monitors. Alexis has supplied the Proponent with a report on these studies indicating their success. Numerous types of sites were found during the studies of the Project area, most commonly medicinal plants sites, trees, berry patches, and wildlife.

Traditional use studies identified resources potentially used by ANSN in the Project area and raised other concerns. Nelson Alexis initiated field studies for the program in early July, 2007 with the assistance of personnel from Lifeways. These efforts focused on Mercoal West, Yellowhead Tower, and the Project. Site visits to these areas were made over the course of six days in July and August 2007.

Personnel undertaking the studies included eight Elders (or traditional monitors) and four elder interpreters. Access was gained through truck, quad, and on foot. In addition to providing a physical description of the Project areas, the Alexis traditional use team noted a number of different plants important to them for medicinal and ceremonial purposes, including alder, aspen, blueberries, dock, raspberries, rat root, red willow, and sage (wort). Elders indicated that many such plants observed do not grow around the ANSN community along Lac St. Anne, and that information on their presence in the Project area would be shared with members of the community. At that time the Alexis noted that they would like to undertake studies of nearby areas outside of the proposed Project area in order to add to the medicinal plant knowledge base of Alexis. Other items of note observed included trails and markers, traplines, camps, cabins, and other meeting places.

Additional site visits to the Project area were made in October 2011 under the direction of Orlando Alexis's Lands Consultation Office. Personnel undertaking the studies consisted of sixteen band members, including three Elders and thirteen interpreters and environmental monitors. Access was gained through truck, quad, and on foot. In addition to providing a physical description of the Project areas, the Alexis traditional use team noted a number of different plants important to them for medicinal and ceremonial purposes, including juniper, huckleberries, yarrow, raspberries, cranberries, cow parsnip, princess pine, mountain ash, rat root, tree fungus, and balsam fir. They did not note any traditional gathering places present in the Project area. Overall, the report indicates that the Alexis elders felt the monitoring program was successful.

The report on the Alexis environmental monitoring program based on traditional ecological knowledge produced a few stated concerns about the impact of the Project. It was noted that the protection of groundwater sources in the area including lakes, swamps, small streams, and creeks was important, as these are crucial to both wildlife and important medicinal plants. It was also noted that the abundant wildlife in the area would be displaced by the development of the Project area, and that environmental changes may affect the health of the wildlife. Another concern noted was that the forest, wildlife, and medicinal plants would be impacted by clear-cutting in the area and mining operations. Further, noise pollution created might cause displacement of the animals in the area. Another concern was raised in regards to reclamation efforts, specifically, the length of time required for the successful re-establishment of mushrooms, tree fungus, trees, and plants. This also included concern of how the landscape would look after reclamation and if prior reclamation studies had been completed. Interest in business and job opportunities associated with the Project were also raised by participating band members.

The 2011 traditional use studies were followed by a field visit with Bridget Bull of the ANSN Lands Consultation Office and Beth MacCallum (Bighorn Wildlife Technologies Ltd.) on behalf of CVRI. At her request Bull was shown different ecological areas including reclaimed areas and an un-reclaimed mine pit. The two discussed reclamation of plants, berries, trees, and mushrooms, and Bull noted that ANSN would like to be kept informed regarding berry plot reclamation.

On October 31, 2011, a formal meeting between Alexis Chief and Council and CVRI leadership occurred, topics of discussion included the encroachment of industry on traditional land, environmental concerns, long-term communication and consultation, employment opportunities, and community engagement and involvement. This resulted in a number of on-going activities related to the established consultation process between CVRI and ANSN regarding the CVM operations. New ANSN liaison Barry Mustus

reviewed the Robb Trend EA process with Blaine Renkas of CVRI in February, 2012. A second meeting with Barry Mustus, Les LaFleur, Dave Rutland, and Jarred Zezel of CVRI at the CVM reviewed a number of on-going consultation items, most not directly related to the Project, but the background of the Project was reviewed, and copies of the past ANSN traditional use reports were supplied to Mustus.

In response to an email regarding the provision of a copy of the Project application, Orlando Alexis inquired as to how CVRI could submit a project application prior to full mitigation of ANSN concerns, and stated that Barry Mustus was having issues with CVRI. This was followed by a phone call from Barry Mustus to Dan Meyer requesting that ANSN see the Project application prior to its filing to ensure that ANSN interests were fully addressed. Meyer indicated that ANSN would be provided the final Project application as indicated with opportunity to review and provide comment. At a meeting between Barry Mustus, Les LaFleur, Dave Rutland, and Jared Zezel, LaFleur provided additional Project information to Mustus and reiterated that ANSN would be provided a copy of the application at the time of government submittal, he would then have an opportunity to review and comment on the document, and that CVRI would likely request a letter of support following this review. Mustus indicated in a follow-up email indications of satisfaction with the results of the meeting. Concerns regarding ANSN review of the application vis a vis ANSN review prior to submission and responses to the traditional use report and its recommendations were reiterated in a letter from ANSN's legal counsel to CVRI's legal counsel on March 18, 2012. On May 1, 2012 Les LaFleur provided copies of the Robb Trend application to Barry Mustus during a meeting at the CVM.

Another meeting between representatives of CVRI management and ANSN Chief Cameron Alexis and Council occurred on May 4, 2012. Items reviewed included summer students, employment, contracting, review of the Robb Trend application and capacity funding, and pow wow funding. In subsequent emails to Les LaFleur in 2012, Barry Mustus indicated a desire to discuss Robb Trend reclamation plans and capacity funding for additional traditional use studies of the Robb Trend.

On October 15, 2012 Tracy Utting of CEAA sent ANSN a letter outlining CEAA's current understanding of the community and the status of consultation efforts between CVRI and ANSN regarding the Robb Trend Project, and information available on ECN traditional studies and stated concerns regarding the Project. The letter invited Barry Mustus to confirm those details and/or provide additional information. It indicated that SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting.

On January 8, 2013 CVRI sent a copy of the responses to the first set of SIRs to Bridget Bull, acting Lands Consultation Manager for ANSN. At a meeting on January 30, Les LaFleur provided these to Barry Mustus also, and indicated that CVRI had approved funding for Dillon Consulting's review of the Project application on behalf of ANSN, which was to include consultation with elders and community members about the Project. Subsequent communications between Les LaFleur and Barry Mustus finalized the particulars of the review process.

On February 13, 2013 Barry Mustus emailed Les LaFleur with a table of concerns regarding consultation with CVRI that he had recently presented to CEAA during a meeting. These concerns, not all of which were specifically directed at the Project, included concerns of inadequate traditional use baseline studies, the need for environmental monitoring, use of traditional knowledge in reclamation, assessing correlation to accommodation through compensation, contracting opportunities, economic

development, cumulative impacts to water, selenium dust, medicinal plants, the wash plant, reclamation, worker retention, and an impacts benefits agreement. On March 12, 2013 Les LaFleur responded to these concerns in a letter to Lori Crozier of CEAA shared with Barry Mustus.

2.2 Consultation Activities June 2013 to Present

In July, 2013 Dillon Consulting forwarded a technical review of the Project Application prepared on behalf of the ANSN using the capacity funding provided by CVRI. The report provides a review by Dillon of Air Quality, Aquatic Resources (Fish), Historical Resources, Socio-Economic, Water Resources, Traditional Knowledge (Aboriginal Consultation), Vegetation, and Wildlife components of the application. The primary concerns summarized include the lack of ANSN direct involvement in determining VECs, the lack of documentation in the application related to Aboriginal consultation, the lack of specific documentation of Aboriginal concerns and how these were addressed, the lack of clarity on future communication, mitigation, and monitoring, and the lack of specific discussion on socio-economic impacts on Aboriginal groups. CVRI continued to work with ANSN representatives on other initiatives, including the implementation of additional ANSN traditional use studies of on-going CVM operations.

Following this, CVRI provided ANSN representatives with copies of the second and third rounds of responses to SIRs, project newsletters, invitations to Project open houses, and bi-monthly consultation updates. Following the environmental incident at CVRI's Obed Mountain Mine on October 31, 2013, both CVRI and ANSN shifted focus of consultation-related activities to that, resulting in few Project-specific consultation activities through the first half of 2014.

In July, 2014 Kurt Borzel from the ACO sent Duane Kootenay of ANSN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Robb Trend Project consultation by CVRI was expected.

CVRI has continued consultation with the ANSN on the Project guided by the existing Agreement between the parties. In November, 2014 Les LaFleur and CVM general manager Dan Rousseau met with ANSN liaison Barry Mustus, Elders, one Councillor, and past Chiefs to discuss the Project. Items discussed included a review of the existing Agreement, CVM 2014 operations and results, and plans for CVM's 2015 operations. A need to meet the new ANSN Chief and Council was identified during this meeting.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The ANSN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

Further discussion with ANSN regarding the conclusions of the traditional use reports, the potential impacts of the Project, and any recommended mitigation is forthcoming. These discussions will be structured by the agreement in place between ANSN and CVRI.

3. Ermineskin First Nation (ECN)

Mountain Cree Camp leadership have indicated to representatives of the Proponent that they do not consider themselves to be represented by Ermineskin First Nation (ECN) Chief and Council, nor do the Mountain Cree assert that they represent ECN. Therefore, a separate discussion of consultation activities specifically with Mountain Cree Camp is to be found below.

3.1 Consultation Activities May 2011 to June 2013

At the request of Carol Wildcat, Consultation Coordinator for ECN, CVRI's representatives sent copies of the Project Description, Aboriginal Consultation Plan, and proposed Terms of Reference to EFN in June, 2011. A follow-up meeting between Dan Meyer and Carol Wildcat discussed issues of Mountain Cree Camp representation and ECN use of the Project area. The parties agreed that a meeting between representatives of Alberta Environment (then in charge of Alberta Crown consultation activities for the Project), CVRI, ECN, and Wayne Roan (Mountain Cree Camp Chief) would be required to resolve these issues and move forward on consultation. In the months that followed, CVRI provided copies of its bi-monthly reporting on activities with Mountain Cree Camp, an invitation to Project open houses, and a Project update. In May 2012 copies of the Project application on CD were sent to ECN.

On September 28, 2012 ECN submitted a Statement of Concern to the Alberta Energy Resource Conservation Board (ERCB; now the Alberta Energy Regulator [AER]) regarding the Project application. The SOC asserted that the Project has the potential to affect EFN Aboriginal and Treaty rights to hunt, fish, gather, and trap. The letter included affidavits from "harvesters" indicating general use of the region including the Project area. The letter specifically cited impacts to grizzly bear, marten, fisher, lynx, wolf, water quality, environment, and fish habitat. ECN requested intervener status at hearings, and requested that the application be denied. The ECN letter cited CVRI's "failure" to consult ECN elected leadership about the Mountain Cree Camp as an additional issue.

On October 15, 2012 Tracy Utting of CEAA sent ECN a letter outlining CEAA's current understanding of the community and the status of consultation efforts between CVRI and ECN regarding the Project, and information available on ECN traditional studies and stated concerns regarding the Project. The letter invited ECN to confirm those details and/or provide additional information. It indicated that SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting.

On January 8, 2013 Dan Meyer sent a letter to Carol Wildcat on behalf of CVRI indicating that SAAB had directed continuing consultation with the ECN regarding the Project. At the same time, at the request of SAAB the Aboriginal Consultation Plan was revised to reflect clearly that on behalf of the Alberta Crown consultation is voluntary with the Mountain Cree Camp and mandatory with the ECN. The materials sent to ECN included a CD with responses to SIRs regarding the Project application and asked ECN to review the information and notify the Proponent of any site specific concerns regarding the Project by February 1, 2013. CVRI requested a meeting with ECN to discuss the Project with the inclusion of SAAB and CEAA representatives. CVRI requested from ECN that if there are concerns regarding potential impacts from the Project to prepare information related to site specific concerns and locations. A follow-up to these requests was sent to ECN on January 22, 2013.

On January 28, 2013, ENC emailed a letter from Chief Craig Mackinaw responding to the letter sent January 8, 2013 regarding the Project. Chief Mackinaw outlined that there are ECN members in the Mountain Cree Camp and there was concern that there has been no formal delegation of authority from the ECN. Because the Mountain Cree do not represent the ECN, the ECN held that an agreement between CVRI and Mountain Cree is not valid. The letter noted that the Government of Alberta has given improper advice on the duty to consult and CVRI, Alberta, and Canada have engaged a small group of ECN members to circumvent consultation with the ECN. The letter outlined concerns that Alberta's First Nations Consultation Policy is not being followed in regards to consultation with First Nations and that aspects of *The Declaration on the Rights of Indigenous People* is not being followed in terms of consultation, with cooperation and good faith for informed consent prior to approval of any development affecting the lands or territories of First Nations. Chief Mackinaw noted concern over lack of consultation and review of their SOC and its contents. Chief Makcinaw outlined that traditional use studies would need to be performed with the ECN, rejected any previous traditional use studies or reports with the Mountain Cree, and rejected the notion that their people do not often use this area. He noted concern that the Project is taking up crown land which impacts ECN Treaty Rights.

As a result of that correspondence a meeting was held on February 13, 2013 between representatives of ECN (Chief and Council) and CVRI including legal counsel, and including representatives from SAAB, Alberta Justice, CEAA, DFO, NRCAN, and Transport Canada. Les LaFleur provided copies of the Project description and maps of the area and gave a presentation on the Project and CVM, outlining its history and information including reclamation efforts, water management, the regulatory process, end-pit lakes, and other issues. ECN raised questions regarding water quality. The past history of and current status of consultations were examined as was moving forward on consultation. ECN requested a presentation on the Project to the community members and Elders in order for them to identify any concerns. Les LaFleur provided responses to concerns listed in the SOC, but ECN declined to discuss these in detail not having had the opportunity to review CVRI's document beforehand. Agreement was made regarding future meetings and the development of a traditional use proposal by ECN.

The following months witnessed numerous email exchanges and meetings between representatives of ECN and CVRI to discuss the scope and scale of traditional use studies of the Project area.

3.2 Consultation Activities June 2013 to Present

Discussions and meetings regarding the scope of traditional use studies extended through June, 2013 and following. CVRI also provided ECN with copies of the second round of SIR responses in July, 2013, and subsequently copies of the third round of responses to SIRs, project newsletters, invitations to Project open houses, and bi-monthly consultation updates. Representatives from ECN attended the Project open house in Robb on September 7, 2013, and additional discussions regarding relationship building, and a traditional use proposal for the Project area occurred. Carol Wildcat stated that the impacts of larger projects are everyone's concern, with emphasis on clean water, the environment, and traditional ways of life. Additional meetings and other discussions followed this to continue working on an ECN traditional use study framework for the Project. Notably, a meeting on January 31, 2014 included an update on the Project, further discussion of traditional use studies, a request for withdrawal of the SOC, and a framework for an agreement between the parties.

Following the environmental incident at CVRI's Obed Mountain Mine on October 31, 2013, both CVRI and ECN shifted focus of consultation-related activities to that, resulting in few other Project-specific

consultation activities through the first half of 2014. In July, 2014 Kurt Borzel from the ACO sent ECN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected.

On October 22, 2014 CVRI and ECN reached an agreement on scope and funding for Project related traditional use studies, two community meetings at ECN to discuss the Project, and discussions on a long-term agreement between CVRI and ECN. On December 22, 2014, CEAA announced that it has allocated \$72,171 for ECN participation in the environmental assessment and Joint Panel Review hearings for the Project. On January 20, 2015 legal counsel for ECN and Whitefish Lake First Nation (WLFN) submitted to CEAA the results of a third-party review of the draft Agreement to establish the Joint Review Panel on behalf of both ECN and WLFN. A full review of those recommendations goes beyond the scope of this document, but items noted include: amending the draft TOR to include principles and criteria of assessment; specifying the role of Aboriginal groups in defining the VC's; requiring the cumulative effects assessment to be based on VC's and not the Project; that a pre-CVM case be considered the baseline for the cumulative effects assessment; the definition of environmental impacts to Aboriginal peoples under CEAA 2012 in SIRs; cumulative analysis of environmental impacts upon Aboriginal peoples; the definition of current use to include historic and future uses; determination of impact significance upon Aboriginal groups should be done by Aboriginal groups themselves; Proponent should be required to describe how Traditional Ecological Knowledge (TEK) will be considered in Project design, operation, and reclamation; rationale should be provided for selection of key wildlife species and how TEK used in the selection; funding for reports on Project impacts to Aboriginal groups; and impact assessments should occur on group-by-group basis. This submission includes comments on portions of the TOR for the Project EIA issued in 2011.

The traditional use report from ECN is to be produced by April, 2014, and the community meetings still remain to be scheduled. Further discussion with ECN regarding the conclusions of traditional use reports or other studies, the potential impacts of the Project, and any recommended mitigation is forthcoming, as are discussions regarding a long-term agreement between the parties.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The ECN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

4. Foothills Ojibway First Nation (formerly Foothills Ojibway Society)

4.1 Engagement Activities August 2006 to June 2013

Over the course of the last eight and a half years numerous meetings have been held between representatives of CVRI and Foothills Ojibway First Nation (FOFN) leadership and other community members to discuss the Project. CVRI, and in particular Les LaFleur, have been engaged with Jim O'Chiese, Chief (President) of the FOFN, for many years regarding their on-going operations and previous extensions. The FOFN were officially informed of the then newly proposed extensions in July 2006 (Yellowhead Tower, Mercoal West, and the Project), and undertook traditional field studies in

2007. Capacity funding for these traditional studies was provided by CVRI. An interim community agreement was entered into between FOS and CVRI on October 2, 2010 that anticipated the Project.

In January 2011, Jim O'Chiese and the FOFN were notified of the changes to the Project area and were provided maps to review with the community and assess any needs for any additional traditional field work. Few meetings and telephone conversations with Jim O'Chiese and other representatives were held between February 2011 and November 2011. Topics of conversation included the plans for the Project, assessment of need for additional traditional field work, finalization of the community agreement, long-term employment opportunities, community liaison, and an agreement for the protection of FOFN historic and cultural sites, burials, and continuing uses of the area.

Over the following months in 2011 and 2012, several meetings were held between representatives of CVRI and FOFN, including consultant Keith Shephard, to discuss several drafts of a memorandum of understanding or community benefits agreement to replace the interim agreement in place between the parties. In this context CVRI provided detailed Project information, shapefiles of existing or planned development areas, what it knew of locations of traditional use sites in the region associated with FOFN shared from pre-2006 contexts, and repeatedly requested information on locations and types of FOFN sites associated with the Project area. Save for a single small-scale map with dots, FOFN has not shared any specific information related to traditional use sites in the Project area. FOFN declined to undertake any further traditional use work associated with the Project until a final community benefits agreement is in place. General information related to traditional use activities as provided in 2007 traditional use reports is reviewed below.

After discussions with the Elders in the community, in 2007 traditional use studies of the Project areas on behalf of the FOFN were undertaken with a selection of Elders most familiar with the region, and several assistants to record information and provide logistical support. These studies occurred primarily over a ten-day period using capacity funding provided by CVRI. Subsequent site visits were made. These studies recorded a number of ceremonial sites, burials, cabins, salt-licks, traditional hunting areas, and medicinal plant collecting locations spread across the area. The locations and importance of these sites were provided to the Foothills Model Forest Aboriginal Involvement Program for continued curation. In 2012 the Foothills Research Institute (formerly FMF) asked the FOFN to maintain its own database. The data produced as a result of the studies of the Mercoal West, Yellowhead Tower, and the Project area apparently indicate substantial historic and contemporary use of the area by members of the FOFN. The results of the studies have not yet been fully reported on, but a summary of results and concerns has been provided, as well as the small-scale map noted above. The January 2008 FOFN summary of the results of the fieldwork provides information about the concerns that the elders have about CVM mining in the area based on the field program and a review of the environmental assessment report filed in support of the Mercoal West and Yellowhead Tower applications. The concerns detailed in that report are clearly identified as applying to the Project area.

There are numerous ceremonial locations known in the area (apparently over 100 in the CVM region, not the Project area specifically) that are still actively used by members of the FOFN. These include burials located in the vicinity of the Project that the community demands be protected from development activities. Water quality was a major concern noted in the report. The FOFN would like to see unobstructed, un-polluted, natural flow maintained in streams and rivers, with no harm to aquatic organisms, no sediment, and maintenance of natural pH levels. They stated that the streams should be

monitored for selenium leaching, and the natural clays in the water important to purification should also not be disturbed. FOFN requested that water quality monitoring reports be sent to the community. Concerns about the impact of the Project on wildlife were also noted. FOFN requested that wildlife corridors be maintained, especially for the important large ungulates such as elk, moose, deer, bighorn sheep, and caribou. Mineral and salt licks need to be identified and protected, as do all calving areas. FOFN recommended the regular monitoring of carnivores including bears, wolves, coyotes, and wolverines. In addition, important wildlife habitat such as bear dens, squirrel trees, and bird habitat need to be identified and protected. Concerns with impact to vegetation specifically noted were the protection of healing mosses growing in marshes and muskeg, and the effect on air quality from the destruction (i.e. harvesting) of trees. The re-introduction of local medicinal plants during reclamation activities, as opposed to non-native species, has of course been noted on numerous occasions by FOFN.

On March 7, 2012 FOFN legal counsel submitted a letter to CVRI and the Federal Ministers of Fisheries and Oceans, Environment, Natural Resources, Aboriginal Affairs and Northern Development, CEAA, and select Provincial ministries outlining FOFN concerns with the Project and previous and existing CVM operations, most notably the lack of adequate Crown consultation with FOFN, but also with future protection of FOFN lands, sacred sites, burials, social, cultural, and economic well-being. Following that, the parties held numerous additional meetings and exchanged correspondence continuing to discuss aspects of a long-term MOU or community benefits agreement to establish a permanent relationship between CVRI and FOFN and to address FOFN concerns regarding the Project and on-going CVM operations. During this period, copies of the Project Application, SIR responses, and copies of the bi-monthly updates were provided as per the details given in Section 1.

4.2 Engagement Activities June 2013 to Present

Discussions and meetings regarding an MOU extended through June, 2013 and beyond. CVRI also provided FOFN with copies of the second round of SIR responses in July, 2013, and subsequently copies of the third round of responses to SIRs, Project newsletters, invitations to Project open houses, and bi-monthly consultation updates. As previously, communications towards an agreement have included exchanges of draft wording and discussions about capacity funding, data sharing, community benefits, reclamation, and mitigation. To date, FOFN have not shared other information related to specific traditional uses of the Project area with CVRI.

On December 22, 2014, CEAA announced that it has allocated \$71,800 for FOFN participation in the environmental assessment and Joint Panel Review hearings for the Project. On January 23, 2015, legal counsel for the FOFN submitted a series of comments on the Agreement to establish the Joint Panel Review to CEAA. A thorough review of the comments goes beyond the scope of this document, but recommendations include: selecting a panel member who is Aboriginal and has cultural impact assessment training; the insertion of the term “cultural impacts” in numerous sections; consideration of impacts to cultural use, ceremonial sites, and traditional medicines from accidents and malfunctions; details on how decisions are made regarding oral hearings in or near Aboriginal communities; and accounting for the Aboriginal perspective of the proposed Aboriginal panel member.

The most recent meetings with Jimmy O’Chiese of the FOFN occurred in late 2014 with Les LaFleur and Dan Rousseau of CVM, and in late 2014 and January, 2015 with Kari McDonald of WCC. Advanced details of the terms of the proposed final community benefits agreement between CVRI and FOFN were discussed. On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that

includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The FOFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

After years of discussion CVRI and FOFN are close to reaching a final community agreement that will address a number of the above concerns and other issues in the long-term. Agreement is expected in Spring, 2015.

5. Gunn Métis Local 55 (GML55)

The following summary provides an update on engagement activities with Gunn Métis Local 55 (GML55) only. Any discussions with other Métis representatives are to be found below under “Métis Nation of Alberta, Region 4.” GML55 is part of the Métis Nation of Alberta (MNA), Region 4, but has opted to engage CVRI separately and directly regarding the Project.

5.1 Engagement Activities December 2013 to Present

Although the representatives of MNA Region 4 occasionally mentioned membership in the Lac St. Anne area that may have an interest in the Project area, no engagement with GML55 was undertaken until December, 2013 when Tracy Freidel emailed Les LaFleur at the direction of Sean Carriere of CEAA to request information about the Project and set up a meeting to discuss impacts to GML55 members’ use of the Foothills of west-central Alberta. In a series of emails in January, 2014 Les LaFleur indicated that CVRI had been working with MNA Region 4 and provided basic Project information to Tracy. GML55 raised concerns regarding lack of consultation, and expressed a desire to meet with both GML55 leadership and community members.

A meeting was arranged on March 18, 2014 in which CVRI representatives provided the Project application on CD, and described the history of past discussions with MNA Region 4 and their outreach to Hinton/Edson/Marlboro locals, the community mailout, and general lack of response. GML55 representatives described the Lac St. Anne connection to the Coal Branch area and expressed interest in tracing "oral history" in the area. Les LaFleur offered to share additional Project information, to present that information to the community, and to provide a tour of the CVM. GML55 was to prepare a proposal for ethnohistory studies for CVRI’s consideration. In late March, 2014 GML55 provided said proposal, including elements related to protocols for consultation and sharing of traditional knowledge, ethnohistorical studies, traditional use studies, and additional capacity funding for consultation coordination and spatial data management. In April, 2014 CVRI indicated that it could in general support an ethnohistorical study, a community meeting or other outreach to gauge direct use of the Project area, but that the other proposed elements were beyond what could be considered. CVRI noted that additional studies could be undertaken if merited based upon the results of the studies of ethnohistory and community outreach. Citing huckleberry patches, a camping area, and hunting, GML55 suggested that indeed a traditional use study was in order, and prepared another proposal for additional traditional use and general capacity funding. In April, 2014 CVRI also sent GML55 a copy of the responses to the third set of SIRs, which included the original Project application and SIRs I and II.

In June, 2014 CVRI reiterated its stance that an ethnohistorical study could be supported up to a maximum amount of capacity funding, but was concerned about more substantial studies in the

absence of information indicating significant use of the specific Project lands. CVRI also requested that in order to move ahead, it would like to see any objections to the Project currently in front of the AER withdrawn. Upon further discussion GML55 agreed that objections to the mine permit phase of the approvals process could be withdrawn, which would still provide opportunity to register objections at the operational approvals stages of the process, and requested confirmation that agreement had been reached by July 9. On July 8, 2014 Les LaFleur indicated to Tracy Freidel that he hoped confirmation would be forthcoming as early as July 9 as requested.

On July 9, 2014 GML55 filed a Statement of Concern (SOC) regarding the Project with the AER. The SOC states that the Project will affect the Aboriginal rights and interests of their members and they are concerned with the construction in waterways, going through large game hunting areas used by members, through key wildlife and biodiversity areas for ungulates, through key huckleberry areas, that the Project will increase roads and traffic from hauling coal, sensory disturbances from the Project, impact to key habitat areas, increased competition for game and resources their members harvest in the Project area, potential for spills and contamination and risk to waterways and negative impact of development on lands. Further, GML55 expresses concern that their attempts to assess Project impacts have been denied by CVRI. GML55 would like to document site-specific land use values in relation to the Project and impacts to Aboriginal land uses and rights. The letter states objection to approval of the Project by the AER if their potential impacts are not assessed.

On July 20, 2014 Kurt Borzel from the ACO sent a letter to GML55 in response to the SOC filed with AER. Kurt stated that Alberta administers its duty to consult with Métis collectives on a case-by-case basis when credibly asserted rights may be potentially impacted. Kurt asked Tracy Freidel to provide specific information regarding community information and membership, how many members are directly affected by the Project, specific areas used by GML55 members, specific areas of concern regarding the proposed Project, specific locations of heritage, and specifically how hunting, fishing, and trapping may be impacted by the proposed Project, no later than August 20, 2014. On September 30, 2014 Murleen Crossen, President of GML55, sent a letter to ACO providing responses to the questions posed in ACO's earlier correspondence. The letter outlines the lack of GML55 capacity to gather information for consultation regarding the Project, and asserts that Alberta should not discharge its duty to consult with GML55 regarding the proposed Project as the Province has recognized Lac St. Anne as a rights-bearing community. GML55 objects to ACO's approach to consultation. The letter provides responses to the information request by the ACO pertaining to membership numbers, membership requirements, distribution of membership, area represented by GML55, relationship to historic Métis communities, number of members to be directly affect by the Project, specific areas and environmental concerns related to the Project, and any specifics on how hunting, fishing, and trapping may be impacted.

In November, 2015, Rachel Van Deventer of CEAA asked that Dan Rousseau of CVM follow-up with GML55 on a request for information related to the Project. On November 28 Tracy Freidel emailed Dan Rousseau and requested shapefiles for the Project and requested a meeting. Dan replied with the requested information and agreed to a meeting between CVRI and GML55 on January 28, 2015. On December 22, 2014, CEAA announced that it has allocated \$72,171 for GML55 participation in the environmental assessment and Joint Panel Review hearings for the Project.

Following an email exchange of information, Kari McDonald of WCC and Dan Meyer of Lifeways met with Tracy Freidel and Murleen Crossen of GML55 on January 28. Items discussed included past contact

efforts, engagement and ethnohistory study funding, coal export, the mining permit, the CEAA process, technical support, approach to engagement, Aboriginal employment, site tours, reclamation, historical resources studies, and the Project application. GML55 expressed their belief that Les LaFleur had committed to funding ethnohistory studies of the Project and requested that that funding and additional capacity for consultation efforts be provided. Kari provided the Project application on CD, and indicated intent to send AER's Mine Financial Security Program (MFSP), an updated Project description, future possible meeting dates, and a potential funding scenario. Follow-up email exchanges provided the MFSP, with a commitment to provide the other information discussed, including potential capacity funding, when available.

On January 30, 2015, Kurt Borzel of the ACO sent GML55 a letter in response to the additional information provided by GML55 on September 30, 2014. The letter from the ACO indicates that upon review of the material provided by GML55, the Government of Alberta does not have enough information to determine whether there is a credible assertion that GML55 represents a historic rights-bearing community and will not be requiring consultation with GML55 on the Project. Tracy Freidel responded on February 6 indicating GML55 disagreement with this finding, and indicating that further relevant information would be provided when available.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The GML55 table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

6. Horse Lake First Nation (HLFN)

On December 22, 2014, CEAA announced that it has allocated \$41,599 for Horse Lake First Nation (HLFN) participation in the environmental assessment and Joint Panel Review hearings for the Project. On January 20, 2015 Chief Eugene Horseman of HLFN submitted comments on the draft TOR for the Agreement to establish the Joint Panel Review. This submission states that HLFN exercises Treaty and Aboriginal Rights in the vicinity of the Project area, and are concerned about the cumulative effects of industrial development. It proposes revisions to the TOR to address the interests of HLFN. Suggested Agreement revisions include: determining effectiveness of any accommodation; ensuring Treaty 8 knowledge and Aboriginal law expertise on the panel; ensuring that no panel members are employed by the Government of Alberta or Government of Canada; that a fourth member be added to the panel; a neutral location be chosen; consultation with HLFN on the panel's report; translation of the report into Beaver and Cree; consideration of elders and land users as expert witnesses; AER funding to First Nations for participation; and consultation with HLFN on any amendments to the Agreement. Numerous revisions to the TOR are recommended. The letter cites a lack of engagement with HLFN and provision of capacity funding from CVRI to HLFN to assist in assessment of potential impacts to Treaty and Aboriginal Rights.

On February 10, 2015 HLFN legal counsel Jennifer Bayly-Atkin phoned Kari McDonald of WCC to discuss potential meeting dates, to be finalized in subsequent follow-up communications. On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other

concerns, and the mitigation thereof. The HLFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

7. Métis Nation of Alberta, Region 4 (MNA Region 4)

The following summary provides an update on engagement activities with Métis Nation of Alberta (MNA), Region 4 and those Métis living in the region and covered by MNA Region 4. Although GML55 is part of the MNA, Region 4, it has opted to engage CVRI separately and directly regarding the Project. A discussion of those engagement activities is found under “Gunn Métis Local 55” (GML55).

7.1 Engagement Activities July 2008 to June 2013

Over the course of the last six and a half years a number meetings have been held between representatives of CVRI and MNA, Region 4 leadership and other community members to discuss the Project. Early in the engagement process, members of the MNA, Region 4 community potentially affected by proposed CVM extensions (Mercoal West, Yellowhead Tower, and the Project) were only indirectly contacted through public notifications, open houses, and meetings and discussions with the local trappers’ associations. These Métis contacts continue informally to this day, as individuals self-identify to CVRI personnel through the public engagement process.

The formal process of engagement with potentially affected members of the Métis community through elected leadership was initiated in July 2008 upon receipt of an SOC filed by the MNA, Region 4 for the CVRI Mercoal West and Yellowhead Tower projects. After discussion and with the assistance of staff of AENV, an initial meeting was scheduled with representatives of Métis Hinton Local #474 of the MNA, Region 4. At this meeting the President of the Local was provided with the history of consultations, the desire to enter into consultations with potentially affected Métis, and a background of the proposed CVM extensions (including the Project area). At this meeting, it was asserted that the Métis Hinton Local #474 was the proper group to engage with for Métis in the area.

A second meeting including Métis Hinton Local #474 general membership occurred on October 23, 2008. At this meeting, Les LaFleur of CVRI presented the plans for the proposed extensions to the membership, and fielded questions surrounding the return of certified lands for public use, the protocols when burials or historic resources are encountered, native versus non-native plants in reclamation activities, excessive animal population growth and disease during regeneration stages, hunting access, contracting or employment with Métis or other Aboriginal groups, environmental monitoring, and Métis/First Nations hiring commitments or apprenticeship opportunities. Maps of the Project area and other information were provided for distribution to members not present at the meeting. As of July 2009, no further concerns from local Métis had been presented to Collette Walker or CVRI directly. In the interim, WCC understands that the Métis Hinton Local #474 is no longer in operation.

On October 1, 2009 representatives from CVRI and the MNA Region 4 met to discuss the proposed extensions including the Project, studies of Métis traditional pursuits in the region, and on-going engagement. CVRI committed to maintaining a dialogue with the MNA Region 4 supported by a written agreement, and to funding studies of Métis traditional uses of the areas to be impacted by the projects. Additional discussions, exchanges of draft documentation and budgets, and meetings included one on

November 10, 2009 that continued dialogue regarding a long-term agreement and studies of Métis traditional uses of the region. As a result of those discussions, both CVRI and the MNA Region 4 remain committed to ongoing engagement activities.

On February 23, 2011 Les LaFleur and Dan Meyer met with the leadership of MNA Region 4 to discuss the additions to the Project. The possibility of traditional studies was examined, as was disseminating information and gathering input regarding concerns from the MNA Region 4 community through a mailout and possible open house. A similar meeting was held in October to discuss the preliminary results of the mailout, and the leadership of MNA Region 4 attended open houses later that month in Robb and Edson. Full results of the input gathered as a result of the MNA-led mailout process have not been shared with CVRI at this time. CVRI was informed in October, 2011 that out of a total of approximately 500 addresses to which the MNA had sent information, 10 responses had been received with comments.

In the following months, CVRI continued to provide MNA Region 4 with copies of its bi-monthly report to ACO, as well as copies of the Project Application and responses to SIRs as discussed previously, along with periodic Project newsletters and updates. On October 15, 2012 Tracey Utting of CEAA sent MNA Region 4 President Cecil Belrose a letter outlining CEAA's current understanding of his community and the status of consultation efforts between CVRI and MNA Region 4 regarding the Project, and information available on MNA Region 4 traditional studies and stated concerns regarding the Project. The letter invited Cecil to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting. On October 30, 2012 Melanie Omeniho of MNA Region 4 sent a response letter to CEAA agreeing with the outline of issues and discussions posed in the CEAA letter, and indicating that one outstanding item was a verbal commitment from CVM to undertake a traditional use study which has not occurred. In November CEAA acknowledged the response and indicated future follow-up with CVRI would happen.

After follow-up emails requesting results of the 2011 mailout, the parties had an additional meeting on December 6, 2012. Issues reviewed included mailout results, Métis history in the region, and scope and scale of potential traditional use studies of the Project. Further engagement was to occur following MNA Region 4 delivery of results of the 2011 mailout and a proposal for traditional use studies. CVRI sent MNA Region 4 additional Project maps and information following this meeting to assist in delivery of a proposal. In the following months several other exchanges occurred regarding traditional use studies, but a proposal was never forwarded. In January, 2013 the first set of SIR responses was provided to MNA Region 4.

A number of concerns have been expressed to CVRI by Métis individuals and MNA Region 4 leadership over the course of consultations to date. Métis and the MNA Region 4 have expressed interest in employment opportunities, apprenticeships and training, contracting opportunities, and specifically the training of youth as environmental monitors or to be involved in the reclamation process. As with other Aboriginal groups, the Métis have expressed concerns regarding the reclamation process and the incorporation of traditional knowledge into that regarding the use of native versus non-native species. The reclamation and land certification process have also been noted. Métis are concerned about the effects of reclamation on ungulate population densities, and believe reclaimed areas (such as those already present) need to be returned to traditional activities such as hunting more quickly and efficiently. The effects of this Project and other industrial development on trapping and individual

trappers have also been discussed, as has the potential effects of the Project on local Métis members, those living closest to the Project and likely most heavily impacted.

MNA Region 4 leadership have expressed interest in studies of Métis history and genealogy in the region, traditional use studies, the protection of cemeteries and burials, historical resources such as cabins and townsites, and the Historical Resources Impact Assessment (HRIA) process. And finally, MNA Region 4 leadership has expressed interest in direct community support from CVRI, and the encapsulation or mitigation of many of the concerns noted above in a formal MOU or similar agreement.

7.2 Engagement Activities June 2013 to present

MNA Region 4 has not presented a proposal for traditional use studies associated with the Project, and have not provided the official results of the 2011 mailout. At the request of MNA Region 4, additional Project information to be shared with membership was sent in July, 2013, as was the set of responses to the second round of SIRs. Project updates, newsletters, invitations to open houses, and bi-monthly reports were also sent to MNA Region 4 in this period. In late December, 2013 GML55 contacted CVRI regarding the Project, and the majority of Métis contacts in this period have been with that group.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The MNA Region 4 table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

8. Mountain Cree Camp

8.1 Consultation Activities July 2006 to June 2013

Over the course of the last eight and a half years many meetings or other events have been held between representatives of CVRI and the Mountain Cree Camp leadership and other community members to discuss the Project. The results of the previous consultation efforts resulted in an agreement between CVRI and the Mountain Cree regarding potential impacts of the Project (and Mercoal West and Yellowhead Tower) and community support. CVRI and the Mountain Cree have developed a strong relationship and will continue to consult on CVRI developments and the Project specifically as outlined in agreements between the parties. The consultations will continue in the future as the Project proceeds.

Information regarding the proposed developments was first sent in July 2006 to ECN, and from subsequent conversations it is clear that the information sent was seen by Chief Wayne Roan of the Mountain Cree Camp at that time. AENV had asked that all correspondence regarding the proposed CVM extensions (Mercoal West, Yellowhead Tower, and the Project) be copied to the ECN. In September 2007, Chief Wayne Roan indicated that given recent community recognition by the Province, communication should be directly with the Mountain Cree themselves. Dan Meyer, Wayne Roan, and Reinhart Roan met in late August 2007 at the Camp to discuss the proposed extension projects, their use of the area, and potential impacts on the community. The departure at that time of Carol Wildcat, previously responsible for traditional studies, from the Ermineskin administration was a set-back to this process, but it was agreed that traditional studies in advance on the proposed CVRI extensions would

help establish a traditional studies program within the community itself. Traditional studies were to be undertaken as soon as possible, and that a report on those activities would be prepared by Dan Meyer of Lifeways for approval by the Mountain Cree board, which included the ECN Chief.

In July, 2008 the Mountain Cree, accompanied by Jason Roe of Lifeways, participated in field studies of the Project area (original footprint, this did not include the more recent additions). In May, 2011 the Mountain Cree undertook additional field studies of the areas subsequently added to the Project with the assistance of Dan Meyer of Lifeways.

Capacity funding for the traditional use programs was provided by CVRI. Reports on the 2008 and 2011 studies of traditional ecological knowledge (TEK) have been provided to CVRI. The Mountain Cree Camp representatives indicated that they do not actively use all of these areas given the distance from their home and the existing CVM operations in the area, but appreciate the opportunity to collect data in the areas and to assess impact to their potential use of natural resources. Information was collected on a variety of plants available in the area, as well as spring locations, salt-licks, and rock deposits. This information was written up by Lifeways, and contributes to a database of TEK for the community that can be used in the Kisiko Awasis school and by community members. The community knowledge holders of the Mountain Cree Camp identified many of the plants and other resources in the proposed Project area that they commonly use. Although they do not use the proposed Project area as actively as the area around Camp, particularly because of nearby CVM operations, they recognize the importance of the natural resources in the area, and that the Project will impact those plants, animals, and other resources. The Mountain Cree Camp members do not wish to stop development, but they urge CVRI to protect those resources as much as possible during the development of the proposed Project. The water, plants, and animals must be preserved for future generations and the benefit of all people. The Mountain Cree Camp members are particularly concerned about any developments in the vicinity of Camp, particularly those that affect water quality. In addition, the Mountain Cree Camp are interested in employment opportunities afforded with Project development, and are interested in the reclamation process particularly of the native species, and youth involvement in this process.

On April 27, 2011 Dan Meyer met with Reinhart Roan and provided the Proposed Terms of Reference (PTOR), official consultation plan, and Project Description for the Project. Topics of discussion included the process of commenting on the PTOR, offering of as many documents as required by the community, explanation of the Project moving towards application, and the differences between the original footprint and latest. The need for additional traditional studies was also discussed.

In May 2011, Dan Meyer visited Reinhart Roan twice again at the camp, provided copies of large-scale maps of Project areas for review, and discussed of the scope and scale of additional traditional field studies. Between May 28- May 31, 2011 field studies were completed with the assistance of Dan Meyer in the additional Project areas. In August 2011 Dan Meyer met with Carol Wildcat, now again consultation coordinator for the ECN, who requested that all consultation with the Mountain Cree Camp occur through her office. During subsequent meetings with Mountain Cree Camp leadership, they asserted their position that they felt consultation should be directly with them. In subsequent months official Project information, updates, and bimonthly reports were provided as outlined elsewhere, discussions were had regarding the finalization of the latest traditional use report, and discussions regarding the issue of Mountain Cree versus ECN consultation continued.

In May 2012 CVRI provided the Mountain Cree Camp copies of the Project application, and subsequently Project newsletters and bi-monthly updates. In September 2012, the ECN submitted an SOC to the ERCB (now the AER) about the Project, citing among other things the failure of CVRI to consult ECN elected leadership about the Mountain Cree Camp. Subsequent discussions with the Mountain Cree Camp, including a meeting in November, 2012, indicated a desire on behalf of the Mountain Cree Camp to maintain direct communication. That meeting also featured discussions regarding completion of the traditional use report, history of the school, the possible drilling of a water well, and other capacity funding items. Additional communications occurred through January 2013 regarding finalization of the traditional use report.

In January, 2013, at the request of SAAB the Aboriginal Consultation Plan was revised to clearly reflect that on behalf of the Alberta Crown, consultation is voluntary with the Mountain Cree Camp and mandatory with the ECN.

8.2 Consultation Activities June 2013 to Present

In addition to bi-monthly consultation reports on appropriate dates, CVRI provided newsletters, invitations to open houses, and the responses to the second round of SIRs to the Mountain Cree Camp in July, 2013. The responses to the third round of SIRs were sent in April, 2014. In January, 2015 Dan Meyer contacted Reinhart Roan at the Mountain Cree Camp to facilitate contact with CEEA consultation representatives.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The Mountain Cree table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

9. Nakcowinewak Nation of Canada (NNC)

9.1 Engagement Activities July 2006 to June 2013

Over the course of the last eight and a half years several important meetings have been held between representatives of CVRI and Nakcowinewak Nation of Canada (NNC) leadership and other community members to discuss the Project. A number of these have been in conjunction with the O'Chiese First Nation. The NNC was first informed of the extension areas (including the Project) as with other groups, by letter in July 2006. In October 2006, Dan Meyer met with Bill Whitehorse (President), Jean Whitehorse (traditional use coordinator), Daryl McLeod (industry liaison), and Byron Whitehorse (traditional use assistant) to explain the extension plans (Mercoal West, Yellowhead Tower, and the Project) and discuss consultation and traditional use work. It was clear that the group originally had direct interest in the Project area, and it was agreed that a work program would be developed once large-scale maps were produced. The NNC, in joint venture with the O'Chiese First Nation, first participated in field studies of the Yellowhead Tower, Mercoal West, and the Project areas in 2007. Subsequent meetings with the NNC community culminated in an agreement between CVRI and NNC in the autumn of 2007 that indicated that NNC concerns with the developments had been addressed. This agreement included the Project area as then proposed.

During the 2007 field program, numerous sites including burials and plant collecting locales were recorded by NNC and O'Chiese First Nation participants, some of these sites were included in the Project area. Given the joint nature of the 2007 program, reporting of the results was prepared by the O'Chiese First Nation and their consultant, Emil Owlchild Consulting and the Human Environment Group. As detailed most cogently in the report by NNC and the O'Chiese First Nation for the Project, NNC Elders are most concerned about long-term preservation of important medicinal/ceremonial/food plants and the avoidance of two marked graves and associated hunting area near the Project.

CVRI has agreed in writing to avoid impact to an area around the two graves and hunting area on the southern edge of the Project. The issue of mitigation for important plant species identified required the development of a long-term plan. These plans will be reviewed versus data collected during the traditional studies, and it will be determined if plant collecting locales are threatened. After an assessment of plant rarity and presence of other acceptable sources, plants may be transplanted following Aboriginal protocol.

NNC were first informed of the additions to the Project development as with other groups, by letter in February, 2011. In March, 2011, Dan Meyer met with Bill Whitehorse, Jean Whitehorse, Daryl McLeod, and Sarah Whitehorse to discuss the changes to the Project area. It was determined by the members that field visits would likely be required and large scale maps would need to be provided for Elder review. In June and August, 2011 Dan Meyer provided tours of the additional Project areas, where the Elders inspected the areas for traditional use sites and medicinal plants. CVRI provided capacity funding for these field inspections. The NNC Elders identified no new specific concerns as a result of these additional field visits and inspections. Although previous burials were identified during the 2007 field program, during the 2011 field visits, the Elders indicated that no burials were known in the additional Project areas, but many medicinal plants used by the community were identified.

In the months following the 2011 field visits, contact was maintained with NNC through bi-monthly reporting and Project newsletters and updates. CVRI provided copies of the Project application in May 2012. On October 15, 2012 Tracey Utting of CEAA sent NNC President Bill Whitehorse a letter outlining CEAA's current understanding of his community and the status of consultation efforts between CVRI and NNC regarding the Project, and information available on NNC traditional studies and stated concerns regarding the Project. The letter invited Bill to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting. On December 10, 2012 Les LaFleur from CVRI and Dan Meyer from Lifeways met with NNC representatives to discuss donations for ceremonies, the existing agreement and review of annual maps, the possibility of a liaison position, Christmas donations, and the scheduling of a field visit (non-Project related). Contacts in the months following included bi-monthly reporting, and providing copies of responses to the first round of SIRs in January, 2013.

9.2 Engagement Activities June 2013 to Present

Contacts following June, 2013 included bi-monthly reporting, sending of Project updates, newsletters, and invitations to open houses, responses to the second round of SIRs in July, 2013, and responses to the third round of SIRs in April, 2014.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as

a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The NNC table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

The agreement in place between CVRI and NNC has resulted in the avoidance of certain important locales, and established certain protocols for continuing consultation between the parties regarding the Project. Further discussions regarding potential impact to NNC traditional uses and other concerns will occur in the coming months.

10. O'Chiese First Nation (OFN)

10.1 Consultation Activities July 2006 to June 2013

Over the course of the last eight and a half years many important meetings or other events have been held between representatives of CVRI and the O'Chiese First Nation (OFN) leadership and other community members to discuss the Project. The OFN was first informed of the Project by letter in July 2006 along with the Yellowhead Tower and Mercoal West extension areas. In May 2007, the OFN, in conjunction with the NNC, commenced field studies of the Yellowhead Tower, Mercoal West, and Project areas. A field program during August of the same year more formally focussed on the Project area specifically. This work program culminated in an agreement between CVRI, the OFN, and NNC regarding the development areas, including the Project.

Formal discussions of the Project and its additions since original consultation efforts began in March 2011, with a meeting between Dan Meyer, Darren Bradshaw, and Cheyenne Yellowface, where copies of the consultation plan and Project description were provided. A review followed of previous traditional use studies done by OFN and the relationship to the revised Project area, as well as the need for any additional traditional studies. Further in March 2011, a meeting with representatives of CVRI and Chief Darren Whitford, Darren Bradshaw, and Beatrice Carpenter (Band Manager) occurred, where the Project scope and plan for field studies was discussed. A subsequent meeting took place at the beginning of May where a detailed plan for the fieldwork and budget were reviewed. OFN undertook those additional traditional field studies in May, 2011, and provided a report of the results in June.

During the traditional studies field program in 2007 numerous sites including burials and plant collecting locales were recorded by OFN participants. Reporting of results was prepared by the OFN and their consultants, Emil Owlchild Consulting and the Human Environment Group. In May, 2011 the OFN began implementing their field program focused on the additions to the Project area since the original field programs. This work was undertaken with capacity funding from CVRI and with the assistance of Dan Meyer (Lifeways). The results of these studies mirror the results of the earlier 2007 field programs. No ceremonial or burial locations were observed or otherwise noted, but a series of plants important for medicinal and food purposes were recorded.

As detailed most cogently in the report by the OFN and NNC for the field studies involving the Project in 2007, OFN elders are most concerned about long-term preservation of important medicinal/ceremonial/food plants, and the avoidance of two marked graves and associated hunting area near the Project. CVRI has agreed in writing to avoid impact to an area around the two graves and hunting area on the southern edge of the Project. The issue of mitigation for important plant species identified required the development of a long-term plan. These plans will be reviewed versus data

collected during the traditional studies, and it will be determined if plant collecting locales are threatened. After an assessment of plant rarity and presence of other acceptable sources, plants may be transplanted following Aboriginal protocol. This plan was reaffirmed at a meeting on January 14, 2008. Letters of approval of the CVM extensions from those groups participating in the OFN campouts were issued. Written communication of results of the 2011 traditional field program indicated that no specific concerns (other than previous discussed environmental stewardship issues) had been noted. The OFN has issued a letter of authorization indicating that it has no further concerns with the development of the Project.

Communications in the following months consisted of the provision of bi-monthly reports, official Project updates and newsletters, and copies of the Project application in May, 2012. In June and August, 2012 meetings were held to discuss important OFN sites in the area but outside of the Project area, assistance with the maintenance of one of those sites, and capacity funding for cultural programs. On October 15, 2012 Tracey Utting of CEAA sent OFN consultation coordinator Darren Bradshaw a letter outlining CEAA's current understanding of his community and the status of consultation efforts between CVRI and OFN regarding the Project, and information available on OFN traditional studies and stated concerns regarding the Project. The letter invited Darren to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting. In January, 2013 CVRI provided a copy of the responses to the first round of SIRs to OFN.

10.2 Consultation Activities June 2013 to Present

In July, 2013 CVRI sent a copy of the responses to the second round of SIRs to Andrew Scott, OFN consultation coordinator. Following contacts included supplying copies of bi-monthly reports on consultation activities, official Project updates and newsletters, and invitations to Project open houses. In April, 2014 OFN was provided a copy of the responses to the third round of SIRs. Following a chance meeting during a session on First Nations consultation in Edmonton, Dan Meyer of Lifeways emailed Andrew Scott on June 6, 2014 with Les LaFleur's contact information should OFN have interest in setting up a meeting to discuss the Project and the existing relationship between the parties. In July, 2014 Kurt Borzel from the ACO sent Andrew Scott of OFN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected.

On October 17, 2014 Tracy Campbell of the Caillou Group emailed CVRI legal counsel Lynette Stanley-Maddocks requesting a copy of the bi-monthly consultation report provided to the ACO regarding OFN consultation for the Project. This was relayed to Les LaFleur and the request implemented soon thereafter by Lifeways. Subsequent copies of the bi-monthly consultation report have been supplied to Andrew Scott following past procedures.

On December 22, 2014, CEAA announced that it has allocated \$70,951 for OFN participation in the environmental assessment and Joint Panel Review hearings for the Project. Andrew Scott emailed Dan Meyer a request for copies of the OFN 2007 and 2011 traditional use field studies reports and other related information on January 7, 2015, which were supplied on January 14 via email.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as

a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The OFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

CVRI and the OFN have developed a strong relationship and will continue to consult on CVRI developments and the Project specifically as outlined in agreements between the parties.

11. Paul First Nation (PFN)

11.1 Consultation Activities July 2006 to June 2013

Over the course of the last eight and a half years many meetings or other events have been held between representatives of CVRI and Paul First Nation (PFN) leadership and other community members to discuss the Project. The PFN was first informed of the development by letter in July 2006, including the Yellowhead Tower, Mercoal West and the Project extensions. Formal discussions began in September 2006 with a meeting between representatives of CVRI and the PFN, including Dennis Paul (Consultation and Policy Special Advisor for the Nation). An Elders' tour of the development areas occurred in October. On November 8, 2006 an open house and a feast for all members of the community was held at the PFN. In June 2007, field studies were done for the developments including the Project area, with capacity funding provided by CVRI.

Traditional field studies of the originally proposed Project areas were undertaken and completed by Dennis Paul and members of the PFN. Field visits were made and interviews were conducted with Dennis Paul and 26 elders, hunters, trappers, and other custodians of knowledge who have engaged in traditional use pursuits in the CVM area. Many areas were visited and recorded, but only certain locations were provided to CVRI in the report. PFN members identified a large hunting territory encompassing all of the proposed Project mine permit areas, a sun dance and ceremonial area, plant collecting locales, a trapper's cabin, and two modern camping areas. Members of the PFN stress that their interest in the region extends beyond the points identified in the report, and the traditional use areas inspected are not restricted to the proposed Project mine permit areas only.

The participants in the PFN studies stressed that it is their responsibility to safeguard the environment and ensure that sustainable practices are used in this and other development projects. They noted that although development has provided easier access to the land, other development activities have had a heavy impact on the land. Among particular concerns noted is the potential impact to water sources. They noted that there is a sacred purpose to all of the rivers and hills, and that development will remove sacred medicines and forests, affecting the balance of nature. The PFN recommended that First Nations knowledge be used in conjunction with western scientific studies to better understand future impacts, contribute to mitigation efforts, and increase the potential of the plants and animals to return after reclamation. Although camping and ceremonial locations are present in the region, none were identified in the specific proposed CVM permit areas. PFN has also expressed interest in business and employment opportunities involved with the development, or in helping to train Aboriginal youth.

These field studies culminated in a ceremony attended by representatives of PFN and CVRI on July 6, 2007 near the Pembina Forks. The purpose of the ceremony was to ask the Creator's forgiveness for the impacts of the proposed developments. In early November, 2009, the PFN and CVRI reached an agreement regarding the proposed developments and potential impact to PFN interests in the area.

Based on this result, the PFN officially provided a letter of endorsement for the Mercoal West, Yellowhead Tower, and the Project extensions on November 18, 2009.

Formal discussions were re-initiated in April, 2011 during a meeting with Dennis Paul and Keith Rain where the consultation plan, Project description, additional Project areas, and the need to re-engage in consultation were discussed. Specific items or issues discussed included additional traditional field studies, funding for youth programs, funding for a film, and contracting and job opportunities. Other highlights of the consultation program include a brief meeting in May, 2011 with Chief Casey Bird and Council members, where there was a review of CVRI extension history, and copies of the PTOR and large-scale Project maps for field studies were provided. Another formal meeting with Chief and Council occurred on September 30, 2011 where copies of the final TOR and Federal Project agreement were provided. Les LaFleur, Dan Meyer, and Dennis Paul described some of the background of the CVRI-PFN relationship and consultation on the Project. Chief and Council indicated the need to send Elders and environmental monitors out in the area again to record salt licks and hunting areas in the vicinity. These additional visits were not arranged. Potential items for an MOU/community agreement were discussed, as were employment, a cultural awareness camp, and a round dance.

Additional capacity funding was provided to the PFN in 2011 to undertake further discussions with Elders regarding the additional Project areas and field visits/studies as necessary to assess the areas. Results of these discussions or visits have not been supplied to CVRI. The PFN has not reported any additional concerns regarding the Project on the basis of the 2011 discussions or visits. Chief Casey Bird has noted that he would like additional visits to assess known salt lick and hunting locations in the vicinity of the Project. These visits have not been arranged despite efforts to that end.

Subsequent contacts included the provision of bi-monthly consultation reports, and email exchanges to arrange the sharing of information or meetings regarding procurement and contracting, and requests for meetings to continue discussions around the Project and a long-term MOU between the parties. Such a meeting was ultimately consummated on April 10, 2012 between CVRI representatives, PFN including Chief Casey Bird and some members of Council, and their consultants from Grizzco. Items discussed included an MOU, employment and training programs, sponsorships for campouts, corporate Aboriginal policy, mine tours, contracting opportunities for supplies, and reclamation. Follow-up contacts attempted to arrange a date for a CVM tour. CVRI provided PFN a copy of the Project application and Project newsletters in May, 2012.

Andy Andersen of Grizzco emailed Les LaFleur on July 17, 2012 requesting an update on the regulatory process so that an agenda could be drafted for a meeting. Les LaFleur responded with the requested information and confirmed a meeting date for July 23 in Edmonton. At that meeting Andy Andersen and Dennis Paul indicated that Grizzco had been given a Band Council Resolution to negotiate on behalf of PFN. Items reviewed at the meeting included the current status of the Project's regulatory process, an MOU for opportunities including joint venture partnerships, other CVRI and Sherritt operations and opportunities, corporate aboriginal policy, additional letters of support from PFN, employment, reclamation, compensation, contracting, and a benefits agreement. As a result, CVRI was to provide additional copies of the Mercoal West, Yellowhead Tower, and Project applications directly to Grizzco, and a meeting was to be arranged to further discuss a benefits agreement. Andersen sent CVRI Vice-President Mike Peck an email with a request for such a meeting on September 12, 2012.

On October 15, 2012 Tracey Utting of CEAA sent PFN's Dennis Paul a letter outlining CEAA's current understanding of his community and the status of consultation efforts between CVRI and PFN regarding the Project, and information available on PFN traditional studies and stated concerns regarding the Project. The letter invited Dennis Paul to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting.

On October 19, 2012 Les LaFleur emailed Andy Andersen in response to his previous letter. LaFleur recommended a mid-November meeting and requested an agenda and an information package referenced. Andersen indicated that an agenda would be forthcoming, and reiterated that an agreement between the parties should incorporate both the Project and the Highvale Mine in a single corporate-level agreement. The meeting occurred on December 3, 2012. Grizzco presented a package outlining the structure of Grizzco and its relationship with PFN. Information on PFN "traditional territory," Rights, Treaty 6, and way of life were presented, as well as information on joint venture partnerships, development of a PFN Consultation Policy and Guidelines, economic development, and consultation. Grizzco asserted that the CVM had not positively impacted PFN in the past 35 years, and that PFN was not consulted on previous land tenure sales. PFN was concerned that to date no adequate project review for the Project had occurred, no proper assessment had been undertaken for the loss of use of the existing mine area, there had been a lack of investment in education, employment, contracting, and capacity building. Grizzco asserted that CVRI had failed to adequately engage PFN since 2007, PFN was never supplied environmental reports for review, watercourses are to be destroyed, and billions of dollars are to be made by the mine resulting in the loss of hunting, fishing, and trapping. Grizzco stated that CVM has said that no job or economic opportunities would be available, and has failed to address issues related to water pollution, water consumption, waste coal pollution, transportation, thermal pollution, sulfur dioxide, radioactivity, particulates, scarring of land, and toxic emissions. Grizzco noted that resources companies have a contingent liability for past actions. A draft benefit agreement was presented which included a draft loss of use model. Terms of a potential MOU were discussed. A proposed January meeting would examine a CVRI response to the proposed terms.

In January, 2013 CVRI provided the responses to the first round of SIRs to PFN. On January 22, 2013 Les LaFleur indicated to Andy Andersen that CVRI had rejected Grizzco's proposed draft benefits agreement, but would be willing to meet to review the existing agreement. On January 28 Andy Andersen sent a letter to Lori Crozier of CEAA outlining his concern about CVRI's lack of consultation efforts and cooperation towards an agreement with PFN regarding the Project. This was followed by a second letter of February 13, 2013. In this letter Andersen outlined specific concerns with the Project. Concerns included the elders dissatisfaction with reclamation, and lack of adequate consultation and addressing of potentially infringed treaty rights. Specific concerns that they felt had been not fully addressed or accommodated included: impact to water, air quality, traditional food source loss, loss of traditional territory, need for detailed report and map of the Project, accommodation, social development funding, ongoing monitoring, training, and employment. The letter stated further that PFN's Treaty Rights will be infringed by the proposed Project and that the duty to consult and accommodate includes the obligation of sufficient capacity funding for identifying interests/concerns with the Project. Andersen stated that the Project should be put on hold until these concerns are addressed and meaningful consultation has occurred. Les LaFleur of CVRI responded to Andersen's stated concerns in an email of March 11, 2013, identifying the existing agreement between PFN and CVRI, previous funding provided, and the earlier ceremony. He acknowledged that PFN desires an additional benefits agreement that focuses on

contracting and employment, and would be willing to meet again to discuss that and the proposed mitigation measures outlined in the Project application to address some of the potential impacts noted by Grizzco.

Follow-up discussions were held on May 7, 2013, and during a tour of the Project area and the CVM on June 7. Issues pertaining to environmental impacts and an impacts benefits agreement were discussed.

11.2 Consultation Activities June 2013 to Present

Throughout this period contacts have included provision of bi-monthly consultation reports, Project updates and newsletters, and invitations to Project open houses. On June 21, 2013 representatives of CVRI and PFN (Grizzco) again met to discuss a potential benefits agreement including capacity funding, employment opportunities, a proposed PFN industrial park, a company called Canadian Matting, an accountability committee, social responsibility, education, and scholarships. CVRI provided a copy of its responses to the second round of SIRs on July 18, 2013. On August 13, 2013 another meeting was held to review the terms of an impacts benefits agreement, and those negotiations continued in September.

Les LaFleur emailed Andy Andersen on October 29, 2013 with a proposed draft agreement based upon recent discussions. Follow-up contacts on this matter found that as of December, 2013 PFN and Grizzco had terminated their agreement.

In April, 2014 PFN was sent the responses to the third round of SIRs, and on July 16, 2014 Kurt Borzel from the ACO sent Dennis Paul of the PFN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected. Dennis contacted Lifeways on September 8, 2014 to set up another meeting with CVRI, but a meeting was not arranged.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The PFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

12. Samson Cree First Nation (SCN)

12.1 Consultation Activities September 2012 to Present

The Samson Cree First Nation (SCN) was not included in the Aboriginal Consultation plan as a group with which Alberta required the Project to consult. On September 28, 2012 the SCN submitted an SOC regarding the Project with the ERCB (now the AER). The letter asserted that the Project has the potential to affect SCN Aboriginal and Treaty Rights to hunt, fish, gather, and trap. The letter included affidavits from "harvesters" indicating general use of the region including the Project area. The letters specifically cite impacts to grizzly bear, marten, fisher, lynx, wolf, water quality, environment, and fish habitat. They requested intervener status at hearings, and requested that the application be denied. On January 8, 2013 Dan Meyer of Lifeways mailed and emailed a notification letter and information package on behalf of CVRI indicating that SAAB had directed consultation with the SCN regarding the

Project. Dan noted that the information package included the Plain-language Project Description, Project Application on CD, and SIR responses on CD regarding the Project application, and asked SCN to review the information and notify if there are any specific concerns regarding the Project by February 1st, 2013. CVRI requested a meeting with SCN to review the Project with the support of SAAB and CEAA representatives at the meetings. Further, CVRI requested from SCN that if there are potential impacts regarding the project to prepare site-specific concerns and locations at the meeting. A follow-up to this letter was sent on January 23.

Following a number of exchanges around scheduling and conflicting dates, the first meeting between CVRI and SCN representatives occurred on March 15, 2013. Items discussed included SCN's concern about this Project in its "traditional use territory," consultation coordination, SCN independent site visits to the Project area, SCN consultation strategy, procurement opportunities, employment and business opportunities particularly for youth, a presentation to Chief and Council, and CVRI attendance at a career fair. In advance of a meeting with Clayton Leonard, SCN legal counsel, and representatives of SCN, ECN, and WLFN, several exchanges occurred regarding a proposed work plan for a traditional use study. The meeting on July 5, 2013 included a discussion of potential terms of a traditional use study and a long-term agreement between the parties. CVRI's response to the second round of SIRs was sent to SCN on July 18. Following this were additional exchanges regarding a traditional use study proposal, and Norinne Saddleback accepted an invitation to attend a Project open house in Robb. At the open house on September 7, 2013, CVRI and SCN representatives discussed the finalization of a traditional use work plan, relationship building, Project details, training programs, and a presentation to Chief and Council.

From October, 2013 to January, 2014 contacts consisted of many minor exchanges regarding proposed traditional use work plans and estimates. A meeting between CVRI and SCN representatives on January 31, 2014 continued these consultations, but also indicated that upcoming band elections would likely delay a conclusion. Subsequent to this there were another series of minor exchanges involving a proposed traditional use work plan, and CVRI supplied the responses to the third round of SIRs in April, 2014. Further attempts were made to arrange a meeting between CVRI and Chief and Council.

On July 16, 2014 Kurt Borzel from the ACO sent Norinne Saddleback of the SCN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected. Chief Patrick Buffalo responded to this letter and others on August 28 indicating that a decision has not been made in respect to the adequacy of Crown Consultation and that SCN remained concerned that the Director did not consider Project-specific direct, indirect, and cumulative impacts to SCN Aboriginal and Treaty Rights in determining if the EIA is complete. He concludes that CVRI's EIA is not complete as it does not address Project-specific concerns. SCN feels that consultation has not gotten off of the ground and therefore Project-specific concerns have not been considered by the Director in determining EIA completeness. Chief Buffalo noted surprised that ACO assumed that consultation records provided by CVRI are correct and accurate, and stated that SCN has not been provided adequate time or funding to comment on consultation records for the ACO to conclude the level of consultation on the Project. SCN requested that the ACO provide final consultation records for review and comment at least 30 days prior to determining the adequacy of Crown Consultation.

On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for WCC - Canada Division, signed an agreement related to capacity funding for SCN traditional use studies of the Project, an agreement that anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project. The study scope was to be provided by October, 2014, with the report on the studies provided when ready. Neither the study scope nor the final traditional use report have been provided to CVRI to date. On the same day Kurt Borzel of ACO emailed CVRI and SCN representatives regarding the status of consultation with CVRI and SCN and inviting an opportunity to meet and review consultation between the two. The meeting would clarify the role of ACO versus AER on consultation and Project approvals and strategize the next steps for consultation between CVRI and SCN. Kurt noted that SCN is concerned with the current state of consultation with the Project. Les LaFleur indicated that as the parties were about to enter into an agreement, a meeting at that point would likely not be necessary. On September 30 Borzel repeated a similar suggestion.

On November 12, 2014 Stan Rutwind, Assistant Deputy Minister of Aboriginal Relations sent a letter to Councillor Patrick Buffalo. The letter states an understanding that SCN is still awaiting a response from ESRD regarding EIA completeness for the Project. He notes that Alberta recognizes the duty to consult rests with the Crown, with delegation of aspects of consultation to the proponent while still overseeing the consultation process and including the assessment of consultation adequacy as indicated in the SCN August 18, 2014 letter. Alberta directed WCC to consult with SCN on the Project and it is their (ACO) understanding that consultation is ongoing with WCC, concerns have been provided to WCC, and have been attempted to be addressed by WCC, including an agreement to conduct a traditional use study and to consider site specific concerns. SCN has received Project information and has had the opportunity to review and comment. This information along with supporting documents will be considered by Alberta when determining adequacy. Alberta has engaged with SCN and invites them to provide potential adverse impacts related to the proposed Project. Lastly, Rutwind acknowledged the request for a tripartite meeting with Alberta, WCC, and SCN and would prefer to engage in a meeting to discuss the consultation process, ensure that SCN concerns are considered, to identify SCN concerns regarding the proposed Project that may adversely impact SCN Treaty Rights and traditional use activities, and to work towards a "go forward" plan in addressing SCN concerns with WCC.

On November 17, 2014 the SCN filed an SOC regarding CVRI's proposed Coal Exploration Program in the proposed Project area. In this SOC SCN requests a hearing for CVRI's Program Application based on the direct and adverse impacts on SCN Aboriginal and Treaty 6 rights. On October 9, 2014 CEAA wrote to SCN indicating referral of the Project to environmental assessment by a Joint Review Panel and sought SCN's participation. SCN have taken steps to ensure participation so that proper assessment of the Projects impacts can be determined. SCN also requested the AER to provide a hearing as SCN will be directly and adversely affected by a decision of the AER on the Application. The nature of the objection to the Application cites specific impacts to Aboriginal and Treaty Rights from the Project including hunting and trapping, preferred use sites, plant harvesting and cultivating, sacred sites and cultural heritage sites, bears, fishing, and habitation sites. SCN stated that their concerns have not been addressed by the Project application and CVRI has not meaningfully engaged with SCN. In conclusion their concerns in regards to the Project include the lack of consideration of SCN's interests in the application, and SCN lack of opportunity to review and provide comments on CVRI's reclamation plans. SCN is concerned with increased traffic and access to the Project Area, with impacts of increased dust from CVRI's program activities, with impact to Aboriginal and Treaty rights, with impact to biodiversity of the resource-rich area, and that the Project will impact wildlife habitat, which will affect SCN hunters

and the community's reliance on hunting for nutrition as well as social and cultural purposes. SCN is concerned with the impact from destroying plant harvesting areas during construction and operations of the Project which would affect SCN physically, socially, and culturally.

In response to the above letter, Kurt Borzel from the ACO sent a letter to Les LaFleur of CVRI. The ACO directed further consultation on behalf of CVRI to address the potential site specific SCN concerns with the Project including preferred use sites, plant harvesting and cultivating, sacred and cultural heritage sites, and habitation sites.

On December 22, 2014, CEAA announced that it has allocated \$72,171 for SCN participation in the environmental assessment and Joint Panel Review hearings for the Project. On the 20th of January, 2015 the SCN sent a letter to Brett Maracle, Robb Trend CEAA Panel Manger, with SCN comments on the Draft Agreement to establish a Joint Review Panel for the Project between Minister of Environment and AER (Joint Review Panel Agreement). The letter provides SCN's comments on the JRP agreement to ensure that the environmental assessment of the Project is carried out in a meaningful way and that SCN's Treaty 6 rights are being considered. Samson expects the JRP to provide responses to SCN concerns in which the issues tracking table has been revised to incorporate SCN comments, and an opportunity for SCN to respond to the issues-tracking table.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The SCN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

13. Stoney First Nations

13.1 Engagement Activities to Date

The Stoney First Nations were not included in the Aboriginal Consultation plan as a group with which Alberta required the Project to consult. On March 8, 2011 Lydia Hill of the Stoney consultation office emailed Dan Meyer expressing an interest in receiving Project information based upon a notification letter from CEAA, and also requested that CVRI fill out and return a Stoney Information Letter (SIL) with information related to the Project. In response to this request CVRI sent Stoney a Project information package including copies of the Plain Language Project Description and the Aboriginal Consultation Plan.

On November 14, 2014 Marie Kootenay of Stoney emailed Les LaFleur a letter expressing interest in the Project and asserting that it would impact Stoney Treaty Rights and traditional uses. The letter notes site specific concerns, but indicates that the information cannot be shared without an agreement due to intellectual property and protocol concerns. The letter indicated a need for more time to evaluate the Project, and requested that an SIL be filled out and returned. This letter has been forwarded to the ACO for their consideration.

On December 22, 2014, CEAA announced that it has allocated \$57,201 for Stoney participation in the environmental assessment and Joint Panel Review hearings for the Project.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The Stoney table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question.

14. Sunchild First Nations (SFN)

14.1 Consultation Activities July 2006 to June 2013

Over the course of the last eight and a half years numerous meetings or other events have been held between representatives of CVRI and the Sunchild First Nation (SFN) leadership and other community members to discuss the Project. The SFN was first informed of the development by letter in July 2006 (including the Yellowhead Tower, Mercoal West, and the Project). Formal discussions began in October 2006 with an impromptu meeting between representatives of CVRI and Melvin Goodrunning (Councillor responsible for consultation and traditional use) and Kevin McGregor (Band Administrator). Large-scale maps of the proposed development areas were sent to Melvin Goodrunning in late October 2006. A referral through the Foothills Model Forest also produced a “hit” with SFN traditional use information, triggering additional notification to the SFN. In January 2007 contact occurred with Byron Daychief of the traditional use program at SFN. SFN indicated concerns with the development area, particularly the Project. Subsequently Byron obtained the information and maps supplied previously to Melvin Goodrunning, and developed a scope and budget for a traditional use studies program of the proposed extension areas. CVRI approved this budget in June 2007, and supplied capacity funding for the fieldwork to be undertaken.

SFN traditional studies of the development areas were undertaken in 2007. A final report (2008) on the findings of those studies was not supplied to CVRI at the time. In early November, 2009 CVRI was informed that the SFN had retained new legal counsel and other advisors who indicated that no proponents were to speak directly with the SFN regarding permitted projects. As a result of the request from SFN legal counsel, CVRI counsel advised the First Nations consultation team to cease direct contact with the SFN at that time.

Consultation for the Project was re-initiated on May 25, 2011 at a meeting with Dan Meyer, Doreen Daychief, Byron Daychief, traditional use staff and seven Elders. Byron confirmed receiving a package of the Consultation Plan, Project Description, and PTOR and Maps. Dan indicated the desire of CVRI to re-engage SFN regarding the Project. The history of past consultation was reviewed as well as discussion on the estimates and scope for new traditional field studies and for information to be incorporated into previous studies. Sunchild undertook additional traditional field studies of the Project area in the summer of 2011 with capacity funding provided by the Proponent.

Byron Daychief, helpers, and Elders undertook the first stage of traditional field studies in the Project area in late August and early September 2007. They identified a number of traditional use sites in the area, including mineral licks and other site types. The 2008 final report on these activities was not supplied to CVRI until March, 2012, after the preparation of the Project application. Traditional studies of the additional Project areas were undertaken by staff of the SFN in the summer of 2011. A report on these activities was also not provided to the Proponent until March, 2012.

The March 13, 2012 traditional use report provides UTM coordinates for 23 recorded locations in the SFN Traditional Land Use database. These are characterized either as salt/mineral licks (presumably important for game and hunting locations), or culturally sensitive areas which can include hunting areas, medicinal plant locations, rivers, water tables, wetlands, beaver dams, or creeks. Plotting these sites shows six salt/mineral licks within the Project area, and another four on the boundary. One culturally sensitive site of unknown type is within the Project area (may be where moose observed). The report indicates that "Any potential impact on these sites will require further negotiation/and/or compensation for the loss of traditional land use by the Sunchild First Nation membership." The traditional use report does not indicate the presence of burials within the Project, but notes burials in the region that should be protected. A portion of the Project passes nearby one of these areas, but based on previous discussions with Byron Daychief requesting access to CVM, the burials are likely in the vicinity of the old town of Lovetteville.

The traditional use reports also indicate that SFN members used the lands to hunt and to gather herbs and medicines. The reports noted that there are also fish-bearing creeks and natural waterways that SFN does not want disturbed or destroyed, and cites the McLeod River, Mercoal Creek, Embarrass River, and Chance Creek among others as "natural rivers and streams that come from the glacial mountains and are the last of the earth's fresh water supply, within the Foothills region..." The reports ask if there is "a guarantee that these natural waterways will not be permanently damaged?" The traditional use reports also cite concerns regarding disturbance to wildlife habitat, burrowing areas, and migratory routes.

At meetings previously held with SFN representatives, a number of concerns have been noted similar to those expressed in the traditional use reports. At a meeting on April 21, 2009 with Chief and Council and traditional use staff, several general concerns were brought forward. These include industry impact on salt-licks, affecting their right to hunt, protection of bear dens, herbs, medicines, and ceremonial sites, impact to streams, impact on fish and large game, pollution, and reclamation. Water testing and animal tissue testing were also noted.

Beginning in January, 2012 a series of meetings occurred between Les LaFleur of CVRI, Chief Stanley Lagrelle of SFN, and other representatives of both groups aimed at reaching an agreement to address SFN's concerns about the Project including those cited in the traditional use reports. The first of these meetings discussed employment opportunities and summer students, the transmission of the traditional use report, concerns regarding animal health, economic benefits, sponsorship of community events, traditional "territory" and studies, and community support of project. A second meeting on March 22, 2012 was held to review additional capacity funding for traditional use studies, support and funding for a multi-cultural center, and educational scholarships for youth.

In May, 2012 CVRI provided SFN with copies of the Project application. Throughout the consultation process CVRI has provided copies of its bi-monthly reporting to ACO on consultation activities, and relevant Project materials as discussed previously including the responses to the first round of SIRs in January, 2013, responses to the second round of SIRs in July, 2013, and responses to the third round of SIRs in April, 2014. As noted for other Aboriginal groups, copies of Project updates, newsletters, and invitations to Project open houses have also been provided throughout the years of consultation.

On October 15, 2012 Tracey Utting of CEAA sent SFN's Doreen Daychief a letter outlining CEAA's current understanding of his community and the status of consultation efforts between CVRI and SFN regarding the Project, and information available on SFN traditional studies and stated concerns regarding the Project. The letter invited Daychief to confirm those details and/or provide additional information. SIR responses would be provided soon, and a follow-up phone call would discuss the need for a follow-up meeting. On October 25 representatives of CVRI and SFN again met to discuss the Project and an agreement to address SFN concerns. Topics covered included the history of traditional use studies, training opportunities, funding of the SFN multi-use complex, scholarship programs, impact on hunting and gathering, duration of an agreement, and other capacity and support issues. CVRI was to prepare a draft of the terms discussed following the meeting, which was sent to SFN on November 13, 2012, and rejected by SFN on November 15.

Another series of contacts regarding terms and potential meeting dates resulted in another meeting between CVRI and SFN on December 5, 2012. Terms of an agreement, annual funding for community, cultural, and youth events, as well as Christmas donations were discussed. The next meeting was not held until June, 2013 due in part to personnel changes at SFN.

14.2 Consultation Activities June 2013 to Present

Les LaFleur and Brian McKinnon of CVRI met with Byron Daychief and Doreen Daychief on June 21, 2013. CVRI indicated a desire to resume talks towards finalizing an agreement, and after a brief review of the history of discussions with Doreen and the past Chief, LaFleur agreed to send Byron Daychief the last draft considered, and Daychief would set up a meeting with Chief and Council. Other questions which arose during the meeting included impact to big game and fish, moose, mercury, animal health, and visits to reclaimed areas. The draft was sent on June 24, and a meeting with Chief and Council scheduled.

On July 8 CVRI representatives met with SFN Chief Jonathan Frencheater, Council members, and traditional use staff. Prior to meeting Chief and Council, Byron Daychief and Les LaFleur reviewed the history of the agreement and its terms. At the meeting with the Chief, CVRI provided Project maps and background for those new to the consultations. Discussion of the proposed draft agreement resulted in Council indicating that it needed more time to think about the Project before entering in to further examination of the terms. Questions that arose during the meeting included the extent of areas that have been logged, the history of SFN traditional use studies with the Project, employment opportunities, training and safety "tickets," and contracting opportunities. On December 18, 2013 Les LaFleur and Byron Daychief met again to discuss an agreement. Byron indicated that the new Chief and Council had expectations of compensation, monitoring, education, and job and training opportunities as elements to be elaborated in an agreement.

A series of exchanges between CVRI, SFN personnel, and new SFN legal counsel in the following months culminated in a meeting on June 4, 2014 between CVRI representatives, SFN Chief and Council, SFN consultation staff, and SFN legal counsel. The meeting was held to discuss the Project and Yellowhead Tower Projects and continue negotiations towards an agreement. Sunchild representatives indicated that they felt previous traditional use studies had been inadequate and are worried about the Project's impacts on practicing traditional use in the region. CVRI agreed to provide a response regarding traditional use, consultation, and legal capacity funding proposals from SFN, and would meet again to examine the components of an agreement.

SFN filed an SOC with the AER regarding the Project on July 9, 2014. The letter outlined SFN's Treaty 6 rights protected under Section 35 of the *Constitution Act*, 1982 and that concerns regarding the Project on SFN's Treaty Rights have not been meaningfully considered by the Crown or CVRI, and that inadequate traditional use studies had occurred. SFN requested that the AER set a hearing for the Project. SFN noted concern about development within their "territory" with respect to the environment and their Aboriginal and Treaty Rights. SFN requested that the CVRI application be considered by AER in terms of the Project's direct and adverse affect on SFN and its members. The letter also outlined SFN's Aboriginal and Treaty Rights claimed to be directly and adversely affected by the Project including hunting, trapping, traditional seasonal round, sacred sites and cultural heritage sites, fishing, plant and berry harvesting, and habitation sites. The letter stated that SFN's concerns have not been addressed, previous traditional use studies on the Project area have been inadequate, and these will create questions regarding constitutional law if the Project is approved.

Jennifer Richards of the AER responded to this SOC on July 10. The response acknowledged receipt of the SOC, stated that the AER is reviewing the application, and that SFN's concerns will be considered. The AER noted that they have no jurisdiction over compensation over land usage, or over assessment of adequacy of Crown consultation with Aboriginal rights. The AER recommended use of their Alternative Dispute Resolution (ADR) program. On July 16 Kurt Borzel from the ACO sent Doreen Daychief of the SFN correspondence indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected.

On November 25, 2014 Edmund (no last name provided) left a phone message with Dan Meyer of Lifeways asking that a meeting be set up between CVRI and SFN. This message was relayed to consultation personnel at CVRI for consideration. On December 22, 2014, CEAA announced that it has allocated \$57,201 for SFN participation in the environmental assessment and Joint Panel Review hearings for the Project.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The SFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question. CVRI will be scheduling additional meetings in the future with the SFN to continue consultation efforts.

15. Whitefish Lake First Nation (WLFN)

15.1 Consultation Activities January 2013 to Present

Darryl Steinhauer of the Whitefish Lake First Nation (WLFN) wrote a letter dated January 13, 2013 to Lori Crozier of CEAA and Farres Haddad of the ERCB (now the AER). The letter reflected on general WLFN uses of the region and indicated that the Project will impact WLFN Treaty Rights to hunt, fish, and trap. The letter detailed concerns about impacts to several species of animals, hydrology, and fish habitat. The letter requested formal inclusion in the consultation process for the Project. On the 21st of February Steinhauer emailed Les LaFleur to indicate that he had heard from their legal counsel of CVRI's willingness to meet. He also noted, however, that given that the Provincial and Federal governments

have overlooked their concerns, they would be filing regulatory objections to the Project nonetheless. He suggested meeting dates in March to which LaFleur agreed.

Christi Horne of CEAA sent letters dated March 1, 2013 to Darryl Steinhauer of WLFN and Chief Eddy Makokis of Saddle Lake First Nation. Her letter indicated that WLFN is not recognized as a separate band, but if confirmed by Saddle Lake FN, CEAA will continue to consult on potential impacts to established Aboriginal and Treaty Rights with WLFN. On March 13, Carcey Hincz of SAAB corresponded with Les LaFleur of CVRI to indicate that the Alberta Crown did not require CVRI to consult with WLFN on the Project and had informed WLFN of that decision.

Les LaFleur of CVRI met with Darryl Steinhauer and WLFN legal counsel on April 2, 2013. CVRI provided copies of Project documentation to date including the application. The parties reviewed WLFN hunting and fishing in the Project area, WLFN industry businesses, a "compensation agreement" for use of the land, the WLFN process of traditional use reporting, EIA review, and community agreement. On April 4 WLFN emailed CVRI a proposed information sharing agreement and scope of work for a traditional land use study for the Project for review, and followed-up with an example of a traditional use report on April 10. On June 4, 2013 CVRI responded to the proposal with some follow-up questions. WLFN replied shortly thereafter indicating that WLFN was considering possible collaborations with other First Nations to reduce traditional use costs, that WLFN legal counsel was reviewing the information sharing agreement, confidentiality documents, and an SOC letter, but that WLFN was still working towards an agreement regarding traditional use studies. On June 24 Les LaFleur again responded with some questions regarding the proposed study and work plan.

At a July 5, 2013 meeting with Clayton Leonard, WLFN legal counsel, and representatives of WLFN, SCN, and ECN, a discussion of potential terms of a traditional use study and a long-term agreement between the parties occurred. WLFN filed an SOC regarding the Project on July 11, 2013 with Farres Haddad of the ERCB (now the AER), Lori Crozier of CEAA, and ESRD. The SOC asserted that the Project has the potential to affect WLFN Treaty rights to hunt, fish, gather, and trap. The SOC included affidavits from "harvesters" indicating general use of the region including the Project area. The SOC cited concerns of impact to traditional activities, wildlife, aquatic resources, air quality, noise, human health risks, habitat fragmentation and reclamation. The SOC states that the application should be denied because the Crown has not properly consulted WLFN regarding their Treaty Rights to be impacted by the Project. The SOC requested intervener status at hearings, and requested that the application be denied.

CVRI's response to the second round of SIRs was sent to WLFN on July 18, and Project updates, newsletter, and an invitation to Project open houses were sent in August, 2013. On the 5th of September WLFN legal counsel sent Les LaFleur of CVRI a proposed budget for joint traditional use studies of the Project area with WLFN and ECN. WLFN sent additional affidavits supporting their SOC to the ERCB and AER on September 20, and noted that WLFN had decided not to make an application for confidentiality under the AER rules of practice in relation to the affidavits.

On October 4, 2013 Les LaFleur and CVRI legal counsel again met with Darryl Steinhauer and WLFN legal counsel. The conversation centered on the traditional use study budget proposal, other CVM operations, and the withdrawal of the WLFN SOC. The groups agreed to meet again with Watertight Solutions to discuss the traditional use budget proposal. An October 24 meeting featured a presentation from Watertight Solutions on their proposed traditional use study methodology, and

substantial agreement on a joint study with WLFN and ECN for the Project. On October 30, Kurt Borzel of the Stewardship Branch of ESRD sent a letter to CVRI requiring consultation with WLFN for the Project. Provision of bi-monthly consultation updates to WLFN proceeded following this decision.

The next meeting occurred on January 31, 2014 between representatives of CVRI including legal counsel and representatives of WLFN and ECN and their legal counsel. The meeting featured an update on the Project, a discussion of moving forward on traditional use studies, a request for withdrawal of SOCs, and examination of a framework for a Project agreement. CVRI was to provide a Project timeframe and WLFN and ECN representatives were to meet with Chiefs and Councils to get further instructions.

CVRI provided WLFN with the responses to the third set of SIRs in April, 2014. Kurt Borzel from the ACO sent WLFN's Darryl Steinhauer correspondence on July 16, 2014 indicating that Alberta regulatory agencies had deemed the EIA for the Project to be complete, but that the Project was not considered approved at that point, and that continued Project consultation by CVRI was expected.

Chief James Jackson, Jr. of WLFN and John Schaden of WCC- Canada Division signed an agreement on October 20, 2014 providing capacity funding for a traditional use study. The agreement anticipates negotiations towards a long-term agreement between the parties. The traditional use study is to be delivered to CVRI by April, 2015. On December 22, 2014, CEAA announced that it has allocated \$72,171 for WLFN participation in the environmental assessment and Joint Panel Review hearings for the Project. On January 20, 2015 legal counsel for WLFN and ECN submitted to CEAA the results of a third-party review of the draft Agreement to establish the Joint Review Panel on behalf of both WLFN and ECN. A full review of those recommendations goes beyond the scope of this document, but items noted include: amending the draft TOR to include principles and criteria of assessment; specifying the role of Aboriginal groups in defining the VC's; requiring the cumulative effects assessment to be based on VC's and not the Project; that a pre-CVM case be considered the baseline for the cumulative effects assessment; the definition of environmental impacts to Aboriginal peoples under CEAA 2012 in SIRs; cumulative analysis of environmental impacts upon Aboriginal peoples; the definition of current use to include historic and future uses; determination of impact significance upon Aboriginal groups should be done by Aboriginal groups themselves; Proponent should be required to describe how TEK will be considered in Project design, operation, and reclamation; rationale should be provided for selection of key wildlife species and how TEK used in the selection; funding for reports on Project impacts to Aboriginal groups; and impact assessments should occur on group-by-group basis. This submission includes comments on portions of the TOR for the Project EIA issued in 2011.

On February 27, 2015 Kari McDonald of WCC will be mailing an information package to that includes a letter of introduction for herself, an updated Project description and schedule for the Project, as well as a schedule of potential meeting dates to discuss potential impacts to Treaty Rights and traditional uses, other concerns, and the mitigation thereof. The WLFN table in Appendix 1 provides an update to the identification of issues of concern as per Part B of the question. CVRI will be scheduling additional meetings in the future with the SFN to continue consultation efforts.

4. Provide an update on the status of completed and in-progress Traditional Land Use Studies indicated in the existing EIA, and where appropriate, the integration of updated information from 1) and the assessment requested in 2) and 3) above.

The following response provides a status update of completed and in-progress traditional use studies. However, a response indicating integration of updated information in relation to Questions 1), 2), and 3) must await the formulation of the assessments requested in 2) and 3). A full response also must await the sharing of traditional use information to be supplied by some of the Aboriginal groups as detailed below.

As reported in the EIA, prior to submission of the Project application, seven of the participating Aboriginal groups (Alexis Nakota Sioux Nation, Foothills Ojibway First Nation, Mountain Cree Camp, Nakcowinewak Nation of Canada, O'Chiese First Nation, Paul First Nation, and Sunchild First Nation) had completed traditional use studies of the Project area and reported on them to varying degrees. Some reports provided substantial information regarding traditional use of resources observed in the Project area, others provided only general observations and issues of potential environmental concern in the Project area. The information where provided was incorporated into the EIA and appropriate SIR responses. No specific traditional use locations within the current Project area have been identified to CVRI in sufficient detail to allow for mitigation, if necessary, of potential impacts to be discussed or planned. Some specific locations have been identified to CVRI that lie outside of the Project area, or that the Project area was modified to exclude. Otherwise, as detailed in the EIA, a total of 85 species of plant or fungi (native and non-native) had been identified to CVRI as important to Aboriginal groups and present in the Project area. Twenty-two species or class of animals had been identified in the Project area as important to Aboriginal groups, primarily in the contexts of hunting and trapping. These studies also led to the identification of larger environmental or other issues of concern regarding the project including water quality, moose licks/salt licks/springs, displacement of wildlife, bears, health of wild game, avoidance of important locales, impact to medicinal and food plants, future mine extension, transporting coal, clear-cutting and noise pollution, reclamation, employment opportunities, contracting opportunities, and long-term benefits agreements.

Subsequent SOC's filed by various Aboriginal groups, while not traditional use studies per se, did provide information in affidavit form related to Project concerns, including the identification of concerns related to specific species of fish including whitefish, trout, grayling, pickerel, and jackfish. SIR II ESRD Appendix 2: First Nations Consultation provides a comprehensive, detailed discussion of potential or asserted potential impacts to Treaty Rights and Traditional Uses or other concerns raised during consultation, along with CVRI's response and/or recommended mitigation of those concerns. Tables included with that Appendix detail the responses to those concerns on an Aboriginal group by group basis. Appendix A of this document contains 16 tables providing updates to concerns.

1. Additional Planned or On-Going Traditional Use Studies

1.1 Ermineskin Cree Nation

On October 22, 2014 CVRI and ECN reached an agreement on scope and funding for Project related traditional use studies, two community meetings at ECN to discuss the Project with the community, and

discussions on a long-term agreement between CVRI and ECN. The traditional use report from ECN is to be produced by April, 2014, and the community meetings still remain to be scheduled. Further discussion with ECN regarding the conclusions of traditional use reports or other studies, the potential impacts of the Project, and any recommended mitigation is forthcoming, as are discussions regarding a long-term agreement between the parties.

1.2 Gunn Métis Local 55

CVRI is in discussions with GML55 regarding the possible funding of ethnohistory/traditional use studies of the region.

1.3 Métis Nation of Alberta, Region 4

Although CVRI has indicated a willingness to provide capacity funding for MNA Region 4 directed traditional use studies of the Project area, a proposal for consideration and discussion has never been forwarded.

1.4 Samson Cree Nation

On the 18th of September, 2014, Chief Buffalo and John Schaden, Executive Vice President for WCC – Canada Division, signed an agreement related to capacity funding for SCN traditional use studies of the Project. The agreement anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project. The study scope was to be provided by October, 2014, with the report on the studies provided when ready. Neither the study scope nor the final traditional use report have been provided to CVRI to date.

1.5 Whitefish Lake First Nation

Chief James Jackson, Jr. of WLFN and John Schaden of WCC – Canada Division signed an agreement on October 20, 2014 providing capacity funding for a traditional use study anticipating negotiations towards a long-term agreement between the parties. The traditional use study is to be delivered to CVRI by April, 2015.

APPENDIX A: ABORIGINAL GROUP CONCERNS TABLE

SCN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	general impact to Treaty rights	general impact to Treaty rights	<p>SCN submits that SCN affidavits and conclusions of EIA for Project demonstrate "some degree of location or connection between the work proposed by CVRI and the Aboriginal, Treaty, and NRTA rights of SCN members to hunt, fish, gather and trap in the areas within the footprint and immediately surrounding area of the Project and the Local Study area, as well as other areas of the SCN traditional territories that may be impacted by the Project. This impact may (and likely will) directly and adversely affect the ability of SCN's members to exercise their traditional harvesting rights in the Project area and LSA. SCN submits that the Application should be denied due to disturbance of traditional plants and wildlife populations including species of concern that are in decline and culturally important species.</p> <p>[Individual] advised CVM reps that members from the community have also expressed a concern over project activities as it relates to their traditional use of the territories.</p> <p>Concern that "the location of the project and all construction activities performed for the project do not destroy or limit access to these preferred use sites"</p> <p>Samson is concerned about the infringements to its Aboriginal and Treaty rights, which includes a spiritual component."</p> <p>Concern over treaty rights "The Program is within the core of Samson Territory and within the area that Treaty expressly provides hunting, fishing, harvesting and trapping rights to Samson."</p>	<p>September 28, 2012</p> <p>March 15, 2013</p> <p>December 5, 2014</p> <p>November 17, 2014</p> <p>November 17, 2014</p>	<p>Following discussion of this issue and clarification with the SREM Aboriginal Affairs Branch, the Crown indicated that it would require consultation with SCN and requested the group's inclusion in the official Project Aboriginal Consultation Plan. CVRI representatives met with SCN Chief and Council in March, 2013 to discuss consultation matters related to the Project. The parties have agreed to move forward on a consultation process. At this meeting Les LaFleur provided a brief general overview of the Project and how it relates to existing CVM operations. Next steps will include a longer formal presentation to Chief and Council about the Project, possibly followed by a presentation to the entire community. As this consultation process has recently been initiated, additional steps to provide information about the Project and gather SCN input are needed. CVRI notes, however, that SCN has presented a series of concerns in writing, and responses to these concerns are provided in this document. CVRI welcomes SCN input on these responses. No Aboriginal group consultation data has demonstrated that access restrictions to the Project area will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake the Rights to hunt, fish, and trap for food on Crown lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during Project development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project.</p> <p>On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for CVRI, signed an agreement related to capacity funding for SCN traditional use studies of the Project, an agreement that anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project. The study scope was to be provided by October, 2014, with the report on the studies provided when ready. Neither the study scope nor the final traditional use report have been provided to CVRI to date.</p> <p>Concern that "the location of the project and all construction activities performed for the project do not destroy or limit access to these preferred use sites"</p> <p>December 5, 2014</p> <p>November 17, 2014</p> <p>November 17, 2014</p>
2	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	Impact to Traditional Use and Preferred Use Sites	<p>Concern over impact to traditional use sites "The program is in an area that includes many of Samson's traditional use sites. The sites identified include: hunting areas, trapping areas, fishing areas, plant harvesting sites, Samson's Elders, hunters and harvesters have identified a number of traditional use sites within the Program location."</p> <p>"There are a number of preferred use sites located within the Project area. These sites are important in linking traditional land use areas and are often bordered by other traditional land use sites, like hunting camps and grave sites...Samson is concerned that its access will be limited, if CVRI's Project is approved. Concern over impact to preferred use sites "It is crucial that the location of the Project and all construction activities performed for the Project do not destroy or limit access to these preferred use sites. Any interruption in these routes will severely hinder Samson's members from engaging in traditional uses and traveling throughout Samson Territory as their ancestors did."</p>	<p>November 17, 2014</p>	<p>On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for CVRI, signed an agreement related to capacity funding for SCN traditional use studies of the Project, an agreement that anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project. The study scope was to be provided by October, 2014, with the report on the studies provided when ready. Neither the study scope nor the final traditional use report have been provided to CVRI to date.</p>
3	Potential Impact to Treaty or Aboriginal Rights	Hunting	displacement of game animals from Project area	<p>Wildlife is an important part of the SCN's culture and traditional economy. In particular, the SCN Harvesters have deposited that they hunt various species including moose, elk, deer, bears, wolverines, and various bird species in or near to the Project area and LSA. Birds hunted include, but are not limited to grouse, ducks, and pheasants.</p> <p>Concern over impact to hunting "Samson's Elders and hunters have identified a number of hunting blinds, mineral salt licks, kill sites and game trails within close proximity to the Project. The area the Project will be located in is a prime hunting area for Samson members, specifically for grizzly, elk, moose, deer, sheep, rare prairie Chickens, grouse, lynx, cougars and wolverines and all other kinds of animals. Upon further study, it is highly likely that game trails will be discovered in the area of the Project. Currently moose is the most commonly hunted game in the area surrounding the Project. Deer and elk are also harvested in the area. Lastly, Samson's has identified a decrease in the Skunk and Beaver population in and around the Project Area in the past few years....The new disturbance of constructing and operating the Project will affect wildlife and wildlife habitat in the area which will have an impact on Samson members' ability to hunt"</p>	<p>September 28, 2012</p> <p>November 17, 2014</p>	<p>The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones through displacement. Most wildlife will likely be displaced to adjacent habitat patches. Ungulates will be temporarily displaced by active mining as they are unable to cross a pit disturbance. This displacement will be restricted to local use as there are no indicators of long distance or major seasonal migrations in the LSA. Large amounts of moderate quality moose habitat is available throughout the RSA for moose thereby moderating the effect of habitat change caused by mining. High quality moose habitat on the Project and other areas associated with mixed wood variety of the Lovett Ridge will be reclaimed with a closed forest regeneration forest of lesser habitat quality. The impacts of the Project development on moose in the region can be mitigated by implementing reclamation techniques appropriate for moose, establishing a variety of vegetation types and promoting understory complexity in regenerated forests that includes willow species, aiding reclamation and other re-vegetation efforts to maintain and improve moose habitat, taking steps to ensure core security areas are provided for wildlife, implementing appropriate monitoring, cooperating with the province and other industry on access management and other relevant management issues. An examination of elk observations during Fish and Wildlife moose surveys in the area on the north side of the existing CEA study area indicates scattered elk in low numbers. There is not a substantive elk population in this area. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. It is expected that elk and deer will respond positively to the early stages of upland reclaimed and re-vegetated areas on the LSA particularly in the Robb West, Main and Central zones where there is extensive mixed wood and deciduous habitat adjacent to the disturbance area. Many of the species on the CVM are birds associated with water habitats which would have been poorly represented in the pre-development ecosystem. While bird abundance and types of species may change as a result of mining activity it appears that the number of bird species will be similar or may increase as a result of adding new habitats e.g. upland grassland, strudland, lake, pond and wetland development. The edge associated with the Project should enhance tree growth potential both natural and through reclamation planting as well as promoting maintenance of bird species occurrence during active mining. Reclaimed lakes and ponds on the CVM support breeding water birds, i.e. Canada Goose, Mallard, Buffhead, Common Goldeneye, Barrow's Goldeneye, Killdeer, Greater Yellowlegs, Spotted Sandpiper, probably or possible breeding water birds i.e. Ring-necked Duck, Lesser Scaup, Solitary Sandpiper, summer visitants i.e. Common Loon, Osprey, and several species of waterfowl and shorebird migrants not seen elsewhere in the RSA, i.e. Semipalmated Sandpiper, Western Sandpiper, Least Sandpiper, Baird's Sandpiper, Short-billed Dowitcher.</p> <p>Wolverine status is listed as transient/migrant and abundance as rare in the study region. The wolverine is listed as "may be at risk" under Provincial Status (2010) and as "special concern" Federally Listed under COSEWIC. Grizzly bears will likely be displaced from portions of the Project mine footprint and permit area during the active mining period. Displacement will result from construction noise and blasting. At some point shortly after reclamation grizzly bears will be attracted to the herbaceous forage and ungulates on the Project mine footprint as was observed on the Luscar, Gregg River and CVM reclaimed mine areas. The mined lands will not act as a serious barrier to grizzly bears, with the possible exception of during active blasting and hauling. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. The greatest threat to regional grizzly bear populations is human-caused mortality caused by legal and illegal hunting, self-defence kills by ungulate hunters, and vehicle/train collisions. Any land use that results in increased access or use of access by individuals carrying firearms is a threat to grizzly bear population persistence. Any roads with vehicle speeds greater than 70 kph also have potential to result in increased grizzly bear mortality. Sources of domestic garbage at the CVM are contained in appropriate secure containers and transported to the licensed landfill in Hinton as per the Approval conditions. Problem bear actions at mines in the Coal Branch region are of extremely limited occurrence. Grizzly bears actively select habitats and foods that provide them with the greatest possible net digestible energy (Hamer and Robbins 1983, Pritchard and Robbins 1989). Mining and subsequent reclamation of the existing CVM has significantly changed landscape structure, composition and food production in the permit area for grizzly bears. Mining and reclamation at the CVM has resulted in removal of free canopies, leading to increases in availability of high energy herbaceous plant material (clover, thistles, legumes) and an increase in ungulates (elk, deer) responding to increased forage and edge habitat. There is strong evidence to suggest that ungulates and plants used for reclamation are sought and used extensively by grizzly bears occurring in the vicinity of the CVM area. Similar findings were observed in the existing Luscar and Gregg River mines (Stevens and Duval 2005, Kansas and Symbak 2011). Bears using the reclaimed Luscar and Gregg River mine lands were on average larger than the Gregg/Luscar permit block was considered to be an attractive habitat for grizzly bears and a source for enhanced cub production (Kansas 2005). If similar reclamation measures are used on the Project then impacts on grizzly bears from a habitat alteration perspective will likely be positive within 10 years post-construction. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. This assertion is based on the fact that carrying of firearms in not permitted within any mine permit areas and traffic speed control is practiced. It is further supported by the fact that no grizzly bear mortalities have occurred on mine permit areas in 40+ years in the Coal Branch region (Symbak 2008). This does not diminish the seriousness of cumulative effects on grizzly bear mortality in the RSA and broader Yellowhead region.</p>
4	Potential Impact to Treaty or Aboriginal Rights	Trapping	Impact to traplines in Project area	<p>Concern over trapping in project area "Samson has a number of registered trap lines in and around the Project area."</p>	<p>November 17, 2014</p>	<p>A total of 22 Registered Fur Management Areas (RFMA) overlap in whole or in part with the RSA. Fur harvest return information for the period 1985 to 2001 was obtained from ESRD for the RFMA. Fur returns for 17 different species were reported. This included red squirrel (13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp (1,531), coyote (896), wolf (236), lynx (133), mink (128), fisher (50), red fox (47), black bear (18), badger (14), striped-skunk (7), wolverine (6), river otter (4) and raccoon (1). The average numbers of captures per year per trap line for Valued Environmental Component (VEC) species were: lynx (0.42), marten (5.17), fisher (0.16), and wolf (0.71). RFMAs 1516, 2619 and 2256 will be directly affected by the proposed development of the Project permit area. Over a 16 year period, RFMA 1516 reported an average number of lynx (0.4/year), fisher (0.19), marten (5.4/year) captures and reported below average wolf captures (0/year). Over a 15 year period, RFMA 2256 reported above average marten (5.6/year), and fisher (0.13) captures and below average lynx (0.3/year) and wolf (0.1/year) captures. Over a 17 year period, RFMA 2619 reported below average capture rates for lynx (0.2/year), marten (1.2), fisher (0.1), and wolf (0.6). Capture rates can vary widely and may reflect trapper effort and fur prices as much as it does of animal abundance. Capture rates can also reflect the size of the RFMA. Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Contact and discussions have been held with people holding Registered Fur Management Area rights. Where required, agreements have been reached and compensation provided. Trapping is likely to continue in the RSA. Harvest levels are difficult to predict and are dependent largely on fur prices, RFMA tenure and levels of industrial activity. It is reasonable to assume that future trapping levels will occur at average levels from 1985 to 2001. As noted above, Project development will occur over time, and access to mine areas to undertake Treaty Rights to trap will be restricted in active mining areas for a period of time. However, areas surrounding the Project will still be available to undertake Treaty trapping rights, and Project development and reclamation will be complete by 2060, returning those lands for trapping uses.</p>
5	Potential Impact to Treaty or Aboriginal Rights	Fishing	removal of fish resources/habitat in Project area	<p>The SCN Harvesters have deposited that they fish in the areas deposited to for species including trout and jackfish.</p> <p>"Elders and harvesters evidence considered the locations of fish bearing water sources near the Project. The waterways which runs next to the Project area provides a good year-round habitat for a number of fish species, including Speckled Trout, Rainbow Trout, Lake Trout, Brook Trout and Brown Trout. This demonstrates that the area of the Project will be located in an important fishing area for Samson members. Access to traditional food such as fish is extremely important to Samson for the reasons mentioned above. Construction and operation of the Project will harm fish and fish habitat. Samson is especially concerned about disruption of fish bearing streams and pollution of water sources. Any such event could have a devastating impact on Samson's ability to fish"</p>	<p>September 28, 2012</p> <p>November 17, 2014</p>	<p>Rainbow Trout were the most common and widespread species within the LSA and RSA and were found in 38 of the 42 waterbodies sampled during baseline fisheries investigations. Bull Trout, Burbot, Lake Chub, Longnose Sucker, and Spoonhead Sculpin were encountered much less frequently than Rainbow Trout but were still found at a number of different locations. Other species, including Arctic Grayling, Brook Stickleback, Brook Trout, Longnose Dace, Mountain Whitefish, Northern Pike, Pawi Dace, Trout-perch, and White Sucker were rare and were only found in one or two waterbodies. Arctic Grayling are listed as Sensitive and is considered a Species of Special Concern in Alberta (ASRD 2010). Populations have decreased in the past few decades. Threats provincially include increased harvest pressure from improved road accessibility, blocked migration routes and altered stream flow resulting from improperly placed culverts in newly constructed roads. Brook Trout are listed as an extirpated species (ASRD 2010). They were introduced into Alberta in the early 1900's and are abundant in many foothills streams and isolated lakes. Bull Trout are listed as Sensitive and is considered a Species of Special Concern in Alberta (ASRD 2010). Over-harvesting has led to a decline in population and while angling regulations may lead to recovery, habitat degradation and competition from introduced species may contribute to further declines. Introduced stocks of Rainbow Trout in Alberta are Secure.</p> <p>However, the native Athabasca Rainbow Trout population has suffered introgression from introduced trout in the Athabasca drainage system. The native species is currently considered At Risk (ASRD 2010) but Alberta's Endangered Species Conservation Committee has recommended that Athabasca Rainbow Trout be listed as Threatened under the Wildlife Act. Rainbow Trout (At Risk status) was widespread in the Project and were often the only species found, or historically reported, in study streams. As such the majority of watercourses had a moderate diversity ranking.</p> <p>Aquatic resources issues related to construction, operation, and reclamation of the Project were generally linked to potential changes to physical habitat components, changes in flow regimes, changes in surface water quality, and changes in resource access. The impacts to fish populations and benthic invertebrates as a result of the mining and pit filling is expected to be minimal since it is assumed that downstream flows will be managed to adhere to stream flow guidelines (ADN 2011). In general, peak flows will be reduced and low flows will be increased. This attenuating effect may have some impact on fish habitat composition and could also benefit fish populations by reducing the intensity of high flow events that can adversely affect fish, particularly during the early life stages. No significant water quality changes are expected and water quality in the end pit lakes will likely be suitable for aquatic life. Measures to reduce or mitigate potential effects were identified using proven strategies and combined expertise of professionals. Potential local effects on the fisheries VECs associated with direct habitat loss or alteration are expected to be fully mitigated with properly implemented mitigation strategies. CR #2 (Section 5.4) of the Project application provides details of the numerous mitigation strategies proposed to protect fish resources, in the areas of surface water management and erosion control, hard road crossing construction, stream flow management, management of stream flows, public access restrictions, and habitat enhancement. Therefore, no cumulative effects on fisheries VECs associated with direct habitat loss or alteration are expected. Potential adverse effects relate primarily to direct physical habitat alteration/loss, changes in surface water hydrology and water quality issues. With mitigation there will be an insignificant impact on the fisheries VECs. CVRI is currently working with the Department of Fisheries and Oceans Canada (DFO), Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations in creating a conceptual compensation plan to be able to uphold the principle of "No Net Loss" to fish habitat. Any operational works that require a harmful alteration, disruption or destruction (HADD) of fish habitat will require a plan to be applied for with DFO. The compensation plan will be referred to in establishing site specific compensation related to each working (crossing, diversion).</p>

SCN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of medicinal plant species in Project area	The SCN Harvesters have deposed that they gather traditional medicines including roots (not specified), muskeg tea, tamarack, spruce, cedar, willow, acorns, and bark.	September 28, 2012	No Aboriginal group consulted to date has demonstrated through such studies that impacts from the Project will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake traditional pursuits such as the collecting of plants for food or ceremonial/medicinal purposes. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2065; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project.
				CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community, including many of those identified in this concern. CVRI notes that no oak or closely related species are found in the area, and thus there are no acorns. There is no cedar in the area, but species such as ground juniper and spruces have been identified. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5), including all of the species cited (except for acorn and cedar). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species, including all of those cited, are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation have a very high potential to occur in ecotone phase (1, 2, 3 and 4) and a high potential to occur in 2, 3, 4, and 5 in the Foothills Natural Sub-regions (CR # 13, Table 4.7). These occurrences have been mapped and documented to identify species that are within the LSA and within the Project Footprint. In total 2,264.9 ha of ecotone phases with very high potential to support TEK vegetation will be removed by the Project Footprint, this area encompasses 22.4% of the very high potential area in the LSA. As well, in total 1,354.1 ha of ecotone phases with high potential to support TEK vegetation will be removed by the Project Footprint, high potential area encompasses 13.4% of the high potential area in the LSA. Fifty-four percent (5,467.0 ha) of areas which support TEK vegetation will be removed from the LSA by the Project Footprint. However, TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecotone phases which support TEK vegetation will be accessible in the RSA following removal of ecotone phases by the Project Footprint in the LSA. It is assumed that ecotone phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA.		
				Concern of impact to medicinal, ceremonial and food plants in the project area. This is an important concern to elders.	December 5, 2014	
				Concern over impact to Plant Harvesting and Cultivating to medicinal, ceremonial and food plants in the project area which is an important concern to Elders.	November 17, 2014	
				"Samson will be directly and adversely affected physically (in terms of nutrition), socially, and culturally should plant harvesting areas be destroyed by the construction and operation of the Program."	November 17, 2014	
				"As stated above, the Elders and harvesters have identified a number of plant, medicine and cultivation sites within the close proximity of the Project. Samson members use plants found at these sites for a wide range of uses including medicinal, ceremonial, and dietary purposes. Samson's Elders and harvesters have identified numerous medicinal, ceremonial and food plants found in the Project area. Additionally, there are many species of trees in the area and each carries a medicinal substance. Samson is concerned by the increased amount of dust and the impacts to these trees in the Project Area. Traditional use vegetation has a very high potential to occur in the Project area. The construction of the Project will destroy these plant harvesting sites. One of the most important concerns among the Samson Elders was the impact to medicinal, ceremonial, and food plants in the Project area. Some of these plants were noted as "rare" or "rare elsewhere". Some were noted by Elders as being more abundant in this area and larger in size in some cases. Therefore, Samson is concerned that its members will have to travel greater distances to harvest."	November 17, 2014	
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of food plant species in Project area	The SCN Harvesters have deposed that they gather various berries including blueberries, high bush cranberries, low bush cranberries, raspberries, Saskatoon berries, strawberries, gooseberries, huckleberries, pincherries, kinikihik [sic], and chokecherries in or near to the Project area and the LSA.	September 28, 2012	All of the berries noted in this concern were identified in the studies of TEK discussed in response #6 above. None of them are uncommon in the region. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecotone phases which support TEK vegetation will be accessible in the RSA following removal of ecotone phases by the Project Footprint in the LSA. It is assumed that ecotone phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following: <ul style="list-style-type: none"> • Inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which complement the re-vegetation measures proposed in the Application; • Working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • Implementing a re-vegetation program which aims at the re-establishment of ecotone common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecotones will, over time, again support TEK vegetation. With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecotone phases within the LSA. CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established. The re-vegetation program proposed for the Project area will use experiences gained over the years at the CVM. Vegetation species will be selected to match site-specific conditions (slope position and exposure) that are consistent with the land use objectives, watershed, timber, wildlife, fisheries and aesthetics/recreation. These seed mixes are currently being utilized at CVM; the standard mix is formulated for use in drier upland areas, the wetland mix is formulated for the revegetation of lower lying wetter sites and constructed wetlands and a native seed mix formulated to facilitate native succession. Traditional value plants will be identified in respect to their possible use as revegetation species. The revegetation program will plant the dominant tree species; either a conifer or deciduous species. Where reclamation stock is available suitable understorey species will be inter-planted with the tree seedlings. Initial grass/legume seeding will be undertaken during the first growing season following minesoil placement. Fertilizing will be completed in the same year (and may be repeated) once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas. As noted above, reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2065; the earliest lands mined will have been returned for use prior to that time. Given the timelines of forest succession, precise timelines for the development of a "climax community" in reclaimed areas are difficult to predict, but this "successional reclamation" process (Potter, 1989) will continue for several decades.
8	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	Impact to Sacred and Cultural Heritage Sites	Impact to identified ceremonial and heritage property sites within the project area, specifically "Of particular importance are the pre-contact sites and traditional use sites which are considered sacred"	December 5, 2014	SCN has not reported to CVRI the locations of any specific traditional use sites or sacred sites that may be impacted by the Project. Artifacts and the sites on which they are found are considered to be historical resources in Alberta. The management of historical resources in Alberta is governed by the Historical Resources Act and administered by the Provincial Crown (Alberta Culture). Provincial authority to regulate all historical resources has been supported by past Supreme Court of Canada decisions, most notably R. v. Khawaja (2002 SCC 31). Although CVRI has shared some general information regarding its Historical Resources Impact Assessment studies with both Aboriginal groups and the public, regulations under the Act limit information sharing on the part of CVRI and its consultants in order to help protect extant significant sites and any associated information and artifacts. Any questions regarding historical resources and artifacts should be directed to the Head, Archaeological Survey of Alberta, Historical Resources Management Branch, Alberta Culture.
9	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	Impact to habitation sites	five habitation sites identified within the Project area and are concerned over impact	December 5, 2014	
				"The Elders have identified a number habitation sites within the Program area. Samson's Smallboy camp has 5 dwellings in and around the Program area. Additionally, Smallboy Camp is merely 25 miles away from the Program area. Samson members camp in and around the Program area in order to carry on their practices, traditions and customs within the Program area. The people living in this area permanently or seasonally or using it for ceremonial purposes will be impacted by the Program. The noise from construction will adversely affect them by driving away wildlife and destroying the aesthetics of the area."	November 17, 2014	From the statements presented the 5 habitation sites in question are not located within the Project area, but rather 25 km from the southeast end of the Project area. The Project is not a new enterprise but an undertaking that will allow the continuation of an existing venture, using the existing plant site established in 1976. Members of the Smallboy or Mountain Cree Camp have co-existed with the CVM operations for many years and do so today. The noise and vibration levels associated with blasting are typically a cause for concern by nearby residents and can disturb wildlife. Blasting will be conducted on weekday afternoons and the utilization of smaller more localized blasts will be implemented to reduce noise levels and the amount of explosive being used. As mentioned elsewhere, ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows them to gradually accept new experiences in the absence of negative feedback.
				"The people living in this area permanently or seasonally or using it for ceremonial purposes will be impacted by the Program. The noise from construction will adversely affect them by driving away wildlife and destroying the aesthetics of the area."	November 17, 2014	
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Uses	loss of access	Buffer zones being able to come and go "trails"	March 15, 2013	CVRI is more than willing to work with SCN to help maintain access to areas of traditional use when necessary should the Project restrict access. In addition, CVRI can offer assistance if requested to help identify other suitable areas for certain traditional uses should the Project development restrict access to, or remove, specific preferred locations for undertaking traditional uses or exercising other rights. In addition, the safety considerations of an open pit mine need to be considered when judging and gaining access through active mining areas. CVRI also notes that access to all areas will not be restricted at once if approval for the Project is issued as discussed above. Any access restrictions would not be permanent given the intended period of time that CVRI plans to operate in the Project area. Should SCN provide information relative to an existing traditional use site in the Project area, CVRI will be willing to discuss the idea of buffer zones or other possible or appropriate mitigation strategies.
			"Samson is concerned about the increased traffic and access to the Robb Trend area."	November 17, 2014	CVM is an existing operation, the Project is not expected to increase traffic flow into the area, and it is not expected to allow increased access to the Project area or nearby areas by recreational users.	

SCN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
8	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to water quality in Project area	The SCN also has concerns with respect to water hydrology, hydrogeology, and the impacts of the Project on the environment and fish and fish habitat due to increased emissions and other impacts on water bodies in the area used for traditional fishing purposes. Sediment and certain chemical contaminants that have chronic or lethal effects on aquatic biota will enter the aquatic ecosystem during mining. The EA notes that changes to physical habitat components, flow regime, water quality and access are all factors that affect fish habitat potential. These effects will directly and adversely affect SCN's fishing rights.	September 28, 2012	<p>Response #4 above discusses some of the specifics of local fisheries and the low potential for impact to those resources and associated fishing rights. Potential changes in surface water quality in the RSA were assessed as insignificant (Section E.11, CR# 11) and are not expected to significantly impact fish populations in the RSA. No additional access to water bodies in the RSA is expected to occur as a result of the Project. CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including:</p> <ul style="list-style-type: none"> continue monitoring programs already in place at the existing CVM (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); document the effect of CVM operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; <ul style="list-style-type: none"> establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; <ul style="list-style-type: none"> monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPA approval.
				Tailings pond – function?	March 15, 2013	The surface hydrology assessment presents proposed water management plans and addresses the potential impact of the Project on: the quantity of surface water flow and stream behaviour during high, average and low flow conditions; and sediment concentrations in local and regional streams. Various water management and sediment control measures will be implemented for the Project during operations, reclamation, and closure, including: Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPA approval. Release of water pollutants from the site such as oil and grease is controlled. With the installation of oil booms on the impoundments and immediate containment of oil in the event of a spill, there is little danger of these materials contaminating surface waters. Components of the water handling system will be designed according to the governmental specification and the systems will be operated in accordance with regulatory approval requirements; and Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPA approval; installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; and All mine-affected water will be treated prior to its release to the receiving waters to reduce potential effects from loading of suspended sediments and potential effects of water quality variables typically associated with suspended sediments (e.g., total aluminum and total iron). (continued below)
				List of general water impact concerns was expressed at meeting by representative	September 13, 2013	
8a	continued from above	Traditional Use	continued from above	continued from above		(continued from above) CVRI will pay particular attention to selenium (see below). The mine wastewater treatment program similar to the one currently in use at the CVM will be established to minimize downstream siltation and minimize downstream effects on surface water quality. 5) With respect to selenium, the CVM will continue an effective water quality monitoring program including a focus on selenium concentrations. The objective will be to observe water quality relative to baseline values to identify any changes over time. Should a significant increase in selenium levels be noted an investigation will be undertaken to identify possible sources and mitigation plans will be implemented; 6) Where necessary, in-stream erosion/sediment control measures will be utilized until long term protection can be effectively implemented; 7) Minimization of the time interval between clearing/grubbing and subsequent earthworks, particularly at or in the vicinity of watercourses or in areas susceptible to erosion; 8) Slope grading and stabilization techniques will be adopted. Slopes will be contoured to produce moderate slope angles to reduce erosion risk. Other stabilization techniques used to control erosion include: ditching above the cutslope to channel surface runoff away from the cutslope, leaving buffer (vegetation) strips between the construction site and a watercourse, placing large rock rip rap to stabilize slopes; 9) Whenever possible, construction activities in close proximity to watercourses will be carried out during periods of relatively low surface runoff in late fall, winter and early spring (from October to April). A 30 m buffer (vegetation) strip will be left between construction sites and watercourses except at stream crossings and diversions; 10) Temporary measures to control erosion before a vegetation cover is re-established, including: diversion ditches, drainage control, check dams, sediment ponds, sumps and mulches; 11) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; 12) The design and construction of all stream crossings will be done in compliance with the Alberta Code of Practice for Watercourse Crossings and associated guidelines. This means that all stream crossings constructed by the Project will meet regulatory requirements for protection of fish resources and aquatic habitat; this will also effectively mitigate against effects on surface water quality.
				continued from above		Mining activities are expected to reduce high flows, and low flows are expected to either remain the same, slightly decrease or slightly increase. Annual runoff may have modest variations dependent on mining activities at the time (e.g., pit dewatering). Temporary water diversions will also contribute to some slight variations in flow quantity for short periods of time. In-stream flows will be maintained by bypass pumping. Depending on the extent of the disturbance footprint within the watershed the significance to flow quantity may remain the same, increase or decrease depending on the mine progression and seasonal variability. Dewatering of the groundwater around or in the mine pits, to permit mining, increases surface flows. This is usually a minor flow component of the overall surface runoff rate from an area. The magnitude of the flows is small and regulated by pumps. If the sump or dewatering area is well laid out and separated from active mining, the effect on sediment loads can be negligible. Impoundments such as settling ponds or end pit ponds or lakes generally reduce downstream peak flows as a result of storage. Increases in low flows can result from a more gradual release of the water stored in the impoundment. Depending upon their size, pond evaporation losses may be significant at times but is near balanced with direct precipitation on an annual basis. Depending upon treatment systems can reduce sediment loads significantly. End pit ponds will reduce flows when initially filling but can provide opportunities for enhancement. For open water bodies (lakes, ponds and to some extent wetlands), lake evaporation essentially replaces evapotranspiration in equation (1) above with groundwater having both an inflow and outflow component. After initial filling and stabilization of the groundwater level, such that the net regional groundwater recharge is the same as pre-mining, it may be assumed that groundwater inflow equals outflow on an average annual basis. It should be noted that even large differences in net groundwater inflow/outflow for the water bodies typically will have minor net surface flow impacts because of the small areas of the ponds relative to the basin sizes and the smaller groundwater flow component compared to the surface runoff component. Diversions will be sized and designed to convey peak flows safely considering the life of the diversion. As a result, water diversions do not impound water or cause losses due to infiltration of the magnitude of downstream flows. All defined watercourse crossings will be designed, and constructed, to meet or exceed the regulatory requirements for approval under the provincial Water Act and the federal Fisheries Act and Navigable Waters Protection Act. If appropriately designed and constructed, these crossings will have negligible effect on flows or sediment loads to the streams.
9	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	General Impact to Wildlife Health	The EA identifies several areas of impact to culturally important species harvested in hunting and trapping activities, in particular, grizzly bear, marten, fisher, lynx and wolf. Adverse impacts on these culturally important species will result from the Project due to: (1) habitat alteration; (2) sensory disturbance and effective habitat loss; (3) habitat fragmentation; (4) direct mortality; and (5) barriers to movement. The direction of impact is universally negative, and these impacts explained in the EA itself demonstrate how the Project will further directly and adversely affect the SCN's Aboriginal and Treaty rights.	September 28, 2012	Grizzly bears will likely be displaced from portions of the Project footprint and permit area during the active mining period. Displacement will result from construction noise and blasting. At some point shortly after reclamation grizzly bears will be attracted to the herbaceous forage and ungulates on the Project footprint as was observed on the Luscar, Gregg River and CVM reclaimed mine areas. The mined lands will not act as a serious barrier to grizzly bears, with the possible exception of during active blasting and hauling. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to local mortality. The greatest threat to regional grizzly bear populations is human-caused mortality caused by legal and illegal hunting, self-defence kills by ungulate hunters, and vehicle/train collisions. Any land use that results in increased access or use of access by individuals carrying firearms is a threat to grizzly bear population persistence. Any roads with vehicle speeds greater than 70 kph also have potential to result in increased grizzly bear mortality. Sources of domestic garbage at the CVM are contained in appropriate secure containers and transported to the licensed landfill in Hinton as per the Approval conditions. Problem bear actions at mines in the Coal Branch region are of extremely limited occurrence. Grizzly bears actively select habitats and foods that provide them with the greatest possible net digestible energy (Hamer and Herrero 1983, Pritchard and Robbins 1989). Mining and subsequent reclamation of the existing CVM has significantly changed landscape structure, composition and food production in the permit area for grizzly bears. Mining and reclamation at the CVM has resulted in removal of tree canopies, leading to increases in availability of high energy herbaceous plant material (clover, thistles, legumes) and an increase in ungulates (elk, deer) responding to increased forage and edge habitat. There is strong evidence to suggest that ungulates and plants used for reclamation are sought and used extensively by grizzly bears occurring in the vicinity of the CVM area. Similar findings were observed in the existing Luscar and Gregg River mines (Stevens and Dowd 2005, Kansas and Symbaluk 2011). Bears using the reclaimed Luscar and Gregg River mine lands were on average larger than bears in an adjacent un-mined Subalpine and the Gregg/Luscar permit block was considered to be an attractive cub production (Kansas 2005). If similar reclamation measures are used on the Project then impacts on grizzly bears from a habitat alteration perspective will likely be positive within 10 years post-construction. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. This assertion is based on the fact that carrying of firearms is not permitted within any mine permit areas and traffic speed control is practiced. It is further supported by the fact that no grizzly bear mortalities have occurred on mine permit areas in 40+ years in the Coal Branch region (Symbaluk 2008). This does not diminish the seriousness of cumulative effects on grizzly bear mortality in the RSA and broader Yellowhead region. According to CR #7, Marten are listed as "Secure" by the Alberta Fish and Wildlife Division (2010), and winter tracking surveys from 2007 to 2011 indicate normal to above-normal marten densities throughout the RSA. Those surveys also indicate that marten trail densities in areas with past timber harvest were as high or higher than in areas without timber harvest. Based on the results of the wildlife studies it was concluded that marten will possibly avoid some high quality habitat during blasting and coal hauling during active mining, but this will be short to medium-term effect with limited demographic consequences. While marten utilize reclaimed mine habitats, at this point in natural succession they are reliant on remnant forest stands established within the CVM footprint. The following mitigation measures are recommended to increase marten habitat suitability and use of reclaimed mine lands: Marten use of regenerating stands may be enhanced with the occurrence of dense shrub and coniferous regeneration (Poole et al. 2004, Thompson et al. 2006). Selected native shrubs and trees should be planted to increase security cover for marten and their prey (weaving hare, red squirrels, voles and mice).
				Concern over impact to wildlife "Samson is concerned about water contamination arising from CVRI's activities. Additionally, the Project will disturb wildlife migratory patterns by creating a barrier and causing activity that will cause animals to avoid the area. One contributing factor will be the increased level of noise from the Project. Also, the animal populations depend on this area for natural medicines, such as the elk in the riparian area of the Project Area. Lastly, increase access to the area through clearing of timber areas necessary to construct the Project will increase predatory avenues that will decrease the numbers of game in the area."	November 17, 2014	According to CR #7, fishers are listed as Sensitive by the Alberta Fish and Wildlife Division (2010), and little is known of their ecology in the foothills of Alberta. They are an uncommon species in the RSA with occurrence linked to older mixedwood forests in the lower elevation eastern portions. This species is not commonly trapped in the RSA with harvest limited to eastern RFMA. High and very high quality fisher habitat currently comprises about 6% of the Project mine permit area (LSA). Fisher tracks were observed in the Project permit area but at much lower (40 times) densities than marten. The greatest threats to regional fisher populations are habitat alteration at material denning sites and over-trapping. Over-trapping is unlikely to occur because fisher harvest is very low in the region and subject to quotas. (continued below)
				Construction and operation of the Program will be disruptive to wildlife habitats and will drive game elsewhere due to linear and negative impacts. This will have a devastating impact on Samson. Therefore, mitigation measures approved by Samson must be put in place to ensure that the construction and operation of the Program is done in a manner that preserves wildlife, wildlife habitat, and Samson's traditional use of both. The Program Application must be considered in its present state of affairs, including the present population of wildlife and location of wildlife habitats.	November 17, 2014	(continued from above) The government can reduce quotas at any time if concerns over regional fisher occurrence or population density arise. A study of habitat alteration showed the predicted supply of high and very high quality fisher habitat over time considering effects of the Project and other planned and reasonably foreseeable land uses. The supply of high/very high fisher habitat increases steadily over time with increases of 27% and 44% for the Embarras and Lendrum BMU from baseline to T50. Based on the above evidence, the combined effects of the Project and past, present and future land actions on fisher populations are rated as insignificant. According to CR #7, the main potential causes of lynx mortality arising from the Project are: 1) vehicle collisions from coal haul; and, 2) fur harvest. Unlike cougars, lynx are not a big game species in Alberta. Therefore, increased legal hunting pressure due to improve human access will not likely occur. Trapping of lynx is quota-based and recent lynx harvest has not been excessive. Vehicle speeds are reduced on mines to <70 kph further reducing the likelihood of vehicle collisions. Overall, it is predicted that development of the Project is unlikely to cause an increase in lynx mortality. After the immediate maximum effect of construction, the losses of lynx habitat are predicted to be ameliorated over time by natural aging of existing forests and regeneration of forest on reclaimed lands. Succession of early post-settle clear cuts and Project reclamation to young forest with abundance bare populations are the main reasons for projected increases in quality lynx habitat. Planned timber harvest in the RSA will provide an optimal mix of regenerating forest and older forest that lynx need for forage and reproduction (denning). Surface coal mining will offer the same conditions if mitigation measures recommended are followed, and habitat supply projections for lynx predict that supply of high and very high quality lynx habitat will significantly increase from baseline to T50 in the RSA (277% in Embarras BMU and 193% in Lendrum BMU) largely because of planned timber harvest, beetle salvage and surface coal mining. According to CR #7, wolves are a common species in the LSA and RSA. From 1985 to 2001, a total of 14 wolves were trapped within the three RFMAs that overlap the LSA. Wolf trails were regularly observed during winter tracking surveys from 2007 to 2011 with travel and hunting occurring within the existing CVM permit area. Wolves are not a listed species at risk in Alberta or nationally. The greatest threats to regional wolf populations are human-caused mortality caused by legal and illegal hunting, fur harvest, and vehicle collisions. Wolves could also be affected by significant and large-scale regional declines in ungulate prey availability. It is unknown to what extent wolf project wolf populations. Wolves have inherently high fecundity and in a region with low human population levels (i.e. low mortality risk) are very unlikely to be extirpated in the RSA.
				"As identified in CVRI's Application, this area is a highly sensitive grizzly bear habitat. The bear is a very sacred animal and hold a high ceremony value to Samson due to its spiritual connection. This is due to the fact that the bear is a very important animal to Samson's creation story. This area is the last pristine home area of the grizzly bear. Therefore, Samson wants to ensure that there are no impacts to the grizzly bear and grizzly bear habitat."	November 17, 2014	In addition to mitigations mentioned above, proposed mitigation strategies to help protect these mammalian carnivore species include: 1) Monitor the effectiveness of measures designed to increase understory cover (downed woody debris, shrubs, tree density) on reclaimed mine lands for marten, fisher and lynx. Design a program that includes establishment of specific targets; 2) Monitor response of marten, fisher, lynx to existing and planned mine land reclamation using winter tracking techniques; 3) Determine if habitats required for fisher maternal denning occur or immediately adjacent to the Project and assess their levels of use by fisher; 4) Monitor the effectiveness of establishing and maintaining hiding cover for grizzly bears near Project edges and adjacent to main roads; 5) Measure and monitor human use levels of linear features during summer, winter and fall (hunting) seasons. Assign this as a primary task of the "bear warden" position. Use this data to design road closure plans; 6) Monitor the effectiveness of voluntary and enforced road closures including gating; 7) Monitor and study specific use of the existing CVM and proposed Project by grizzly bears. Investigate the extent to which existing mines in the region serve as attractive forage sources for grizzlies, and study implications of subregional mortality. Consider non-invasive methods including DNA hair snagging; 8) Continue long-term, multi-species winter monitoring of mammals (carnivores and prey) to regional habitat fragmentation using the tracking data conducted in 2007, 2009 and 2011 as a starting point.
A	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response

SCN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
10	Potential Impact to Treaty or Aboriginal Rights	Health	general impacts to environmental quality in Project area	The habitat suitability decreases, resulting in lost habitat. From the Project, it is material for culturally important species across all types of habitats... mining activities will change lands in the Project area from closed forest to barren land and herb-dominated vegetation communities.	September 28, 2012	In the impact zones of the Project area, considerable change to the current vegetation patterns will obviously occur. After initial topsoil placement, these areas may indeed be described as "barren," but relatively quickly the reclamation process will begin the natural succession that has and will characterize the development of the landscape's vegetation. The revegetation program proposed for the Project area will use experiences gained over the years at the CVM. Vegetation species will be selected to match site-specific conditions (slope position and exposure) that are consistent with the land use objectives, watershed, timber, wildlife, fisheries and aesthetics/recreation. These seed mixes are currently being utilized at CVM; the standard mix was formulated for use in drier upland areas, the wetland mix is formulated for the revegetation of lower lying wetter sites and constructed wetlands and a native seed mix formulated to facilitate native succession. Traditional value plants will be identified in respect to their possible use as revegetation species. The revegetation program will plant the dominant tree species; either a conifer or deciduous species. Where reclamation stock is available suitable understorey species will be inter-planted with the tree seedlings. Initial grass/legume seeding will be undertaken during the first growing season following mineral placement. Fertilizing will be completed in the same year (and may be repeated once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas. As noted above, reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. Given the timelines of forest succession, precise timelines for the development of a "dimer community" in reclaimed areas are difficult to predict, but this "successional reclamation" process (Polster, 1988) will continue for several decades. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features. CVRI also aims to maintain as much undisturbed habitat as possible during mining will help to enhance the wildlife diversity of the reclaimed sites. Adjacent landscape features will be emulated in the reclamation plan allowing for the development of similar habitat. A variety of wildlife uses on undisturbed and reclaimed habitat associated with coal leases during and after the mining phases has been documented. Wildlife have colonized new habitat created by reclamation of coal mines (MacCallum 2003). Activity associated with mining is predictable and focused. Animals are not subject to random and varied human disturbance within the NSL. These conditions allow animals to colonize the reclaimed landscape. The NSL associated with the CVM has provided a secure environment for wildlife and is instrumental in maintaining regional ungulate populations especially in the Critical Wildlife Habitat associated with the Lovett Ridge. Initial displacement of the existing wildlife community on the Project LSA by active mining will be followed relatively quickly by colonization of wildlife species appropriate to the stage of succession reached by the regenerated plant community. Given that appropriate habitats are established and movement opportunities are designed into the Project disturbance, wildlife are expected to adjust to the initial displacement and disturbance by colonizing newly available habitat and incorporating it into their daily and seasonal activities.
				"Samson is concerned about the impacts arising from the increased dust from CVRI's Program activities."	November 17, 2014	
				"Samson is concerned about impacts to the biodiversity of this resource-rich area."	November 17, 2014	
11	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	loss of access to additional land for traditional uses in general region	"Samson is concerned about the alienation of further Crown land and preferred use sites as its members will have to travel greater distances to access hunting, trapping, harvesting and ceremonial sites. Additionally, Samson is concerned about the amount of waterholes drying up in and around the area and the contamination of important water aquifers."	November 17, 2014	SCN is located 200 km straight-line east from the Project area, indicating that the large majority of potential SCN users already would have to travel a great distance to use the area. SCN has not identified any specific preferred use sites, ceremonial sites, hunting, trapping, or harvesting sites in the Project area to CVRI.
				The maps attached to the Affidavits of the SCN Harvesters delineate the areas in relation to the Project area and the LSA where the SCN Harvesters have and continue to hunt, fish, gather and trap. The SCN Harvesters further depose that the Project will impact wildlife populations beyond existing impacts, and that the Project will further restrict rights of access to lands previously available to them to practice their constitutionally protected rights to hunt, fish, gather and trap. The SCN Harvesters also report that the frequency of the exercise of their harvesting rights is currently being impacted by development. Additional development, such as the Project in the SCN's traditional territory, has the potential to further negatively impact the exercise of these traditional activities, and will further erode SCN's constitutionally entrenched and protected Aboriginal and Treaty rights.	September 28, 2012	CVRI notes that the submitted affidavits indicate that hunting, fishing, trapping, and gathering is undertaken across the general Project region, in some cases including the Project area, but in some cases the maps even indicate harvesting areas that include active mining areas related to CVRI and other companies. No information is provided relative to site-specific hunting, fishing, trapping, and traditional use activities indicated to occur within the Project area. Significant potential impact to harvesting activities is claimed, but no information supporting an adverse negative impact or unjustifiable infringement on Treaty Rights has been provided by SCN. Nonetheless, CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, usable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project. The purpose of discussions with individual Aboriginal groups is an acknowledgment by both parties that proposed mining activities will restrict access to areas for general traditional uses, and that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, and that further consultation may result in the identification of mitigations or accommodations of potential impacts suitable to all parties. CVRI will continue to consult with SCN in search of mutually agreeable understanding.
12	Consultation	Consultation	Consultation	It is clear from the SCN affidavits and the EA that many species in the Project area and LSA are already under stress. The Application fails to explain specifically how CVRI will reduce or mitigate impacts specifically with respect to SCN's constitutionally entrenched and protected Aboriginal and Treaty rights. Absent a proposal to specifically address potential direct and adverse impacts to SCN Aboriginal and Treaty rights, there exists a real risk that, if approved, the Project effects on culturally important species to SCN will be direct and adverse. It necessarily follows that the potential Project effects on the SCN rights associated with these culturally important species may also be both direct and adverse.	September 28, 2012	As noted above, in March 2013 both parties met to move the consultation process forward in a mutually agreeable form. This continuing consultation process should make meaningful progress in addressing, mitigating, or accommodating any identified project-specific potential impacts to SCN Treaty Rights and traditional uses of the Project area. Any SCN concerns brought forward to date through the consultation process or the submission of a Statement of Concern are addressed in this table. CVRI attempted to discuss some of them directly with Chief and Council during the meeting of March 2013, but the meeting was restricted due to unforeseen circumstances and did not allow for in-depth discussion of stated concerns. CVRI welcomes SCN comment on the responses, mitigations, or accommodations proposed here. The continuing consultation process will entail further discussion of these issues and others raised by and with SCN on a range of matters from potential impacts to Treaty Rights and traditional uses, to employment and contracting opportunities, to issues of community support. CVRI will work with potentially affected Aboriginal groups, including SCN, to understand, address, and accommodate potential impacts to Treaty Rights and traditional uses, and to provide other potential benefits to Aboriginal communities from the development of the Project where appropriate. Future meetings are required as discussed above. The reclamation process and mitigation measures are detailed in many of the above responses. CVRI will defer a response to the request for participation in ERCB (now the AER/hearings) to the AER.
				How are their concerns being mitigated with respect to wildlife and plants? Reclamation processes.	March 15, 2013	On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for CVRI, signed an agreement related to capacity funding for SCN traditional use studies of the Project, an agreement that anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project.
				SCN submits that at minimum oral hearing necessary for ERCB to consider how Project may impact SCN's rights, and if approved what conditions needed. Request for participatory rights in ERCB proceedings.	September 28, 2012	
				Representative expressed interest in having LDA funding as a way to move discussions forward	March 10, 2014	
	Consultation	Consultation	Project Application	Concern over the Crown's determination of EA completeness of the project as it does not consider project-specific direct, indirect and cumulative impacts to Samson's Aboriginal and Treaty Rights in making its determination of completeness.	August 28, 2014	On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for CVRI, signed an agreement related to capacity funding for SCN traditional use studies of the Project, an agreement that anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project.
				Concern that concerns have not been considered by the Director in determining EA completeness for the Robb Trend due to the fact that concerns have not been addressed by CVRI as consultation has not "got off the ground".	August 28, 2014	
				Concern that "The Program Application does not take into consideration Samson's interest"	November 17, 2014	
				Concern that "Samson has had no opportunity to meaningfully review and provide CVRI its comments on CVRI's remediation plans."	November 17, 2014	
	Consultation	Consultation	Consultation/Process	Concern that of ACO's assumption that consultation records on the project are accurate and that Samson has not been given adequate time to review consultation records and therefore the ACO is not in a position to understand level of consultation in regards to the Robb Trend.	August 28, 2014	CVRI has been engaged in consultation and information sharing with SCN since January 2013, a period of over two years, and in that time has provided Project information in a timely manner. CVRI has also supplied bi-monthly consultation updates throughout that period of time with SCN and has received no responses.
	Consultation	Consultation	Involvement in CEAA Participant Funding Program and JRP	Concern over terms of reference of JRP generally including that the JRP should consider Samson interests and included in the EA and the JRP should ensure it's report makes recommendations on impacts to Samson rights and interests.	January 20, 2015	
13	Employment Opportunities	Socio-economic development	Increased employment for underemployed sector of Aboriginal society	Any possible employment or procurement opportunities? It was also suggested that CVM attend a career fair/tradeshaw at SCN on March 27th.	March 15, 2013	CVRI has a hiring policy open to anyone with suitable qualifications. This policy has been provided to Aboriginal groups. CVRI has offered to communicate job postings with Aboriginal group employment officers.
	Training Opportunities	Socio-economic development	Increased employment for underemployed sector of Aboriginal society	Representative expressed interest in training opportunities to implement employment	September 7, 2013	CVRI and Westmoreland are also working on the development of a corporate consultation strategy that may see the formalization of educational and training opportunities for Aboriginal persons. CVRI encourages members of the Aboriginal community to trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We do have some trades apprentice positions at the mine, and there is on the job training for equipment operators. apply for jobs at the mine, both for
15	Contracting Opportunities	Socio-economic development	development of Aboriginal owned business; increased employment for underemployed sector of Aboriginal society	SCN is very focused on accessing procurement opportunities from the relationship with CVM. SCN is a business-oriented community, with a tremendous amount invested in building capacity within their own community. They are also focused on promoting employment and business opportunities off reserve	March 15, 2013	CVRI has a procurement policy open to any business which provides competitive services. This policy has been provided to Aboriginal groups. CVRI has offered to receive and review available Aboriginal group business proposals.
				Representative expressed would like to discuss business and contracting opportunities at next meeting	September 13, 2013	
				Representatives expressed interest in contracting opportunities	November 5, 2013	
12	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	Traditional Use Studies	Interest expressed in joint TLU studies	June 28, 2013	On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for CVRI, signed an agreement related to capacity funding for SCN traditional use studies of the Project, an agreement that anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project. The study scope was to be provided by October, 2014, with the report on the studies provided when ready. Neither the study scope nor the final traditional use report have been provided to CVRI to date.
				Representative expressed interest in agreement regarding hiring a consultant for parts of the communities TLU studies of the Robb Trend.	August 19, 2013	
				Representative expressed interest in moving quickly on a TLU budget and proposal	August 15, 2013	
				Representative expressed would like to negotiate TLU studies at next meeting	September 7, 2013	
				Interest expressed in discussion of negotiating terms of a TLU proposal at meeting	September 13, 2013	
22	General Community Support	MOU	MOU	Interest expressed in agreement with community	June 28, 2013	On the 18th of September, Chief Buffalo and John Schaden, Executive Vice President for CVRI, signed an agreement related to capacity funding for SCN traditional use studies of the Project, an agreement that anticipates future negotiations towards a final agreement between the parties to address SCN concerns regarding the Project.

FOFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of traditional use site locations in Project area	FOFN representatives have asserted on numerous occasions that the community has traditional use sites in the Project area.		<p>CVRI has worked with FOFN in the past to avoid or otherwise mitigate claimed traditional use sites in its project areas at the CVM, and has offered to work with the FOFN to reduce any potential impacts in the Project footprint. As noted in correspondence from FOFN, they do not feel that all of the past efforts have been successful, particularly regarding older CVRI operations. It is true that in the past, neither the Crown nor most proponents engaged in significant consultation with Aboriginal groups. However, even CVRI's record on consultation with FOFN has its origins prior to the implementation of consultation requirements in the Province. As for impacts to traditional use sites or other Aboriginal Rights, CVRI has requested information on the location, nature, and significance of any traditional use sites in the Project area, in order that its planners can work with the community to avoid sites where necessary or to otherwise mitigate impacts resulting from removals, etc. CVRI has funded FOFN efforts to locate and record information in the Project area, and has provided additional funding on more than one occasion for efforts to manage the information database and produce mapping information. These efforts, begun in 2007, have resulted in no sharing of information on the part of FOFN. One small-scale print of "dots on a map" has been provided, but the regional scale and lack of information about the sites is completely inadequate for a meaningful discussion of potential Project impacts and strategies to mitigate concerns related to those sites. The only sites representatives of CVRI have been shown on the ground, including cabin sites, burials, and ceremonial sites, lie outside of the currently proposed Project area. The continued frustration of this process on the part of FOFN can only result in a situation where continued unsubstantiated claims regarding impacts are made, to which CVRI is unable to respond due to lack of information. CVRI has offered to avoid or mitigate sites where possible, but sufficient detailed information must be provided by FOFN leadership. Most recently, at a November 22, 2011 meeting Les LaFleur offered immediate capacity funding to move FOFN mapping forward (which was provided), and continual funding in a long-term agreement to help manage the database. Les also offered what information CVRI currently had on file (from previous consultation efforts) regarding the locations of other FOFN sites (supplied). On February 7, 2012 [Leader] and Les LaFleur met to discuss the location of a site and another in potential conflict with CVRI operations in Robb Trend West, but again a specific location and nature of the site have not been shared. Based on the description of the site location, Les LaFleur believes that it is most likely outside of CVRI's proposed development footprint. As stated on numerous occasions in the past, once CVRI is provided with locations and descriptive information regarding FOFN traditional sites, it is prepared to work with the community to avoid important sites or otherwise mitigate Project effects where possible. FOFN leadership has indicated that until its terms are met on a final agreement between the parties (which includes requests for substantial funding and compensation), there will be no additional field studies or information sharing regarding FOFN sites in the Project area.</p>
				Potentially numerous traditional use sites not recorded as of 2006, once recorded does not want them public.	October 5, 2006	
				Claim of over 110 sites in the expansion areas (includes Mercoal West, Yellowhead Tower, Robb Trend)	April 22, 2008	
				Discussion of additional land use studies to locate sites.	October 19, 2011	
				Small-scale map of FOFN traditional sites in project area produced (no information on specific locations or nature of sites).	November 22, 2011	
				On December 9, 2011, [Leader] called specifically regarding a ceremonial location potentially in Robb Trend West (his immediate concern was not Project related, nonetheless a potential site conflict was reported).	December 9, 2011	
				Issue of buffers around avoided sites has been discussed on numerous occasions	November 9, 2011; January 30, 2012	
2	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	loss of access to specific traditional use locations in Project area	Concern mentioned about access to important sites after mine development.	October 5, 2006	<p>CVRI understands that FOFN may have traditional use sites currently used, the access to which could become restricted by the development of the Project. As noted in several face-to-face meetings with FOFN leadership, CVRI is more than willing to work with FOFN to help maintain access to those sites when necessary. In addition, CVRI has offered assistance if requested to help identify other suitable areas for certain traditional uses should the Project development restrict access to, or remove, specific preferred locations for undertaking traditional uses or exercising other Rights. CVRI notes that courts have interpreted jurisprudence to indicate that the protection of a right does not guarantee its exercise in an "unspoiled wilderness" or in one particular location (Halfway River 1999: 140-141). As acknowledged by FOFN, the safety considerations of an open pit mine need to be considered when judging and gaining access through active mining areas, but CVRI is prepared to work with FOFN to help maintain access in the best manner possible. CVRI also noted that access to all areas will not be restricted at once if approval for the Project is issued. Any access restrictions would not be permanent given the intended period of time that CVRI plans to operate in the Project area. It will mine the Project in stages over a 25-year period. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use, including unrestricted access, as the last lands are being mined.</p>
				Again that is when you go back now to when things were outlawed and that is why I asked you before how are you going to allow me, if I have a site here, and mining is going on here, because I have drove in there once. Your company's cops came after me and told me I shouldn't be here, I am just trying to get to my bundle I left here, but they sent me out.	November 9, 2011	
				FOFN should have free, unrestricted access (conforming to safety needs), and any environmental monitors would need free movement to demonstrate not controlled by company.	March 30, 2012	
3	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of medicinal, ceremonial, and food plant species in Project area, desire to be involved in using traditional knowledge	FOFN would like to be directly involved in reclamation process using traditional knowledge	May 2, 2008; July 16, 2008; October 30, 2009; October 19, 2011; January 30, 2012; March 30, 2012	<p>CVRI has continuously offered to support FOFN direct involvement in the reclamation process through environmental monitoring, use of FOFN TEK and community members, collection of seeds and dispersal, transplanting, or other measures to help avoid the issues with mono-culture or the use of non-native species as discussed. Specifics of this have not been worked out, as the two parties have yet to reach a final agreement that addresses some of these matters directly. Several other Aboriginal groups have expressed this same concern, and CVRI is committed to availing itself of Aboriginal knowledge to develop the specific reclamation plans for the mine areas requiring reclamation. CVRI must also address AESRD requirements for reclamation activities. CVRI has repeatedly expressed interest in FOFN recommended techniques for reclamation, and looks forward to an arrangement that will see some of that expertise put to use to return the land to a condition ultimately suitable for use by Aboriginal groups to exercise Treaty and Aboriginal Rights and traditional uses.</p> <p>CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. The distribution of ecotone phases which support TEK vegetation will be accessible in the RSA following removal of ecotone phases by the Project Footprint in the LSA. It is assumed that ecotone phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following:</p> <ul style="list-style-type: none"> • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, <p>• implementing a re-vegetation program which aims at the re-establishment of ecotones common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecotones will, over time, again support TEK vegetation. With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecotone phases within the LSA. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established. The revegetation program proposed for the Project area will use experiences gained over the years at the CVM. Vegetation species will be selected to match site-specific conditions (slope position and exposure) that are consistent with the land use objectives; watershed, timber, wildlife, fisheries and aesthetics/recreation. Three seed mixes are currently being utilized at CVM; the standard mix was formulated for use in drier upland areas, the wetland mix is formulated for the revegetation of lower lying wetter sites and</p>
				We want it to return to the way it was so we can use it the same way in the future and balance what has been introduced from the educational system and shows up in environmental assessments, with what we know. We are in a perfect place, and time, to return things the way it should be because the land has all been looked at through the Foothills Model Forest program and now we have the Forest Research Institute so the studies are all there. All the studies that have taken place over the last few years and for the government as well. We're hoping our people are going to become involved with all of them as employees of the government, in the industries and in the Research Institute.	November 9, 2011	
				If we use the same soil and get seeds in the same season we are in now, the fall, that were there before the mine work I can guarantee that the lands will all come back exactly the way it was before.	November 9, 2011	
				On numerous occasions FOFN have expressed concern with the use of non-native species such as grass for reclamation activities	January 30, 2012	

FOFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
				<p>[Leader] noted that the greatest long term concern is that the land be returned to its natural vegetation and animal communities as soon as possible after the land is used for mining...FOFN would require some guarantees that the rehabilitation of specific site values lost would be replaced in the same year they were destroyed and that the rehabilitation would return the natural conditions of the site not just be an exercise in monoculture planting</p>	February 19, 2013	<p>constructed wetlands and a native seed mix formulated to facilitate native succession. Traditional value plants will be identified in respect to their possible use as revegetation species. The revegetation program will plant the dominant tree species; either a conifer or deciduous species. Where reclamation stock is available suitable understory species will be inter-planted with the tree seedlings. Initial grass/legume seeding will be undertaken during the first growing season following minesoil placement. Fertilizing will be completed in the same year (and may be repeated once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas. As noted above, reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. Given the timelines of forest succession, precise timelines for the development of a "climax community" in reclaimed areas are difficult to predict, but this "successional reclamation" process (Polster, 1989) will continue for several decades.</p>
				Interest expressed in forming group to collect seeds, plants and provide herbs for reclamation purposes.	February 10, 2014	
4	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of burials in Project area	<p>"There are burial sites of our people in the area by the Robb Trend and Lovett Rivers...Graves: in the Robb Trend. These absolutely NEED to be protected."</p> <p>Yes but we would like to have something in place for certain things like gravesites or special area sites. You walk into a place and you feel this energy. Those are the kind of sites that we want to protect.</p>	2009 November 9, 2011	<p>FOFN has provided no information to CVRI regarding any burials located within the Project area. In the context of Project consultations, representatives of CVRI were shown a single burial location outside of the proposed Project lease area. Otherwise, the Lovett River burials referred to are also well outside of the Project area. As always, CVRI is prepared to work with FOFN on the avoidance or mitigation of any verifiable burial locations in the Project area. If during operations possible burials are encountered, CVRI is prepared to work with Aboriginal communities and regulators to confirm burial association and devise an appropriate avoidance or mitigation strategy. The presence of human remains or burials on Project lands, whether Aboriginal or not, is subject to Federal and Provincial laws and regulations including Section 182 of the Criminal Code, the <i>Alberta Cemeteries Act</i>, and potentially the <i>Alberta Historical Resources Act</i>. Knowingly disturbing human remains (improper interference) without legal authorization constitutes a criminal act, and knowingly disturbing burials, recorded or not, without legal authorization contravenes the Cemeteries Act and potentially the Historical Resources Act. In addition to moral duties, sanctions of both a criminal and financial nature for any actions provide significant impetus for CVRI to act swiftly and accordingly should potential burials be identified during development activities. Mine management will ensure that all supervisors and workers are aware of the legal and moral issues regarding possible burials.</p>
5	Potential Impact to Treaty or Aboriginal Right	Traditional Use	general impacts to water quality in Project area	<p>"The streams and rivers must be allowed to maintain a natural flow... They must be kept and remain unobstructed and un-polluted... Any disturbance of the land must not affect or harm the aquatic organisms... There can be zero sediment loading from the construction activities... The PH level of the water must stay balanced and remain the same as the natural water prior to any disturbance... Selenium leeching has been a problem, there must be accurate and careful MONITORING conducted in accordance with environmental standards and this must be shown to and/or monitored by the community... Clay has a purpose, for the water will turn stale when it is disturbed, which will lead to sickness for the animals, clay purifies the water. So this also must be preserved and carefully protected... Water monitoring reports must be sent to the community as we also hunt in the area and conduct periodic community ceremonies there."</p>	January 28, 2009	<p>CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including:</p> <ul style="list-style-type: none"> • continue monitoring programs already in place at the existing CVM mine (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); • document the effect of mine operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; • establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; • conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); • conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; • monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and • monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval. <p>The surface hydrology assessment presents proposed water management plans and addresses the potential impact of the Project on:</p> <ul style="list-style-type: none"> • the quantity of surface water flow and stream behaviour during high, average and low flow conditions; and • sediment concentrations in local and regional streams. <p>Various water management and sediment control measures will be implemented for the Project during operations, reclamation, and closure, including:</p> <ol style="list-style-type: none"> 1) Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPEA approval; 2) Release of water pollutants from the site such as oil and grease is controlled. With the installation of oil booms on the impoundments and immediate containment of oil in the event of a spill, there is little danger of these materials contaminating surface waters. Components of the water handling system will be designed according to the governmental specification and the systems will be operated in accordance with regulatory approval requirements; and Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPEA approval; 3) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling ponds. Several of the responses above detail the mitigation measures to be used to avoid these problems. In addition, the general practice at the CVM is to discharge groundwater entering the Project mine areas to nearby surface water courses after being treated in settling ponds. It has been shown that the quality of groundwater in the two proposed mining areas are similar to groundwater chemistry in present and past mining areas in Coal Valley and of acceptable quality for discharge to surface water bodies. There will be an insignificant impact on surface water quality caused by the discharge of groundwater from the pits. There are two issues with respect to how changes in groundwater chemistry may affect the quality of groundwater in the vicinity of the Project pits. These issues can be summarized as 1) changes resulting from the removal and placement of mine spoil, and 2) changes due to spills and leaks. Toe springs are a characteristic of spoil dumps that are external to the mine pit. Water chemistry of four springs at the toes of major mine spoil dumps in the CVM have been monitored since 2000. All parameters fall within acceptable ranges observed elsewhere in the area. The monitoring of toe springs at CVM has demonstrated that there are no significant impacts from spoil on water chemistry. Hydrocarbon fuels will be present in the Project mobile equipment, vehicles and in bulk storage. There is a potential for spills or leaks of these hydrocarbons. Spills from equipment and vehicles will be the result of accidents. In this situation, there will be rapid response and clean up. The probability that such an event could cause an impact on groundwater quality is remote. The impact is therefore insignificant. CVRI has also studied the water quality of its end-pit lakes. There have now been three sets of limnological and ecological studies conducted on CVM end-pit lakes: the studies in the 1990s conducted on Lovett, Silkstone, and Stirling (Pit 24) lakes (Agbeti 1998, Mackay 1999); the 2006 studies conducted on Lovett, Silkstone, and Stirling (Pit 24) lakes plus Pit 35 and Pit 45 lakes (Hatfield 2008), and the current study. Taken together, the results of these studies indicate that there may be fewer constraints of water quality to the ecological viability of end-pit lakes in the CVM area than those described in End-Pit Lake Working Group (2004): 1. The concentration of a number of water quality variables, such as nutrients and major ions, are higher in end-pit lakes than in natural lakes, but these higher concentrations are not at levels that would affect the ecological viability of the end-pit lakes. 2. There have been relatively few instances of measured water quality variables, including metals, exceeding provincial or federal water quality guidelines. 3. The incidence of water quality guideline exceedance is not measurably greater in end-pit lakes than in natural lakes in the CVM area. 4. The trophic status of end-pit lakes is similar to that of natural lakes in the CVM area. <p>The exception to this is dissolved oxygen. The results of this study indicate there are portions of end-pit lakes in all seasons sampled with concentrations of dissolved oxygen that are below provincial guidelines for the protection of aquatic life. The same is true of Fairfax Lake, the natural lake that was surveyed as part of this study. The depth patterns of dissolved oxygen in the lakes that were studied are related to processes of lake stratification and turnover.</p>
5a	continued from above			continued from above		

FOFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general effects on wildlife in Project area	"Wildlife corridors must be maintained as near to their natural pathways as possible, especially for the large ungulates (specifically the grass eating animals such as elk, moose, deer, bighorn sheep and caribou). Also it is necessary to be aware of and monitor the carnivores presence in the area (bears, wolves, coyotes, wolverines). This must be undertaken on a regular basis, and natural safety precautions for doing so must be taken. Natural mineral licks and Salt licks must first be identified and then be protected in the three trends. Protection of ALL calving areas is required. There must be monitoring and protection of the Healing mosses that grow in the marshes, and muskegs. Wildlife habitats need to be identified and protected such as bear dens squirrel trees and bird habitat."	January 28, 2009; numerous other occasions	Wildlife monitoring is common practice at all CVRI mines to various degrees of complexity. All CVRI projects required to provide baseline wildlife data and ongoing monitoring occurs with wildlife cameras and survey counts identifying what habitat (pre-mine, during mining, post-mine, reclaimed) is used and to what degree. The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones through displacement. Most wildlife will likely be displaced to adjacent habitat patches. Ungulates will be temporarily displaced by active mining as they are unable to cross a pit disturbance (big horn sheep and caribou are not found in the Project area or the RSA). This displacement will be restricted to local use as there are no indications of long distance or major seasons migrations in the LSA. Large amounts of moderate quality moose habitat is available throughout the RSA for moose thereby moderating the effect of habitat change caused by mining. High quality moose habitat on the Project and other areas associated with mixed wood of the Lovett Ridge will be reclaimed with a closed forest regeneration forest of lesser habitat quality. The impacts of the Project development on moose in the region can be mitigated by: implementing reclamation techniques appropriate for moose, establishing a variety of vegetation types and promoting understory complexity in regenerated forests that includes willow species, aligning reclamation and other re-vegetation efforts to maintain and improve moose habitat, taking steps to ensure core security areas are provided for wildlife, implementing appropriate monitoring, cooperating with the province and other industry on access management and other relevant management issues. Low calf moose numbers are generally attributed to wolf predation, lack of forage, increased access leading to increased hunting and die-off related to ticks. Mining and forest harvesting may result in temporary displacement of local populations but the RSA is characterized by a large amount of moderate quality moose habitat. An examination of elk observations during Fish and Wildlife moose surveys in the area on the north side of the existing CEA study area indicates scattered elk in low numbers. There is not a substantive elk population in this area. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. It is expected that elk and deer will respond positively to the early stages of upland reclaimed and re-vegetated areas on the LSA particularly in the Robb West, Main and Central zones where there is extensive mixed wood and deciduous habitat adjacent the disturbance area.
				What does CVRI do with the bear dens?	November 22, 2011	CR #7 is a comprehensive study of the mammalian carnivores noted in this concern and potential impacts to them from the Project. Proposed mitigation strategies to help protect these mammalian carnivore species include: 1) Monitor the effectiveness of measures designed to increase understory cover (downed woody debris, shrubs, tree density) on reclaimed mine lands for marten, fisher and lynx. Design a program that includes establishment of specific targets; 2) Monitor response of marten, fisher/lynx to existing and planned mine land reclamation using winter tracking techniques; 3) Determine if habitats required for fisher maternal denning occur on or immediately adjacent to the Project and assess their levels of use by fisher; 4) Monitor the effectiveness of establishing and maintaining hiding cover for grizzly bears near Project edges and adjacent to main roads; 5) Measure and monitor human use levels of linear features during summer, winter and fall (hunting) seasons. Assign this as a primary task of the 'bear warden' position. Use this data to design road closure plans; 6) Monitor the effectiveness of voluntary and enforced road closures including gating; 7) Monitor and study specific use of the existing CVM and proposed Project by grizzly bears. Investigate the extent to which existing mines in the region serve as attractive forage sources for grizzlies, and study implications for subregional mortality. Consider non-intrusive methods including DNA hair snagging; 8) Continue long-term, multi-species winter monitoring of mammals (carnivores and prey) to regional habitat fragmentation using the tracking data conducted in 2007, 2009 and 2011 as a starting point.
				FOFN indicated that traditional studies did not cover off places like salt licks, calving areas, bear dens, eagle nests.	January 30, 2012	A minimum 30m buffer is maintained around all watercourses and if an important wildlife component (nest, den, rearing area) is identified, site specific mitigation will be implemented that could include time restrictions. Seepages which develop on the landscape after mining may provide mineral licks for ungulates in the future. These should be identified as permanent features in the final reclaimed landscape.
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to environmental quality in Project area	Need to monitor for things like spills etc. and how those affect the soil and vegetation near important areas.	July 16, 2008	The incidence of spills occurring at the CVM is low and a comprehensive spill response plan is in place to prevent any adverse effects on the environment including groundwater sources. As mentioned in Section C.6.6.5 to C.6.6.9 of the application, CVRI maintains a Standard Practice and Procedure for Spill Response which includes training all staff members in spill response and clean up measures. Employees are accountable for ensuring that a high level of spill prevention is maintained by following good housekeeping and maintenance practices. In the event of a spill, the effectiveness of response operations are influenced by the time in which the spill is detected, controlled and contained. The initial spill response is designed to address the issues of paramount concern such as safety, environmental and property protection. After a spill is detected, the following actions are taken: <ul style="list-style-type: none"> • ensure that the source(s) of the spill has been shut-off; • determine the level of hazard to personnel, property and the environment. If necessary, the Senior Foreman is called for assistance. The Senior Foreman may elect to handle cleanup operations with departmental personnel. If it appears that the spill could result in damage or harm to personnel, the environment or property, CVRI's Emergency Response Team will be called and respond for cleanup. If additional manpower and spill response expertise is required, it will be obtained through mutual aid support groups, spill cleanup contractors and/or consulting services; • start spill containment, recovery and cleanup operations with equipment on hand; and • initiate spill notification procedures. Initial cleanup operations focus on containing the spilled product to prevent further contamination. The spill is contained to the smallest manageable area possible, reference will be made to the product Material Safety Data Sheet for proper treatment and cleanup procedures. Spilled material is recovered and sent to off-site licensed disposal facilities and or recycling stations as appropriate. Procedures followed in the onsite disposal or short term storage of contaminated material comply with regulatory requirements for disposal/storage. Spills are contained immediately and materials are used to soak the product up or the area is excavated not allowing for the spilled product to seep into the ground or groundwater sources. The CVM has a long-term groundwater monitoring program that monitors groundwater levels and chemistry in various areas of the CVM including the active mine areas, future mining areas, reclaimed areas and surrounding the plant, shop and maintenance facilities. Any potential spills would be detected from the numerous piezometers found within the CVM permit.
					January 28, 2009	Not all of the Project area will be disturbed at one time. CVRI's reclamation objective for the CVM is to reclaim mined lands to meet equivalent land capability with the intended end land uses. The achievement of this objective assures that mining is a temporary use of the land. An ecosystem based management approach has been used for the development of this reclamation plan. The revegetation program proposed for the Project area will use experiences gained over the years at the CVM. Vegetation species will be selected to match site-specific conditions (slope position and exposure) that are consistent with the land use objectives; watershed, timber, wildlife, fisheries and aesthetics/recreation. The revegetation program will plant the dominant tree species; either a conifer or deciduous species. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas.
				General concerns about environmental damage noted	March 30, 2012	The following monitoring will continue within the Project area and throughout the mine site to mitigate against environmental damage: <ul style="list-style-type: none"> • groundwater; • surface water; • air; • noise; • wildlife/aquatics; • vegetation/wetlands; • reclamation; and • regulatory compliance.

FOFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
8	Potential Impact to Treaty or Aboriginal Rights	Health	general impacts to Aboriginal health quality in surrounding region	"When you see such huge increases of diseases and cancers affecting the native population, it because Mother Earth is sick with so many different destructions that are being done to her, especially through the terrible impacts from industries."	January 28, 2009	<p>Studies of Human Health impact (CR#5), including Aboriginal receptors utilizing a subsistence diet in the region, indicate no substantial Project-related health risks due to exposure to, inhalation, or ingestion of chemicals, toxins, carcinogens, or harmful non-carcinogens. No adverse health effects are expected for the region. CVRI will continue to implement monitoring of air, surface water, and ground water to help mitigate any potential effects. Potential impact to a member of the FOFN community through dietary intake cannot reasonably be expected to exceed the conditions as laid out for an Aboriginal receptor in the study of human health. Through its consultation efforts, CVRI is aware that many Aboriginal groups are concerned about the effect of industrial development on wildlife health. They report cases of diseased animals that when butchered are found unfit for consumption, and many attribute this to industrial development. This has even led to research studies into animal health supported by several Treaty 6 First Nations. And of course, Alberta Fish & Wildlife (AESRD) studies numerous animal health issues including Chronic Wasting Disease (CWD), White-nose Syndrome, West Nile Virus, mammalian skin tumours, and numerous others. They have established programs to track, understand, and manage many of these. CVRI recommends that Aboriginal groups continue to press the Provincial Crown and other industrial players on the potential link between industrial activities and animal health. As for Project potential effects on animal health, a discussion of these is found in CR#5, Human Health, Appendix F: Screening Level Wildlife Risk Assessment (SLWRA). This assessment looked at any potentially harmful substances that could be associated with the Project such as air contaminants, heavy metals, polycyclic aromatic hydrocarbons, volatile organic compounds, and others that could be released into the air, or otherwise make their way into soils or surface water, and then be breathed in or eaten by animals. In order to err on the side of caution, the study assumed that potentially affected animals would be exposed to maximum potential adverse effects from the air for their entire life cycle, and that the Project would last 80 years instead of 25. The assessment concluded that predicted acute exposures to the substances through the air would not have an adverse effect on either avian or mammalian wildlife in the region. It was also concluded that predicted chronic exposures to the substances through the air would not have an adverse effect on mammalian wildlife in the region. Most predicted soil concentrations for these substances are not expected to have an adverse effect on wildlife populations in the study area. However, some metals identified during the screening indicated a possible concern under only one of the several screening guidelines, and resulted in more in-depth analysis. This analysis indicated that these metals will be within the typical range of levels across Alberta, and therefore comparison of predicted soil concentrations to background levels indicated that wildlife are not likely to be at any greater risk in the RSA than other populations across Canada. In all instances, the long-term surface water concentrations of the substances are not anticipated to adversely affect wildlife populations in the region. The results of the SLWRA indicate that the overall risks posed to wildlife health from the Project will be low. Therefore, no impacts to wildlife populations are expected based on estimated wildlife exposures to predicted maximum acute and chronic air concentrations and measured soil and surface water concentrations. The confidence in the prediction is high since highly conservative assumptions were applied in the SLWRA. CVRI will continue to work with government agencies, Aboriginal groups, and others to monitor and mitigate against potential effects to animal health in the region.</p> <p>As noted in response #7 above, monitoring will continue within the Project area and throughout the mine site to help ensure the continued minimization of impact to the environment. Based on the ongoing monitoring, changes, if required, can be made to the mine plan or reclamation plan in order to decrease any potential for irreversible effects.</p>
9	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general effect on environmental quality in surrounding region	<p>We are interested in the preservation of the land that our people have used over time and also migrations in the area and the environment in the area. That is not only talking about the ecosystem but the springs that are there the salt and the mineral licks in the area and the wildlife use areas and calving areas...</p> <p>Must also review the CVRI Environmental Impact Assessment from the aboriginal view of the environment, which is not the same as the white technical review.</p>	<p>November 9, 2011</p> <p>March 30, 2012</p>	<p>CVRI has provided capacity funding in the past specifically for FOFN review of its past project applications. FOFN has not in the past provided specific information or comment to CVRI based on those reviews. CVRI and FOFN currently operate through an interim agreement that provides substantial on-going capacity funding to allow Aboriginal Group B to provide comment and input on aspects of the Project from their Aboriginal perspective. Through these consultation efforts, numerous strategies designed to minimize potential environmental impacts, and strategies aimed at affective reclamation including the use of Aboriginal traditional ecological knowledge, CVRI plans to return the land to a more natural state at the end of its proposed stewardship of the Project area.</p>
10	Potential Impact to Aboriginal Heritage	Sacred and Archaeological Sites	other	<p>I've just been taking you to the current use areas beyond 1951. When ceremonies were outlawed, that is cultural and ceremonial areas used, back in the 1800s and they said you are not going to do anymore ceremonies and they didn't release those prohibitions until 1950's after 1951 the prohibitions were released. Jasper National Park was just released in 2010. That's very recent history. But the sites from 1820 to 1951 which was when the Freedom of Religion Act came into place during that time our people had no structures not until things but it still took until the 1960s before FOFN members trusted the government would not interfere with the ceremonies in public. Some of the areas I've been with Dan basically just the current use. So my question to you always in the back of my mind is what is historical in your determination for your company and government.</p> <p>FOFN indicated that previous traditional studies have recorded only current use sites, not historical sites that may be hundreds of years old.</p> <p>"With regards to the Obed Mountain, Mercoal West, and Yellowhead Tower mines that have already been constructed, CVRI failed to avoid any destruction of the sacred and archaeological sites that would have otherwise been identified by [Leader] had the appropriate consultation, cooperation, and accommodation been undertaken by the Crown prior to project authorization. Any significant damage caused to those sacred and archaeological sites by the projects is the result of the failure of the Crown to consult and cooperate with the FOFN prior to issuing the permits for those projects. Only meaningful consultation and cooperation that compels future protection of remaining sacred sites can satisfactorily protect the territory of the FOFN."</p>	<p>November 9, 2011</p> <p>January 30, 2012</p> <p>March 7, 2012</p>	<p>CVRI recognizes that FOFN traditional uses of the region includes locations where ceremonies or other religious activities would have been performed. CVRI has provided substantial capacity funding in the past to FOFN to assist in the recording of traditional use sites in its project areas, including the Project area. As these studies were substantial, and the personnel involved were chosen at the sole discretion of FOFN leadership, CVRI trusts that the appropriate knowledge holders were consulted to identify FOFN traditional use sites in the Project area. As noted above, none of the information collected during the work programs has been shared with CVRI planners to assist in the development of avoidance or mitigation options. The onus has been and is on FOFN to inform CVRI and the Crown of the presence of any such sites in the Project area. Given that CVRI has been engaged with FOFN regarding the Project since 2006, it trusts that sites of importance should have been reported to and discussed with both CVRI and the Crown. With respect to archaeological and historic period sites, the management of historical resources in Alberta is governed by the <i>Historical Resources Act</i> and administered by the Provincial Crown (Alberta Culture). Provincial authority to do so has been supported by past Supreme Court of Canada decisions, most notably <i>Kitkatla Band v. British Columbia</i> (2002 SCC 31). Although CVRI has shared some general information regarding its Historical Resources Impact Assessment studies with both Aboriginal groups and the public, regulations under the Act limit information sharing on the part of CVRI and its consultants in order to help protect extant significant sites and any associated information and artifacts. Any questions regarding historical resources should be directed to the Head, Archaeological Survey of Alberta, Historical Resources Management Branch, Alberta Culture.</p>
11	Consultation Process	Consultation	Consultation	<p>Complaint regarding statement on web reflecting completeness of consultation with "key groups.": "There is potentially already reason for concern that the rights and interests of the FOFN are not fully being taken into consideration as the regulatory process unfolds. For instance, in the document 'Robb Trend Project-Summary Table and Map', published on the Alberta Ministry of Environment and Water website, and enclosed here, one finds a statement that the Robb Trend project 'has received sign off from all key aboriginal groups for most of the Robb Trend Area' (our emphasis). However, the FOFN have not 'signed off' on the project and all aboriginal groups are key. This statement is likely to mislead the reader into believing that the 'Aboriginal question' has been satisfactorily put to rest."</p>	<p>January 30, 2012; March 7, 2012</p>	<p>The statement referred to in this concern was present at one time on the Alberta Environment web site, and was removed following the report of this stated concern to CVRI. CVRI views consultation as an on-going process with FOFN and the others with which it is engaged in consultation. Consultation efforts are expected to extend beyond the period of Project development and application into its operational phases, as is anticipated in CVRI's efforts to enter into long-term relationships and agreements with Aboriginal groups where appropriate. CVRI and FOFN have an interim agreement in place, and have been involved in discussions to cement a final agreement intended in part to address FOFN concerns. CVRI has been engaged in consultation with FOFN on the Project since 2006, believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in terms of the assessment of its adequacy. Nonetheless, it does not consider that "the Aboriginal question has been put to rest," and continues to engage Aboriginal groups regarding the proposed Project and potential impacts to Rights and traditional uses.</p>

FOFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
12	Capacity Funding	Consultation	Consultation	Also a separate, specific budget that will cover environmental, legal, and administrative costs for the negotiations will be provided. I trust that Coal Valley Mine Inc. will be ready to negotiate. With the two sides on even footing, benefit agreement negotiations can then commence.	April 22, 2008	CVRI and FOFN have an interim agreement in place that provides substantial funding to allow FOFN to maintain consultation efforts with the company regarding the Project and other related activities. As noted above, CVRI believes that its efforts on the delegated portions of the consultation process are well beyond reasonable in terms of the assessment of its adequacy, with that funding being a prime example of the commitment to continued fair and reasonable dealings. CVRI in no way regularly engages legal counsel in its consultation efforts with Aboriginal groups, and expects that even should FOFN require modest amounts of legal advice at certain stages of the process, adequate funding is in fact in place. CVRI is not solely responsible for the support and development of FOFN's consultation program, and suggests that additional funding for that be sought from relevant Provincial and Federal ministries should the community believe funds available to them for these efforts are insufficient. The Crown is ultimately responsible for consultation given that the Duty to Consult is vested in the Honour of the Crown, not CVRI to whom only aspects of the consultation process have been delegated.
				I'm also concerned that there is a budget in place funded through outside sources that allows the FOFN to fulfill their promises.	November 9, 2011	
				General commentary on need for additional funding for consultation.	March 19, 2012	
				"I appreciate the commitments in principle CVRI has either proposed, or agreed to; during the meetings we have had over the past few months but reiterate that it is impossible to conduct fair and equitable negotiations without adequate funding to hire consultant and legal assistance in this process, a point which you promised to address in our next meeting."	April 29, 2012	
				"Although we appreciate this commitment to continued funding, we want to be clear that in going forward the funding must be increased to a level that adequately supports the FOFN in the tasks at hand whether they be providing input for the EIA or participating in negotiations towards a 'Mutual Benefits Agreement' which, as can be seen from the law and policy on meaningful consultation and accommodation articulated above, are two intimately related tasks. Without adequate funding provided in the immediate term we will no longer be in a position to provide input towards the EIA. Likewise, as was discussed in the last correspondence from [Leader] to you at the last paragraph, without adequate funding ensuring our continued participation in negotiating a 'Mutual Benefits Agreement', we would simply not be in a position to confirm that we were adequately consulted and accommodated."	May 25, 2012	
13	Compensation	other	other	Request for "FOFN participation" in project.	May 2, 2008	At a November 22, 2011 meeting Les LaFleur indicated that CVRI would not be prepared to offer any compensation for operations that may have disturbed FOFN "sites" in the past or disturbed lands on which their members may have undertaken pursuits related to Aboriginal Rights and traditional uses such as hunting and collecting. CVRI is unaware of any decisions indicating that FOFN has demonstrated Title to the Project area or portions thereof, and will not be offering compensation in the forms of payments or royalties to any Aboriginal group. CVRI does recognize that the development of the Project can offer mutually beneficial opportunities in the forms of employment and contracting opportunities to potentially affected Aboriginal groups, and that CVRI can help provide community support to Aboriginal groups from time to time as a good "corporate citizen." It has done so with FOFN in the past and continues to discuss ways in which FOFN can potentially benefit from the development of natural resources in the region.
				Request for compensation for disturbances associated with the Obed Mine.	November 22, 2011	
				Clause for compensation for present and past disturbances in MOU.	January 30, 2012.	
				Compensation required for lack of consultation in past and impacts to traditional territory.	March 30, 2012	
14	Royalty Fees	other	other	Request for clause in MOU on royalty or lease fees for use of territory.	November 9, 2011; January 30, 2012	CVRI will not be offering compensation in the forms of payments or royalties to any Aboriginal group. Should FOFN believe it is entitled to compensation in the form of lease or royalty fees, the Provincial and Federal Crowns should be contacted to discuss this issue.
				Aboriginal title to area asserted as proven.	April 22, 2008	
				Request for letter of support on FOFN historical ties in the region.	November 22, 2011	

15	Recognition of Aboriginal Title	other	other	Assertion that [Leader] is a Chief with a land claim on a traditional territory (on which Project lies).	January 30, 2012	relationship with FOFN. On March 30, 2012 CVRI representatives made it quite clear that the issue of FOFN and Aboriginal Title in the area was in no way under CVRI's jurisdiction, and CVRI would take no steps to "recognize" FOFN Aboriginal Title in the region. The Provincial and Federal Crowns should be contacted to discuss this issue.
				CVRI must recognize FOFN Aboriginal title and rights and agree to their protection in order to comply with their position during negotiations with the Federal government.	March 30, 2012	
16	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	environmental monitors	July 16, 2008; October 30, 2009; March 9, 2011; October 19, 2011	CVRI has been engaged with FOFN for several years and has discussed this concern with employment opportunities at the mine on numerous occasions. Some of the proposed terms of the discussed final agreement include provisions aimed at improving employment opportunities for FOFN members either directly or through support for contracting opportunities of Aboriginal owned businesses. The possibility of hiring part-time FOFN environmental monitors has been discussed, as has been methodologies to encourage additional employment. Discussions regarding a final agreement between the parties are on-going, thus any specific terms in this regard have not been settled nor otherwise agreed to. CVRI encourages members of the Aboriginal community to apply for jobs at the mine, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. That being said, CVRI will neither implement a general Aboriginal employment "quota" nor one directed specifically at FOFN or any other potentially affected Aboriginal group. At the November 22, 2011 meeting Les LaFleur accepted resumes from 4 members of the FOFN community to deliver to Human Resources at the CVM.
				Involve people in employment opportunities.	October 19, 2011	
				...for example how many people, how many of our people FOFN are employed? Yet it says you will hire local people first. Not too many of our people are hired directly or even the subcontractors that they work for. Sometimes those contractors they come and go but there is nothing there for our people but they are going to be there long after these other little guys, and go.	November 9, 2011	
				[Leader] expressed concern that when his people applied for jobs they did not get them	November 22, 2011	
				Concern about need for Aboriginal employment targets, i.e. quotas or affirmative action plan.	January 30, 2012	
				Expectation stated to be involved in employment opportunities, including as environmental monitors.	March 30, 2012	
17	Contracting Opportunities	Socio-economic development	development of Aboriginal owned business; increased employment for underemployed sector of Aboriginal society	Desire for the development of FOFN businesses and contracting opportunities expressed.	November 22, 2011	CVRI has been engaged with FOFN for several years and has discussed this concern with contracting opportunities at the mine for Aboriginal owned businesses on numerous occasions. Some of the proposed terms of the discussed final agreement include provisions aimed at improving contracting opportunities for FOFN businesses. Discussions regarding a final agreement between the parties are on-going, thus any specific terms in this regard have not been settled nor otherwise agreed to. At a November 22, 2011 meeting Les LaFleur indicated that if the FOFN community established businesses, CVRI would be happy to work with those businesses to provide opportunity for their growth if available, bearing in mind that CVRI is unionized and outside contracting opportunities are limited. Opportunity for growth exists and will be investigated. FOFN must continue to pursue options with other industrial players in the region. Using existing resources and working under an agreement between the parties if reached, CVRI expects to be able to make more positive impacts regarding FOFN contracting opportunities in the future.
				Discussion of clause on contracting opportunities to be included in MOU including support for equipment purchase.	January 30, 2012	
				Expectation stated to be involved in contracting opportunities.	March 30, 2012	
18	Ceremonial Support	Cultural Awareness and Survival	enhance intra- and inter-community awareness and cultural education	FOFN requested funding to help support seasonal community ceremonial activities	November 22, 2011	As on numerous occasions in the past, CVRI continues to support FOFN ceremonial and cultural programs through donations on an ad hoc basis, and will continue to do so in the foreseeable future. As part of the development of a corporate Aboriginal consultation plan, the formalization of such a funding program is one of the items under consideration.
19	Cultural Program Support	Cultural Awareness and Survival	enhance intra- and inter-community awareness and cultural education	FOFN indicated that any agreements should include programs for Aboriginal awareness, protocols, and education.	November 22, 2011	Representatives from CVRI have been engaged with members of their corporate team to move towards the development of a corporate Aboriginal consultation plan aimed at fostering better relationships with Aboriginal groups and increasing awareness of Aboriginal cultural and social issues among employees and shareholders. An agreement between FOFN and CVRI may or may not provide specific provisions regarding this issue. However, CVRI is confident that the existing interim agreement, the consummation of a final agreement, and the development of a corporate Aboriginal consultation policy have served and will serve to meet the stated goal of increased awareness of Aboriginal culture and issues.
20	General Community Infrastructure Support	Community Development	enhance Aboriginal social programs and services	Request for and discussions of CVRI funding support for a new FOFN community centre.		As on numerous occasions in the past, CVRI continues to support FOFN ceremonial and cultural programs through donations on an ad hoc basis, and has investigated ways in which it may be able to assist in this endeavour. Discussions are proceeding.
21	Prejudice and Discrimination	Community Development		If we have people working at the mine, one of things I want to see is that there is not the prejudice, from the workers against the native people that's important for me, and we want to have it in that agreement. I don't want anyone to make any racial comments when they come to work, the FOFN.	November 9, 2011	Representatives from CVRI have been engaged with members of their corporate team to move towards the development of a corporate Aboriginal consultation plan aimed at fostering better relationships with Aboriginal groups and increasing awareness of Aboriginal cultural and social issues among employees and shareholders.
				Long-term agreements and terms of an MOU have been discussed on numerous occasions.	October 19, 2011 and January 30, 2012	

22	Impact Benefit Agreements, Compensation	Community Development	other	<p>"...I must emphasize that the FOFN will not be in a position to comment on the EIA before the long term agreement is finalized, and may well be obliged to inform the appropriate regulators of the situation."</p>	March 19, 2012
				<p></p>	March 7, 2012
				<p>"The fact that such integration has not occurred in most provinces does not lessen the requirement for consultation and accommodation under the constitution and the case law nor the probability of project delays if appropriate accommodation, as demonstrated by a signed mutual benefits agreement executed by industry and the affected first nations, has not been ratified in earlier discussions."</p>	May 25, 2012
<p>CVRI and FOFN currently have an interim written agreement in place and are in discussions regarding a final agreement to replace the interim. CVRI has offered to enter into an MOU with FOFN that provides some capacity for continued consultation, environmental monitoring, participation in reclamation activities, and employment and contracting assistance or opportunities. Contrary to some of the statements made by Aboriginal Group B representatives, the purposes of any such agreements are not to provide compensation for the use of the land and past and future disturbances. To date FOFN representatives have countered with demands that go far beyond CVRI's legal or moral responsibilities. As the scope of that agreement as requested by FOFN goes well beyond the Project and its potential impacts to Rights and traditional uses, it may not be possible to conclude such an agreement to both parties' satisfaction prior to Project approval or development.</p>					

OFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	general traditional use concerns	general traditional use concerns	"Upon completion of the survey many areas within the project area were identified to have and to continue to support the three groups traditional use. In the modern day the use continues to support hunting/ gathering activities as well as ceremonial functions. Ceremonial herb gathering and the actual ceremonies are prominent in the area to this day. Much of the project area traverses the traditional and present day hunting area frequented by all three groups."	October 2007	CVRI has been consulting with OFN since 2006 regarding its proposed projects including the Project, and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. Through many discussions and two sets of traditional use studies and field visits, the community had opportunity to voice its concerns about the Project, which included concerns related to traditional use sites in the region and possibly associated with the Project area. The conclusion of the October, 2007 traditional use report states: "Through the collective and cooperative effort of the three [Aboriginal Groups] and CVM representatives, consultation has occurred that has led to the identification of culturally significant sites and livelihood component parts to current day practice. The mitigative measures determined by all parties gives comfort that, if followed, the three groups will see a continuation of availability for future exercise of their way of life. Any authorizations forthcoming are contingent upon written confirmation by CVRI, of agreement to the mitigative measures and outstanding cost payment." Such written confirmation was provided by Mel Williams in December, 2007. The conclusion of the June 6, 2011 traditional use report states: "Through the site visits of the proposed access and haul roads, the OFN Elders and Monitors, were not concern of any other impacts. During the reclamation from the CVM Representatives, the elders observed the past reclamations done by the mine and their observations were satisfied, that the ground, and the seeding of the many type of trees looked very good. Consultation has occurred that has led to the identification of culturally significant sites and livelihood components parts to current day practice. The OFN elders and Monitors determined by all parties give comfort that, if followed, the nations will see a continuation of availability for the future exercise of their way of life." In letters dated June 6, 2011 and December 7, 2007 the OFN First Nation indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project to proceed. A written agreement is in place between the parties providing for continuing avoidance of some sites in the vicinity of CVM operations important to OFN and continuing annual consultation on CVM operations. CVRI continues to consult with OFN on the Project and its other operations. As discussed in some of the responses below and on other Aboriginal concern response tables, and as detailed in the EIA, CVRI has a number of strategies in place to mitigate any Project effects on wildlife and the environment. To date, no Aboriginal Group has demonstrated that the development of the Project will have a particularly deleterious, non-mitigable effect on Rights to hunt, fish, and trap for food. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK, including that contributed by OFN, to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Rights and traditional uses during the development of the Project.
				"Upon completion of the survey many areas within the project area were identified to have and continue to support OFN Traditional Use. In the Modern day the use continues to support hunting/gathering activities as well as ceremonial functions. Ceremonial herb gathering and the actual ceremonies are prominent in the area to this day. Much of the project area traverses the traditional and present day hunting area frequented by several First Nations people."	June 6, 2011	
				There may also be a timing issue around use of ceremonial sites in the area. For example, there may be hunting activities during ceremonial times that will need to be accounted for in mine operations.	October 2, 2006	
2	Potential Impact to Treaty or Aboriginal Rights	Hunting	loss of access to specific hunting locations in Project area	"In the same area as the grave sites exists a current hunting area, with the presence of an integral part of moose habitat that can also be mitigated by the buffer area used to protect the grave sites."	October 2007	The October, 2007 traditional use report states that "To mitigate the impacts to the grave sites and moose habitat, it was suggested and agreed that an adjustment to the project of an agreed upon set back from the prescribed area is needed. This set back area for the moose habitat and graves sites are incorporated an indicated in a revised Project area map. This map is provided as Attachment 1." These terms form part of the agreement between CVRI and OFN which led to the letters of December 7, 2007 and June 6, 2011 in which OFN indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project development to proceed.
3	Potential Impact to Treaty or Aboriginal Rights	Fishing	removal of fish resources/habitat in Project area	How good is the fish habitat in the reclaimed lakes?	October 2, 2006	The lakes are newly made so fish habitat has to be established along the shoreline. The lakes are formed as a result of mine excavation that goes below the water table. When the mining is completed the excavation is allowed to fill with groundwater. The edge of the lakes are contoured, habitat (soil and water plants) is built along the shores of the lake to support fish and then the lakes are stocked. CVRI has studied the water quality of its end-pit lakes. There have now been three sets of limnological and ecological studies conducted on CVM end-pit lakes: the studies in the 1990s conducted on Lovett, Silkstone, and Stirling (Pit 24) lakes (Agbeti 1998, Mackay 1999); the 2006 studies conducted on Lovett, Silkstone, and Stirling (Pit 24) lakes plus Pit 35 and Pit 45 lakes (Hatfield 2008), and the current study. Taken together, the results of these studies indicate that there may be fewer constraints of water quality to the ecological viability of end-pit lakes in the CVM area than those described in End-Pit Lake Working Group (2004): 1. The concentration of a number of water quality variables, such as nutrients and major ions, are higher in end-pit lakes than in natural lakes, but these higher concentrations are not at levels that would affect the ecological viability of the end-pit lakes. 2. There have been relatively few instances of measured water quality variables, including metals, exceeding provincial or federal water quality guidelines. 3. The incidence of water quality guideline exceedance is not measurably greater in end-pit lakes than in natural lakes in the CVM area. 4. The trophic status of end-pit lakes is similar to that of natural lakes in the CVM area. The exception to this is dissolved oxygen. The results of this study indicate there are portions of end-pit lakes in all seasons sampled with concentrations of dissolved oxygen that are below provincial guidelines for the protection of aquatic life. The same is true of Fairfax Lake, the natural lake that was surveyed as part of this study. The depth patterns of dissolved oxygen in the lakes that were studied are related to processes of lake stratification and turnover.
4	Potential Impact to Treaty or Aboriginal	Traditional Use	removal of medicinal and food plant species in Project	We are also concerned about the medicinal plants that might be disturbed during mining and whether they will remain.	October 2, 2006	Discussion of proper mitigation efforts led to the agreement on the process as outlined in the October 2007 traditional land use report. The June 6, 2011 traditional use report also adds: "Throughout the project area the groups found and identified numerous medicinal herbs and berries. The OFN people are very traditional, that they presently still use all the plants listed above. To ensure that specific medicinal herbs and ceremonial plants regain their true potency and values to the nations, a specific protocol was performed by the elders at the camp, so that all plants will regrow for the future of our children and their children." CVRI will account for medicinal plants identified by OFN and other FN communities that may be disturbed during the mining process to incorporate them into the reclamation process. "To ensure that impacts to specific medicinal herbs and ceremonial plants are properly mitigated, a progressive project impacts assessment will be implemented on an annual basis. The following regiment will be set into action: An annual, detailed activities impact map will be generated by CVM to show the actual disturbance area proposed. This map will be reviewed to determine proximity to any identified site.; CVM will provide a review of the plant list to determine rarity and risk potential.; Acceptable alternative sources of 'at risk rare' plants will be identified (if possible).; If no other source for at risk plants are found transplantation options will be explored. Any transplanting attempt will follow appropriate aboriginal protocol.; In the event transplanting is not possible, avoidance will be applied to the operations planning. The process for mitigation of the herbs, plants, and eatables may require a process of harvesting, nurturing, and replanting. Select members from each group would be contracted to participate in the transplanting activity incorporating all three groups protocols and ceremonial requirements. Follow up plant survival review would be planned and conducted." These terms form part of the agreement between CVRI and OFN which led to the letters of December 7, 2007 and June 6, 2011 in which OFN indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project and continued Coal Valley development to proceed. CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses, including those identified by OFN. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecosite phases which support TEK vegetation will be accessible in the RSA following removal of ecosite phases by the Project Footprint in the LSA. It is assumed that ecosite phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following:
				Request to consider using OFN members to replant during reclamation activities.	September 6, 2007	
					October 2007	
				Proper mitigation measures for plants, transplanting, ceremonies, rarity.	October 17, 2007	

OFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
	Rights		area		October 2007	<ul style="list-style-type: none"> inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, implementing a re-vegetation program which aims at the re-establishment of ecosites common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecosites will, over time, again support TEK vegetation. <p>With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecosite phases within the LSA. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established. CVRI will continue the consultation with the Aboriginal groups as information is brought forward regarding specific impacts to traditional uses as well as undertake further discussions with Aboriginal groups on specific impacts and mitigation measures. Negotiations with Aboriginal groups will also continue on a case by case basis for avoidance of specific plant species if possible. Not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur.</p> <p>CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation.</p>
					June 6, 2011	
5	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of burials in Project area	<p>There are some gravesites located in Range 14, Township 46, about 300 meters from the Pembina River that are protected.</p> <p>Question regarding "sacred burial" sites and what is done.</p> <p>Request to avoid grave sites near Robb Trend</p> <p>Issue of buffer zones for important sites discussed.</p> <p>"Grave sites have been identified in the south-central region of the project area. The project area is very close to the grave sites, therefore, discussions with Coal Valley Mine have lead to agreeable mitigative measure."</p>	<p>October 2, 2006</p> <p>August 9, 2007</p> <p>September 6, 2007</p> <p>October 17, 2007</p> <p>October 2007</p>	<p>CVRI is aware of the gravesites mentioned during initial consultation near the Pembina River and will not be mining near that area as it is outside of the Project area in the vicinity of sites important to OFN and other Aboriginal communities. Traditional use studies by OFN in 2007 resulted in the recording of other burial sites closer to the Project area, but located outside of the currently proposed Project area. Discussions on the topic of important sites, most notably burials, resulted in the application not of a generic buffer zone but rather specific areas of avoidance for the sites in question. "To mitigate the impacts to the grave sites and moose habitat, it was suggested and agreed that an adjustment to the project of an agreed upon set back from the prescribed area is needed. This set back area for the moose habitat and graves sites are incorporated an indicated in a revised project area map. This map is provided as Attachment 1." These terms form part of the agreement between CVRI and OFN which led to the letters of December 7, 2007 and June 6, 2011 in which OFN indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project development to proceed. Regarding any unrecorded burials, if during operations possible burials are encountered in the Project area, CVRI is prepared to work with Aboriginal communities and regulators to confirm burial association and devise an appropriate avoidance or mitigation strategy. The presence of human remains or burials on Project lands, whether Aboriginal or not, is subject to Federal and Provincial laws and regulations including Section 182 of the Criminal Code, the <i>Alberta Cemeteries Act</i>, and potentially the <i>Alberta Historical Resources Act</i>. Knowingly disturbing human remains (improper interference) without legal authorization constitutes a criminal act, and knowingly disturbing burials, recorded or not, without legal authorization contravenes the <i>Cemeteries Act</i> and potentially the <i>Historical Resources Act</i>. In addition to moral duties, sanctions of both a criminal and financial nature for any actions provide significant impetus for CVRI to act swiftly and accordingly should potential burials be identified during development activities. Mine management will ensure that all supervisors and workers are aware of the legal and moral issues regarding possible burials.</p>
c	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of ceremonial locations in Project area	<p>Below the Pembina River there is a Sundance site that we use annually, located just south of the former mine areas. This site is important to a number of First Nations who use this area, as was mentioned earlier.</p> <p>The October 2007 traditional use report provides the UTM coordinates for several burials, campsites, and a "homestead."</p>	<p>October 2, 2006</p> <p>October 2007</p>	<p>The October 2007 traditional use report provides the UTM coordinates for several burials, campsites, and a "homestead." None of these sites are within the proposed Project permit area. The two burials recorded in 2007 nearest the Project have been mitigated through agreed-to avoidance as discussed above. The remaining sites are located well outside of the Project area. CVRI has maintained discussion with OFN regarding these sites, and has worked with them on continued avoidance or in some cases potential enhancements (campsites) of them. CVRI is aware of the location of the Sundance site in question. It is located well outside of the Project area and will not be disturbed by CVRI operations.</p>
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to water quality in Project area	What effect does coal mining have on nearby rivers? What kind of erosion is occurring as a result of mining?	October 2, 2006	<p>Mining activities are expected to reduce high flows and low flows are expected to either remain the same, slightly decrease or slightly increase. Annual runoff may have modest variations dependent on mining activities at the time (e.g. pit dewatering). Temporary water diversions will also contribute to some slight variations in flow quantity for short periods of time. Instream flows will be maintained by bypass pumping. Depending on the extent of the disturbance footprint within the watershed the significance to flow quantity may remain the same, increase or decrease depending on the mine progression and seasonal variability. The CVM will be implementing a surface water management plan throughout the life of the Project. This plan includes the collection and treatment of mine affected water. All water affected by mining (sediment filled) will be treated in settling ponds prior to being released to the adjacent environment. Released water will comply with the approval conditions. No significant water quality changes are expected. CVRI, when the mine plan allows, practices progressive reclamation. As a mine area is completed reclamation can start with recontouring operations. Lands that have been recontoured and top soil placed upon can be seeded with an initial grass/legume seed mix to decrease erosion potential.</p>

OFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
8	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to environmental quality in Project area	During field traditional use studies, [Individual] indicated that no new specific concerns were identified as a result of the field work, but OFN remains concerned about general environmental stewardship issues.	May 27, 2011	<p>CVRI has proposed a number of mitigation measures in its Project Application to minimize potential environmental impacts associated with the development. Clearly, the Project will disturb large amounts of land through mining and associated activities. The careful implementation of proposed mitigation will alleviate potential direct and indirect impacts, but as noted, careful environmental stewardship will be required. CVRI will also use TEK gathered through the participation of OFN and other Aboriginal groups to assist in reclamation activities, with the goal of returning Project areas to a state appropriate for the undertaking of Treaty Rights and traditional uses in the future. The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones. Through the mitigative measures proposed in the Project Application and discussed in this table, CVRI will limit those heaviest impacts to the disturbance zones, and minimize or eliminate any potential effects in adjacent or downstream areas. Through the reclamation activities also discussed, CVRI will return the land in the impact zones to a more productive state in the future. CVRI will complete longer-term monitoring on the impact to medicinal and other plants and for general environmental monitoring, and continue to consult with the Aboriginal communities regarding future development plans. CVRI will ensure that environmental factors and protection measures are taken into consideration during all phases, from planning to reclamation, of mine development. Technically proven and economically feasible measures will be taken which protect environmental quality for air, water, vegetation, wildlife and land resources.</p> <p>CVRI undertakes as a priority "pollution prevention" in preference to "pollution cleanup". Pollution prevention measures in place at CVRI include:</p> <ul style="list-style-type: none"> • reuse and recycling of products; • substitution of products purchased with more "environmentally friendly" materials, if available; • equipment modifications and improved operating efficiencies where possible; and • conservation of materials and resources. <p>CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project. Programs range from participation in regional programs such as the West Central Airshed Society (WCAS) and West Fraser's Forest Resources Advisory Group (FRAG), to provincial and national initiatives. The purpose of the Environmental Protection Program at the CVM is to first prevent and second to minimize adverse environmental impacts resulting from mine related operations. The program will be implemented in the Project area through the following on-site mechanisms:</p> <ul style="list-style-type: none"> • adaptive management approach to environmental risk assessment; • Safety, Health and Environment Committee (SHE) comprised of key CVRI employees; • emergency response and wildfire control and prevention; • waste management program; • spill response and clean up procedures; • operating policy commitments; and • site reclamation.
9	Potential Impact to Aboriginal Heritage	Historical Resources	requests for information on location and nature of recorded Historical Resources in the Project area	If you do find an archaeological site what would you do?	October 2, 2006	The management of historical resources in Alberta is governed by the <i>Historical Resources Act</i> and administered by the Provincial Crown (Alberta Culture). Provincial authority to do so has been supported by past Supreme Court of Canada decisions, most notably <i>Kitkatla Band v. British Columbia</i> (2002 SCC 31). CVRI's consultants undertook a detailed Historical Resources Impact Assessment of the Project area, recording over 70 archaeological and historic period sites within or near the Project area as detailed in the earlier Supplemental Information Request responses. Any sites not recorded during these studies are covered under Section 31 of the Act, which requires a proponent to contact the government before proceeding with development should an unrecorded site be encountered and identified. Many of the recorded sites will not be impacted, and other sites are considered to be non-significant, in other words not worthy of further investigation prior to disturbance. Several significant sites are located in Project impact zones. As with its previously proposed mining extensions, CVRI has and will work closely with its consultants and the Historical Resources Management Branch to either avoid significant historical resources or to mitigate the impacts to them prior to development through additional data collection. Although CVRI has shared some general information regarding its Historical Resources Impact Assessment studies with both Aboriginal groups and the public, regulations under the Act limit information sharing on the part of CVRI and its consultants in order to help protect extant significant sites and any associated information and artifacts. Any questions regarding historical resources should be directed to the Head, Archaeological Survey of Alberta, Historical Resources Management Branch, Alberta Culture.
10	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	Do you have labourer jobs?	October 2, 2006	CVRI encourages members of the Aboriginal community to apply for jobs at the mine, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. That being said, CVRI will neither implement a general Aboriginal employment "quota" nor one directed specifically at OFN or any other potentially affected Aboriginal group.
				How many aboriginal people work at the mine site?	October 2, 2006	
				[Aboriginal Group] would like to have a person from the OFN assigned to be the onsite monitor during mining, when it commences, to ensure that CVM lives up to the promises to protect, avoid or mitigate significant FN sites. CVM would pay that person to monitor their operations.	October 2, 2006	
11	Training Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	What kind of training programs are there?	October 2, 2006	We do have some trades apprentice positions at the CVM. There is on the job training for equipment operators. CVRI and Westmoreland are in the process of developing a corporate Aboriginal consultation plan. One of the items under a consideration is a scholarship or bursary program designed to help Aboriginal students fund continuing education. When and if such a program is developed, CVRI anticipates that OFN members would have access to it.
12	Contracting Opportunities	Socio-economic development	development of Aboriginal owned business; increased employment for underemployed sector of Aboriginal society	Do you use mine equipment for reclamation or do you use contract people and equipment? We have a contracting company that provides heavy equipment and operators that is available for work at the mine.	October 2, 2006	The CVM uses mine equipment for the reclamation program. The availability of large machinery and experienced operators that are familiar to the site allows for an efficient and economic reclamation process. If the opportunity arises that a need for further machinery and operators the CVM will advertise for such a workforce and hiring will be based on experience, cost, safety and insurance.

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response	
1	Potential Impact to Treaty or Aboriginal Rights	general traditional use	general traditional use	Environmental monitors noted in report that some use this area for hunting and noted that it was a good hunting location. Environmental monitors stated in TLU report "Area was prime location for traditional harvesting and hunting." , and "Area used for hunting, berry picking and picking of medicinal plants"	October 2011	CVRI has been consulting with ANSN on the Robb Trend Project since 2006. In a number of venues CVRI has heard general statements such as this regarding the general impact to traditionally harvested types of resources in the Project area. No Aboriginal group consulted to date has demonstrated that access restrictions to the Project area will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake the Rights to hunt, fish, and trap for food on Crown lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Robb Trend in stages over a 25-year period. The reclamation plans for the Robb Trend will incorporate Aboriginal traditional ecological knowledge, including that contributed by ANSN, to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use well before that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project. One of the purpose of discussions with individual Aboriginal groups regarding community benefit agreements is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, that the restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, but that those restrictions will not be permanent and can be mitigated through other opportunities, economic or otherwise, associated directly with the mining and reclamation activities, or in other areas such as educational programming. CVRI and ANSN have entered into such a long-term agreement, including the Project area, as a result of previous and on-going consultation. This agreement provides mitigations or opportunities associated with on-going mining negotiated to specifically address future Project impacts. The withdrawal of a statement of concern submitted by ANSN regarding previously proposed CVRI mine extensions, noting similar concerns, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to ANSN Treaty Rights and traditional uses in the Project area. Specific proposed mitigations surrounding Robb Trend Project impacts are detailed in many of the responses below.
				Environmental monitor stated in TLU report "Plenty of heritage resources will be destroyed for good."	October 2011	
				Environmental monitors stated in TLU report "Area was prime location for traditional harvesting and hunting" and "Area used for hunting, berry picking and picking of medicinal plants"	October 2011	
2	Potential Impact to Treaty or Aboriginal Rights	Hunting	displacement of game animals from Project area	"In its' application, CVRI admits that the extension of the CVRI mine in the Traditional Territory will impact the wildlife in the area by disturbing the wildlife corridor, increasing noise in the area and affecting the water supply. These impacts on the wildlife directly limit the members' treaty right to hunt on the Traditional Territory"	July 16, 2008	<p>Tasks that were completed during the wildlife assessment include:</p> <ul style="list-style-type: none"> • identify relative abundance, concentration areas, distribution patterns, and habitat associations of ungulates by means of winter aerial surveys, snow track-counts, and a spring pellet-browse survey; • identify small mammal, avian and amphibian presence, relative abundance and habitat association by means of snow track-counts, trapping small mammals, owl surveys, spring bird survey, breeding bird survey, migration survey, and amphibian survey; • compile a list of vertebrate species (excluding fishes) and identify their status as per the Committee on Endangered Wildlife in Canada (COSEWIC), the Canadian Endangered Species Conservation Council (CESCC 2006) and the General Status of Alberta Wild Species (ASRD 2005); • prepare a habitat map to identify the quantity and quality of habitat present in the Project Development Areas; • update wildlife use of the existing CVM by means of aerial survey, systematic monthly ground surveys, spring pellet-group counts, breeding bird survey and amphibian survey; • identify Valued Environmental Components for assessing the potential impact of the proposed development on ungulates, small mammals, birds and amphibians; • discuss biodiversity at the LSA and RSA scale; • review Traditional Use Studies (TUS) prepared for CVRI from a wildlife perspective; • discuss climate change with respect to changes in the Boreal-Cordilleran ecoregion that may affect wildlife; and • evaluate the potential impacts of the Project within a temporal and spatial perspective that incorporates existing and future demands by other users and developments by conducting a quantitative cumulative effects assessment for elk. <p>In order to reduce potential impacts to wildlife within the Project area, the following mitigation measures will take place:</p> <ul style="list-style-type: none"> • incorporate select native trees and shrubs such as alder and willow into re-vegetation activities; • maximize downed woody debris (stumps) through direct placement of top-soil and associated slash and stumps; • maintain and connect to core areas as many residual forest patches as possible; • maintain a 30 metre buffer zone of undisturbed natural habitat along well developed riparian corridors, where available; • continue to maintain hunting and firearm restrictions on the reclaimed areas of the Project including after mining has ceased and until hiding cover on the mines is equivalent to that of natural closed forest cover types; and • maintain haul truck and regular vehicle speeds of <70 kph. <p>In order to evaluate and if need be adapt the mitigation measures, CVRI will also implement monitoring. Site wide monitoring will allow CVRI to determine the length of time it takes for wildlife to return to the landscape and what reclaimed landscape features are most desirable. All potential effects are noted to be reversible over the short-term or long-term depending on the type of effect. The withdrawal of a statement of concern submitted by ANSN regarding previously proposed CVRI mine extensions, including this specific concern, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to Treaty Rights and traditional uses in the Project area.</p>
				"Wildlife- The ANSN has additional concern regarding the impact of mining operations on surrounding wildlife. Particularly, the ANSN is concerned that there has been no short-term mitigation strategy prepared to address wildlife displacement, nor wildlife disturbance as a result of predicted noise effects of CVRI's mining operation. Further, the ANSN is concerned that CVRI has misstated the level of impact to wildlife as a result of the mining operations themselves. CVRI has presented no information regarding the effect of forest loss on birds and other wildlife, and there is no indication that any baseline health studies have been conducted on any animal populations in the affected areas. Finally, the ANSN is concerned that CVRI has provided no information regarding predicted timelines or levels of certainty that animals such as bears, lynx and marten will return to the affected areas following the successful abandonment of the mine expansion."	July 16, 2008	<p>According to CR #7, Marten are listed as "Secure" by the Alberta Fish and Wildlife Division (2010), and winter tracking surveys from 2007 to 2011 indicate normal to above-normal marten densities throughout the RSA. Those surveys also indicate that marten trail densities in areas with past timber harvest were as high or higher than in areas without timber harvest. Based on the results of the wildlife studies it was concluded that marten will possibly avoid some high quality habitat during blasting and coal hauling during active mining, but this will be short to medium-term effect with limited demographic consequences. While marten utilize reclaimed mine habitats, at this point in natural succession they are reliant on remnant forest stands embedded within the CVM footprint. The following mitigation measures are recommended to increase marten habitat suitability and use of reclaimed mine lands: Marten use of regenerating stands may be enhanced with the occurrence of dense shrub and coniferous regeneration (Poole et al. 2004; Thompson et al. 2008). Selected native shrubs and trees should be planted to increase security cover for marten and their prey (varying hare, red squirrel, voles and mice).</p> <p>According to CR #7, the main potential causes of lynx mortality arising from the Project are: 1) vehicle collisions from coal haul; and, 2) fur harvest. Unlike cougars, lynx are not a big game species in Alberta. Therefore, increased legal hunting pressure due to improve human access will not likely occur. Trapping of lynx is quota-based and recent lynx harvest has not been excessive. Vehicle speeds are reduced on mines to <70 kph further reducing the likelihood of vehicle collisions. Overall, it is predicted that development of the Project is unlikely to cause an increase in direct lynx mortality. After the immediate maximum effect of construction, the losses of lynx habitat are predicted to be ameliorated over time by natural aging of existing forests and regeneration of forest on reclaimed lands. Succession of early post-seral clear cuts and Project reclamation to young forest with abundance hare populations are the main reasons for projected increases in quality lynx habitat. Planned timber harvest in the RSA will provide an optimal mix of regenerating forest and older forest that lynx need for forage and reproduction (denning). Surface coal mining will offer the same conditions if mitigation measures recommended are followed; and, habitat supply projections for lynx predict that supply of high and very high quality lynx habitat will significantly increase from baseline to T50 in the RSA (277% in Embarras BMU and 193% in Lendrum BMU) largely because of planned timber harvest, beetle salvage and surface coal mining.</p> <p>Please see response to #3 below for a discussion of bear populations.</p> <p>The withdrawal of a statement of concern submitted by ANSN regarding previously proposed CVRI mine extensions, including this specific concern, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to Treaty Rights and traditional uses in the Project area.</p>
				Environmental monitor stated in TLU report "Migrating will be destroyed."	October 2011	Consultant Report 14 states that variety of wildlife use on undisturbed and reclaimed habitat associated with coal leases during and after the mining phase has been documented. Wildlife have colonized new habitat created by reclamation of coal mines (MacCallum 2003). Activity associated with mining is predictable and focused. Animals are not subject to random and varied human disturbance with the MSL. These conditions allow animals to colonize the reclaimed landscape. The MSL associated with the CVM has provided a secure environment for wildlife and is instrumental in maintain regional ungulate populations especially in the Critical Wildlife Habitat associated with the Lovett Ridge. Initial displacement of the existing wildlife community on the Project LSA by active mining will be followed relatively quickly by colonization of wildlife species appropriate to the stage of succession reached by the regenerated plant community. Because the development is relatively narrow and small in area, species representative of the initially undisturbed
			Environmental monitor stated in TLU report "Plenty of animal use land to survive and most of it is open areas."	October 2011	habitats are expected to continue to be represented in the final landscape. Designing complexity into the landscape (lakes, ponds, wetlands, variety in vegetation community and topography) will support wildlife diversity. Given that appropriate habitats are established and movement opportunities are designed into the Project disturbance by colonizing newly available habitat and incorporating it into their daily and seasonal activities. Species composition on the reclaimed LSA will be similar, but changed, in response to the addition of lakes, ponds and other habitat features into the final landscape. Species composition of the wildlife communities will change over time in response to vegetation development and maturation. Migration will not be destroyed, but affects to habitat (removal) will shift the community composition of birds. Bird species associated with grasslands, waterbodies and forest edge communities will pre-dominate the initial reclaimed landscape. The removal of forest habitat will eliminate trees and foraging habitat for some of the species that might stop to hunt (raptors) or rest in the disturbance area.	

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect		Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response
3	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact on spiritual animals	Stated that Grizzly Bears are a spiritual animal and ANSN is concerned on how the Grizzly population will be addressed	October 5, 2011	<p>Grizzly bears will likely be displaced from portions of the Project footprint and permit area during the active mining period. Displacement will result from construction noise and blasting. At some point shortly after reclamation grizzly bears will be attracted to the herbaceous forage and ungulates on the Project footprint as was observed on the Luscar, Gregg River and CVM reclaimed mine areas. The mined lands will not act as a serious barrier to grizzly bears, with the possible exception of during active blasting and hauling. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. The greatest threat to regional grizzly bear populations is human-caused mortality caused by legal and illegal hunting, self-defence kills by ungulate hunters, and vehicle/train collisions. Any land use that results in increased access or use of access by individuals carrying firearms is a threat to grizzly bear population persistence. Any roads with vehicle speeds greater than 70 kph also have potential to result in increased grizzly bear mortality. Sources of domestic garbage at the CVM are contained in appropriate secure containers and transported to the licensed landfill in Hinton as per the Approval conditions. Problem bear actions at mines in the Coal Branch region are of extremely limited occurrence.</p> <p>Grizzly bears actively select habitats and foods that provide them with the greatest possible net digestible energy (Hamer and Herrero 1983, Pritchard and Robbins 1989). Mining and subsequent reclamation of the existing CVM has significantly changed landscape structure, composition and food production in the permit area for grizzly bears. Mining and reclamation at the CVM has resulted in removal of tree canopies, leading to increases in availability of high energy herbaceous plant material (clover, thistles, legumes) and an increase in ungulates (elk, deer) responding to increased forage and edge habitat. There is strong evidence to suggest that ungulates and plants used for reclamation are sought and used extensively by grizzly bears occurring in the vicinity of the CVM area. Similar findings were observed in the existing Luscar and Gregg River mines (Stevens and Duval 2005; Kansas and Symbaluk 2011). Bears using the reclaimed Luscar and Gregg River mine lands were on average larger than bears in an adjacent un-mined Subalpine and the Gregg/Luscar permit block was considered to be an attractive habitat for grizzly bears and a source for enhanced cub production (Kansas 2005). If similar reclamation measures are used on the Project then impacts on grizzly bears from a habitat alteration perspective will likely be positive within 10 years post-construction.</p> <p>In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. This assertion is based on the fact that carrying of firearms is not permitted within any Mine permit areas and traffic speed control is practiced. It is further supported by the fact that no grizzly bear mortalities have occurred on Mine permit areas in 40+ years in the Coal Branch region (Symbaluk 2008). This does not diminish the seriousness of cumulative effects on grizzly bear mortality in the RSA and broader Yellowhead region.</p>
4	Potential Impact to Treaty or Aboriginal Rights	Trapping	impact on trapping	Elder stated "Us ANSN people used to go up there and trap, we were her before [other Aboriginal Groups], those are our traditional lands."	July 17, 2009	<p>A total of 22 Registered Fur Management Areas (RFMAs) overlap in whole or in part with the RSA. Fur harvest return information for the period 1985 to 2001 was obtained from Alberta Sustainable Resource Development for the RFMA. Fur returns for 17 different species were reported. This included red squirrel (13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp. (1,531), coyote (896), wolf (236), lynx (133), mink (128), fisher (50), red fox (47), black bear (18), badger (14), striped-skunk (7), wolverine (6), river otter (4) and raccoon (1). The average numbers of captures per year per trap line for Valued Environmental Component (VEC) species were: lynx (0.42), marten (5.17), fisher (0.16), and wolf (0.71). RFMAs 1516, 2619 and 2256 will be directly affected by the proposed development of the Project permit area. Over a 16 year period, RFMA 1516 reported an average number of lynx (0.4/year), fisher (0.19), marten (5.4/year) captures and reported below average wolf captures (0/year). Over a 15 year period, RFMA 2256 reported above average marten (8.5/year), and fisher (0.13) captures and below average lynx (0.3/year) and wolf (0.1/year) captures. Over a 17 year period, RFMA 2619 reported below average capture rates for lynx (0.2/year), marten (1.2), fisher (0.12), and wolf (0.6). Caution must be used when interpreting this data. Capture rates can vary widely and may reflect trapper effort and fur prices as much as it does of animal abundance. Capture rates can also reflect the size of the RFMA. Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Contact and discussions have been held with people holding Registered Fur Management Area rights. Where required, agreements have been reached and compensation provided. Trapping is likely to continue in the RSA. Harvest levels are difficult to predict and are dependent largely on fur prices, RFMA tenure and levels of industrial activity. It is reasonable to assume that future trapping levels will occur at average levels from 1985 to 2001. As noted above, Project development will occur over time, and access to mine areas to undertake Treaty Rights to trap will be restricted in active mining areas for a period of time. However, areas surrounding the Project will still be available to undertake Treaty trapping rights, and Project development and reclamation will be complete by 2060, returning those lands for trapping uses.</p>
				Question raised by member of whether studies are done to show that re-stocked fish are edible.	August 10, 2006	<p>Silkstone and Lovett Lakes are stocked with rainbow trout by AESRD. However, CVRI has studied the water quality of its end-pit lakes. There have now been three sets of limnological and ecological studies conducted on CVM end-pit lakes: the studies in the 1990s conducted on Lovett, Silkstone, and Stirling (Pit 24) lakes (Agbeti 1998, Mackay 1999); the 2006 studies conducted on Lovett, Silkstone, and Stirling (Pit 24) lakes plus Pit 35 and Pit 45 lakes (Hatfield 2008), and the current study. Taken together, the results of these studies indicate that there may be fewer constraints of water quality to the ecological viability of end-pit lakes in the CVM area than those described in End-Pit Lake Working Group (2004):</p> <ol style="list-style-type: none"> 1. The concentration of a number of water quality variables, such as nutrients and major ions, are higher in end-pit lakes than in natural lakes, but these higher concentrations are not at levels that would affect the ecological viability of the end-pit lakes. 2. There have been relatively few instances of measured water quality variables, including metals, exceeding provincial or federal water quality guidelines. 3. The incidence of water quality guideline exceedance is not measurably greater in end-pit lakes than in natural lakes in the CVM area. 4. The trophic status of end-pit lakes is similar to that of natural lakes in the CVM area. <p>The exception to this is dissolved oxygen. The results of this study indicate there are portions of end-pit lakes in all seasons sampled with concentrations of dissolved oxygen that are below provincial guidelines for the protection of aquatic life. The same is true of Fairfax Lake, the natural lake that was surveyed as part of this study. The depth patterns of dissolved oxygen in the lakes that were studied are related to processes of lake stratification and turnover.</p> <p>CVRI can also offer the following information with respect to edibility of fish in the region. The predicted exposure to methyl mercury is associated with Risk Quotient (RQ) values greater than 1.0 for the resident group in the multiple pathway assessment. The maximum RQ value of 1.3 for the resident group is not predicted to change from the Baseline Case to Application Case. The Project is not expected to measurably increase methyl mercury-related health risks in the region. Methyl mercury is the form of mercury that is of greatest concern with respect to accumulation in biological organisms, and subsequent consumption by people (Health Canada 2007). Food intake is the primary route of exposure to mercury compounds in humans, with fish and seafood being the most significant contributors to human exposure (ATSDR 1999). For the resident group, the highest RQ value was predicted for the toddler life stage, where 100% of the estimated daily intake of methyl mercury is attributable to local fish consumption. The methyl mercury concentration (i.e., 95UCLM) in fish used in the HHRA is 0.11 mg/kg wet weight. This concentration is below the subsistence fish consumption guideline of 0.2 mg/kg recommended by Health Canada (2007). The fish consumption rates used in the HHRA represent rates cited by Health Canada (2007) for subsistence fish consumers for all types of fish. No adjustments for local fish consumption preferences were applied, suggesting that the consumption rates used may be conservative. At present, there is no consumption advisory on fish caught from the Embarras or Mcleod River within the RSA for the Project (Government of Alberta 2011). Additional factors that may have contributed to the overestimation of the health risks are:</p> <ul style="list-style-type: none"> • the estimated daily intakes and associated RQ values are based on the assumption that people rely on locally caught fish as a part of their diet; • the exposure limit used in this assessment (0.1 µg/kg/day) is based on developmental impairment in children. Health Canada (2007) cites a TDI of 0.2 µg/kg/day for methyl mercury. When compared to the Health Canada TDI, the RQ values for the resident toddler is reduced to 0.7; • it is important to note that any nutritional benefits associated with eating fish from the RSA were not accounted for in the characterization of the potential health risks; and • the predicted RQ values for methyl mercury remain consistent across the Baseline and Application Case for the resident group. This suggests that the Project is not expected to increase methyl mercury-related health risks in the region.
				Question raised by member as to what studies could be read to learn about the health of fish in the Coal Valley Mine lakes.	August 10, 2006	The fisheries report completed for the Project application focused primarily on watercourses (creeks, streams, rivers, tributaries) and not on the CVM end pit lakes which consists of Silkstone and Lovett. These two lakes are stocked by ESRD. See above.
				Questioned if the project would have any impact on fish	March 25, 2008	<p>Aquatic resources issues related to construction, operation, and reclamation of the Project were generally linked to potential changes to physical habitat components, changes in flow regimes, changes in surface water quality, and changes in resource access. Measures to reduce or mitigate potential effects were identified using proven strategies and combined expertise of professionals. Potential local effects on the fisheries Valuable Environmental Component's (VEC) associated with direct habitat loss or alteration are expected to be fully mitigated with properly implemented mitigation strategies. CR #2 (Section 5.4) of the Project application provides details of the numerous mitigation strategies proposed to protect fish resources, in the areas of surface water management and erosion control, haul road crossing construction, stream diversions, management of stream flows, public access restrictions, and habitat enhancement. Therefore, no cumulative effects on fisheries VECs associated with direct habitat loss or alteration are expected. Potential adverse effects relate primarily to direct physical habitat alteration/loss, changes in surface water hydrology and water quality issues. With mitigation there will be an insignificant impact on the fisheries VEC's. CVRI is currently working with the Department of Fisheries and Oceans Canada (DFO), Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations in creating a conceptual compensation plan to be able to uphold the principle of "No Net Loss" to fish habitat.</p>
				"Q4. Will CVRI commit to provide the ANSN an annual report on monitoring of fish and fish habitat?"	April 2008	<p>As stated in the application, in order to monitor the effectiveness of the planned mitigation measures, CVRI will:</p> <ul style="list-style-type: none"> • monitor flows and TSS at all settling ponds; • conduct regular inspections of all drainage works; • expand the existing CVM aquatics monitoring program to include additional benthic macroinvertebrate sample sites; • implement a water quality monitoring program for the life of the Project designed to meet the requirements of the Project approval; • conduct long term monitoring of flow in each main creek to document critical low flow conditions during pit filling periods and to define the need for any bypass pumping to maintain in-stream flows; • monitor components of the compensation plan, (i.e., fish habitat enhancement structures) post-construction to assess the effectiveness of the compensation and to identify modifications that will be made (if necessary); • evaluate end pit lakes to assess fish use, biological productivity, water quality, and other physical properties (i.e. thermal regime); • implement TSS/turbidity monitoring during instream work if deemed necessary due to site conditions or timing of works; and • monitor downstream flows to ensure instream flow needs are met. <p>This monitoring information will be publically available within the CVRI – CVM Annual Report that is submitted to ESRD.</p>

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response	
5	Potential Impact to Treaty or Aboriginal Rights	Fishing	direct impact on health of fish, fish habitat, and edibility	"Q.1. What is the time frame for implementing the Fish habitat Compensation Plan?"	April 2008	CVRI is currently working with the Department of Fisheries and Oceans Canada (DFO), Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations in creating a conceptual compensation plan to be able to uphold the principle of "No Net Loss" to fish habitat. This plan will be required to be approved and implemented prior to disturbance. Any operational works that require a harmful alteration, disruption and destruction (HADD) of fish habitat will require to be applied for with DFO. The compensation plan will be referred to in establishing site specific compensation related to each working (crossing, diversion).
				"Q.5. Does CVRI intend to monitor the water quality of all streams in the McLeod River system for increases in phosphorous levels? If so, what measures will they take to prevent eutrophication?"	April 2008	CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including: <ul style="list-style-type: none"> • continue monitoring programs already in place at the existing CVM mine (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); • document the effect of mine operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; • establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; • conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); • conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; • monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and • monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval.
				"Q30. Notwithstanding that elevated concentration of nitrogen compounds downstream of active mines may be below surface water quality guidelines, what is the effect on fish and the benthic environment?"	April 2008	Several studies addressing elevated nitrogen levels in surface waters from mining activities were summarized in Hackbarth (1999) and MEMS (2005); the main findings reported in these documents are as follows: While increased levels of nitrogen (nitrate) were noted in streams receiving discharges from settling ponds, these increases were inconsistent with data from the Erith, Pembina and Embarras Rivers downstream of the mines which indicated concentrations often at or below detection limits; Studies conducted in the Lovett River by ESRD found significantly higher concentrations of nitrogen in areas downstream of mining, although the elevated concentrations were less than surface water quality guidelines; Release of nitrogen from explosives does not necessarily occur in the same year as the explosives were used but depends on factors such as hydrological cycle, form and intensity of precipitation, drainage exposure, aspect of waste dump, quantity of water and watershed characteristics; and While nitrogen release increases rapidly with mining, the total quantity of nitrogen drops relatively quickly following the first freshet after blasting is completed and then continues to release over a period of five to ten years. A review of nitrate and ammonia concentrations in surface waters used in the Project application report found that: most of the measured concentrations of ammonia were below the detection limit in both watercourses downstream of existing mines (100% of measured ammonia concentrations were below detection limits) and watercourses not downstream of existing mines (97% of measured ammonia concentrations were below detection limits); many of the measured concentrations of nitrate were below the detection limit in both watercourses downstream of existing mines (80% of measured nitrate concentrations were below detection limits) and watercourses not downstream of existing mines (40% of measured nitrate concentrations were below detection limits); and there was no significant difference in the concentration of nitrates in watercourses downstream of existing mines (n=5) compared with the concentration of nitrates in watercourses not downstream of existing mines (n=18, t-test, p=0.25). Nitrogen release to the aquatic environment will be minimized through a number of mitigation measures already in use at existing coal mines in the area: The use of explosives with less slurry to reduce the amount of nitrogen compounds released; 2) Minimization of water contact with explosives. Nitrogen compounds found in explosives are water soluble and water control activities (dewatering of pit areas, use of diversion ditches and interceptor ditches) will ensure the driest conditions possible for mining and blasting operations; and 3) Explosives will be properly stored to prevent contact with surface waters. The residual (after mitigation) effects of the Project on surface water quality via increases in nitrogen caused by the use of explosives containing ammonium nitrate are assessed as Insignificant in the LSA: 1) Geographic Extent – Local, within the LSA; 2) Duration – Long, as release of nitrogen compounds from mine waste dumps have been documented to occur from five to ten years after the use of explosives; 3) Frequency – Periodic, as explosives will be used intermittently but repeatedly during the life of the Project; 4) Reversibility – the effect is assessed as Reversible, Long-term because effects have been documented as diminishing with time; 5) Magnitude – Low, as while increases in concentration of nitrogen compounds downstream of active mines has been documented in a number of cases, elevated concentrations have more often than not been below surface water quality guidelines; 6) Project Contribution – Negative, there will be some effect of use of nitrogen-based explosives on surface water quality; 7) Direction – the residual change in the surface water quality in the receiving watercourses will be Negative; and 8) Probability of Occurrence – High. Because the potential effects of using nitrogen-based explosives on surface water quality in the LSA are assessed as Insignificant for the Application Case, potential effects of the use of nitrogen-based explosives in the Project on surface water quality in the RSA are also assessed as Insignificant for the Application Case.
				"Fisheries- CVRI has indicated that a Fish Habitat Conservation Plan will be put in place to accommodate concerns regarding fisheries, but does not indicate any time frame for implementing this program. Further, there is no indication that CVRI will provide monitoring reports to the ANSN, or that it will consult with the ANSN should any concerns regarding the Fish Habitat Compensation Plan arise. Lastly, the potential for elevated phosphorous levels in downstream waterways as a result of CVRI's operations is of concern to the ANSN. Despite this, CVRI has no indicated whether any regular testing will be done to monitor such contaminants, or to deal with possible adverse effects, such as eutrophication, should they arise."	July 16, 2008	Responses have been provided above. The withdrawal of a statement of concern submitted by ANSN regarding previously proposed CVRI mine extensions, including this specific concern, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to Treaty Rights and traditional uses in the Project area.
				"Further, the environmental impacts on the natural fauna located on the Traditional Territory limit the treaty right to fish and gather on these lands."	July 16, 2008	As previously indicated, access to the Project area to undertake Treaty fishing rights will be restricted during development, but that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent. The Project is not expected to have a negative effect on fish, with mitigation measures in place such as the "No Net Loss" (NNL) compensation plan. The Project is expected to have no effect on fish in the surrounding area, which will remain available for undertaking Treaty fishing rights. Activities associated with the Project that have potential to directly impact fish habitat and, consequently, fish populations will not extend into the RSA. The impacts to fish populations as a result of the mining and pit filling is expected to be minimal since it is assumed that downstream flows will be managed to adhere to instream flow guidelines (AENV 2011). In general, peak flows will be reduced and low flows will be increased. This attenuating effect may have some impact on fish habitat composition and could also benefit fish populations by reducing the intensity of high flow events that can adversely affect fish, particularly during the early life stages. Potential changes in surface water quality in the RSA were assessed as insignificant (Section E.11, CR# 11) and are not expected to significantly impact fish populations in the RSA. No additional access to water bodies in the RSA is expected to occur as a result of the Project. The withdrawal of a statement of concern submitted by ANSN regarding previously proposed CVRI mine extensions, including this specific concern, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to Treaty Rights and traditional uses in the Project area.
				"Q.2 How much time will fish be affected by stream diversions?"	April 2008	CVRI has proposed to implement a surface water management plan throughout the life the Project. The following mitigation is related to implementing successful diversions: <ul style="list-style-type: none"> • consider sensitive periods during construction planning by either planning construction to avoid these periods or implementation of site specific mitigation (i.e., redd surveys, fish salvage, sediment monitoring); • isolate the instream work site if flowing water is present at time of construction; • complete fish rescue and release from isolated areas where required; • implement sediment and erosion controls prior to work and maintenance during the work phase until the site has been stabilized; • implement measures to minimize introduction of deleterious substances during construction including cleaning, servicing, and fuelling of equipment well away from water bodies; • revegetate disturbed areas around crossing sites; • reclaim streambed and stream banks as appropriate; • maintain downstream flows; • use appropriate sizing of diversion channels and/or pump; • armour and/or line channels or use of flumes where appropriate; • place and stockpile excavated materials in a location that is well away from the channel route; • divert flow gradually into constructed channels to minimize potential erosion and mobilization of sediment; • construct open channel diversions that allow for the movements of fish; and • develop and implement a stream flow management plan for each diversion to maintain instream flows. In essence, if all mitigation measure of the surface water management plan are followed, fish species will not be negatively affected by stream diversions.
				"The existence of the different medicinal plant life and trees is highly valuable knowledge, especially to the ANSN because many of our people travel all over Alberta, British Columbia and into United States together some of the medicinal plants that exist in this area."	2007	A total of 88 species or classes of plant/fungi that are important to Aboriginal groups have been identified in the Project area. The distribution of ecosite phases which support TEK vegetation will be accessible in both the RSA following removal of ecosite phases by the Project Footprint in the LSA. With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and an insignificant temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecosite phases within the LSA. As a generic statement, all Aboriginal groups consulted are concerned that CVRI take steps to ensure that native plant species are included in reclamation plans rather than solely agronomic species as have been often utilized in the past.
				"Future construction activities in mine operations and hauling activities in project area will cause some impact to wildlife and medicinal plant life in the proposed areas."	2007	The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones. Through the mitigative measures proposed in the Project Application and discussed in this table, CVRI will limit those heaviest impacts to the disturbance zones, and minimize or eliminate any potential effects in adjacent or downstream areas. Through the reclamation activities also discussed, CVRI will return the land in the impact zones to a more productive state in the future. CVRI will complete longer-term monitoring on the impact to medicinal and other plants and for general environmental monitoring, and continue to consult with the Aboriginal communities regarding future development plans.

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response
				2007	"It was indicated that there are a lot of different medicinal plant life and berry patches in the area that is of high value to the native peoples of the area."
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of medicinal and food plant gathering locations in Project area	2007	<p>CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation have a very high potential to occur in ecocline phase d1, e2, e3 and i1 and a high potential to occur in c3, e1 and j1 in the Foothills Natural Sub-regions (CR # 13, Table 4.7). These occurrences have been mapped and documented to identify species that are within the LSA and within the Project Footprint. In total 2,264.9 ha of ecocline phases with very high potential to support TEK vegetation will be removed by the Project Footprint, this area encompasses 22.4% of the very high potential area in the LSA. As well, in total 1,354.1 ha of ecocline phases with high potential to support TEK vegetation will be removed by the Project Footprint, high potential area encompasses 13.4% of the high potential area in the LSA. Fifty-four percent (5,467.0 ha) of areas which support TEK vegetation will be removed from the LSA by the Project Footprint. However, TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecocline phases which support TEK vegetation will be accessible in the RSA following removal of ecocline phases by the Project Footprint in the LSA. It is assumed that ecocline phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following:</p> <ul style="list-style-type: none"> • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which complement the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • implementing a re-vegetation program which aims at the re-establishment of ecoclines common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecoclines will, over time, again support TEK vegetation. <p>With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecocline phases within the LSA. CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established.</p>
			Environmental monitors stated in TLU report "Area was prime location for traditional harvesting and hunting."; "The area is very important to the community for harvesting and gathering."; "area is very important to the community for history, harvesting and gathering."; "Large amounts of traditional medicines, roots, and berries. Pristine location.."; "This whole area is to be mined and severely negatively impacted by the development, I collect traditional medicines in this area every year."; "Medicines and berry area very important to the community."; "The whole area is to be stripped and mined. Go to this area every year for harvesting and gathering"; "Area used for hunting, berry picking and picking of medicinal plants."	October 2011	The above response indicates that important plants will still be available in the region outside of Project direct impact zones. In addition, also as noted above, not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur. Hunting within the mine permit boundary cannot occur as carrying firearms within the permit boundary is restricted for safety reasons.
			Environmental monitor stated in TLU report as a recommendation "To avoid this area so that the berries and medicines are not polluted."	October 2011	<p>The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones. Through the mitigative measures proposed in the Project Application and discussed in this table, CVRI will limit those heaviest impacts to the disturbance zones, and minimize or eliminate any potential effects in adjacent or downstream areas. Through the reclamation activities also discussed, CVRI will return the land in the impact zones to a more productive state in the future. CVRI will complete longer-term monitoring on the impact to medicinal and other plants and for general environmental monitoring, and continue to consult with the Aboriginal communities regarding future development plans. CVRI will ensure that environmental factors and protection measures are taken into consideration during all phases, from planning to reclamation, of mine development. Technically proven and economically feasible measures will be taken which protect environmental quality for air, water, vegetation, wildlife and land resources.</p> <p>CVRI undertakes as a priority "pollution prevention" in preference to "pollution cleanup". Pollution prevention measures in place at CVRI include:</p> <ul style="list-style-type: none"> • reuse and recycling of products; • substitution of products purchased with more "environmentally friendly" materials, if available; • equipment modifications and improved operating efficiencies, where possible; and • conservation of materials and resources. <p>CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project. Programs range from participation in regional programs such as the West Central Airshed Society (WCAS) and West Fraser's Forest Resources Advisory Group (FRAG), to provincial and national initiatives. The purpose of the Environmental Protection Program at the CVM is to first prevent and second to minimize adverse environmental impacts resulting from mine related operations. The program will be implemented in the Project area through the following on-site mechanisms:</p> <ul style="list-style-type: none"> • adaptive management approach to environmental risk assessment; • Safety, Health and Environment Committee (SHE) comprised of key CVRI employees; • emergency response and wildfire control and prevention; • waste management program; • spill response and clean up procedures; • operating policy commitments; and • site reclamation.
			"Water is a real concern in their community but the medicinal value of plants is more paramount." and under what ANSN wants "ANSN can prove lack of access to medicinal plants and wants to be accommodated for that."	February 13, 2013	As noted above, not all of the Project area will be disturbed at one time, and medicinal plants will still be available in the region and non-impact Project areas. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur. CVRI will accommodate the temporary loss of access to medicinal plants in the Project area through the discussed mitigation strategies that will employ Aboriginal TEK in the reclamation process to ensure many of these plants re-establish in disturbed areas.
				January 15, 2007	Chief stated "Do indigenous herbs get put back? The elders have a great interest in traditional herbs. Do you study them before-hand", and "I must stress again the importance of the plants, not just to people but to the animals as well, we need to see the plants growing back in the same areas found now."
				April 11, 2007	Aboriginal consultation meetings and field visits conducted by CVRI with Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA. CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. CVRI will continue consultation with the local Aboriginal groups regarding future development plans as well as undertake further discussions on specific impacts and mitigation measures. CVRI was asked to use traditional knowledge and native plant species in the reclamation process and are currently looking further into this process.
				March 25, 2008	Questioned if reclamation beyond planting trees and grass would bring the project area back to its natural state
				July 17, 2009	Elder questioned "In 35 years, did you ever have Native involvement in replanting." CVRI in the past have hired Aboriginal based companies on a contract basis for seeding and replanting operations. Future reclamation will provide further opportunities for the Aboriginal community to be engaged in commerce with the CVM in relation to revegetation.

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect		Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	reclamation	<p>Raised questions regarding reclamation such the length of time for reclamation of mushrooms, tree fungi, various plants. Question of whether reclamation will introduce new/different plants, question of how the reclaimed landscape will look like, question of previous reclamation studies, question of time line for establishment of trees and succession and interest in keeping up to date with berry plot reclamation</p>	October 21, 2011	<p>The revegetation program proposed for the Project area will use experiences gained over the years at the CVM. Vegetation species will be selected to match site-specific conditions (slope position and exposure) that are consistent with the land use objectives; watershed, timber, wildlife, fisheries and aesthetics/recreation. Three seed mixes are currently being utilized at CVM; the standard mix was formulated for use in drier upland areas, the wetland mix is formulated for the revegetation of lower lying wetter sites and constructed wetlands and a native seed mix formulated to facilitate native succession. Traditional value plants will be identified in respect to their possible use as revegetation species. The revegetation program will plant the dominant tree species; either a conifer or deciduous species. Where reclamation stock is available suitable understory species will be inter-planted with the tree seedlings. Initial grass/legume seeding will be undertaken during the first growing season following minesoil placement. Fertilizing will be completed in the same year (and may be repeated once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas. As noted above, reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. Given the timelines of forest succession, precise timelines for the development of a "climax community" in reclaimed areas are difficult to predict, but this "successional reclamation" process (Polster, 1989) will continue for several decades.</p>
				<p>noted his intent to continue on the TLU TEK aspects and involvement in the reclamation process. He mentioned transplanting TEK vegetation species as possibilities.</p>	March 15, 2012	<p>See responses above. CVRI is responsible, by regulation, to complete a satisfactory reclamation process. This includes various standards for soil, vegetation, and land use capability such as commercial forestry and wildlife values. The existing agreement between CVRI and ANSN provides opportunity for ANSN to participate in planning and monitoring of on-going reclamation.</p>
				<p>requested information on reclamation plans.</p>	May 15, 2012	<p>Section F of the Project Application supplied to ANSN provides a detailed overview of the Reclamation Plan. More site specific reclamation plans will be developed at the Licensing stage of the Project once the Permit is approved.</p>
				<p>Listed under issue "Reclamation does not return disturbed areas to original state. Pre-planning of reclamation requires input from ANSN technicians who deal with the retention and dissemination of the datasets collected during the annual TEK research. Certain information can be made available with pertinent support from GIS technicians provided through capacity building initiatives supported by the governmental departments involved here such as the Agency, MPMO, etc and the proponent." and under what ANSN wants "ANSN participation and inclusion in reclamation activities including planning and operations is essential to attempt to mitigate the impacts of the decimation that will occur here. The proponent must be able to incorporate digital information housed within the GIS database of the ANSN who would retain full proprietary rights to the information collected. Dissemination of information will require an information sharing agreement."</p>	February 13, 2013	<p>CVRI notes that courts have interpreted jurisprudence to indicate that the protection of a right does not guarantee its exercise in an "unspoiled wilderness" or in one particular location (Halfway River 1999: 140-141). That being said, CVRI's reclamation objective for the CVM is to reclaim mined lands to meet equivalent land capability with the intended end land uses, including the exercise of Treaty Rights to hunt, fish, and trap. The achievement of this objective assures that mining is a temporary use of the land. An ecosystem based management approach has been used for the development of this reclamation plan. Ecosystem management is a process that aims to conserve major ecological processes and re-establish natural resources while meeting the socio-economic and cultural needs of current and future generations. CVRI continues to investigate the role of traditional plants in the reclamation process. CVRI is working with local aboriginal groups to identify plants that have traditional value. Local Aboriginal groups inspected the Project area and have identified resources used by their people. They have provided a list of plant species observed in the Project area used for a variety of medicinal and other purposes. The Aboriginal groups consulted are concerned that CVRI should take steps to ensure that native plant species are included in reclamation planning. Traditional value plants will be identified in respect to their possible use as revegetation species. CVRI funded ANSN traditional use studies of the Project lands in 2007 and 2011, and has agreed to further studies on its operations in the future where necessary. Any discussions regarding the use of GIS or data sharing agreements on future studies is on-going, as are discussions regarding direct ANSN participation in reclamation field activities.</p>
				<p>[Individual] listed under issue "CVRI suggestion that valued vegetation can be relocated and transplanted into other sites. ANSN does not agree that these plants can be relocated or transplanted successfully. Community residents will have to go further away to find the plants (e.g. Valerian Root). ANSN recommends that all digitized information be developed in a GIS system that is financially supported by the proponent and the Agency, NRCAN, DFO, MPMO, Environment, Health and Transport Canada and other interested provincial departments. A responsible effort must be displayed by those departments who have a preference to ascertain materials mentioned here. The departments who intend to review certain (TEK) material are accountable to provide the necessary resources to collect the appropriate baseline information provided in the TEK research, and "The Agency will have to concede to funding support of the TEK research required for the current application." and under what ANSN wants "The vegetation can never be relocated as each plant grows in an integral state with other plants. The area that is being developed will eliminate any access to traditional livelihood and the sustenance that has been gathered in these areas. There is medicinal value in the vegetation that exists here and it will never be replaced or relocated due to its complete decimation. The foliage has to be accounted for within this footprint. Gain confirmation from the Agency that additional resources will be identified to support the collection of the digital information relative to TEK research."</p>	February 13, 2013	<p>Many of the answers above provide specific information related to the studies of Aboriginal knowledge of plant resources, and the incorporation of this information into reclamation plans, or access restrictions to the Project area and its potential effects on Treaty rights. Among Aboriginal individuals, opinions vary widely on the best approaches to use for helping medicinal plants return, with transplanting seen by many as a viable option. It is also noted that many of these plants may colonize disturbed areas from directly adjacent undisturbed patches. CVRI has sponsored ANSN field investigations and reports for Mercoal West, Yellowhead Tower, and the Project. Subsequently CVRI sponsored ANSN field investigations and report for Robb Trend West and the Access Corridors. This work was complementary to the previous Project investigations. [Individual] has repeatedly expressed his personal dissatisfaction with the methodology applied in these earlier studies which had been completed under the oversight of the lands consultation department. CVRI is unwilling to "redo" this baseline work. The existing agreement includes provisions for on-going "annual" reviews of discrete land disturbance areas with respect to further detailing of "land use." CVRI is following provisions of this agreement as is evident in the on-going plans for "field review" of the 2013/2014 disturbance areas in Yellowhead Tower. CVRI cannot comment on the requests for funding for traditional use studies from Federal and Provincial agencies, but is aware that the Province has funded traditional use programs at over 45 First Nations over the last 10 years. We understand that ANSN has participated in this process.</p>
				<p>"Unclear on how long it will take before the lands return to their previous state for use by ANSN (reclamation plans)" (See Dillon Consulting: Robb Trend EIA High-Level Technical Review for more detail)</p>	May, 2013	<p>Initial grass/legume seeding will be undertaken during the first growing season following minesoil placement. Fertilizing will be completed in the same year (and may be repeated once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas. As noted above, reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. Given the timelines of forest succession, precise timelines for the development of a "climax community" in reclaimed areas are difficult to predict, but this "successional reclamation" process (Polster, 1989) will continue for several decades.</p>
8	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	Loss of Access	<p>"Q.35 The EA report states that human use of reclaimed areas will be monitored and an access management plan developed (E 294). When are these activities expected to occur? And, will this prevent First Nations people from exercising their Treaty and Aboriginal rights?"</p>	April 2008	<p>Controlled public access may be permitted in or through those areas of the Mineral Surface Lease (MSL) where mining activities have been completed but are not actively occurring, which are distant from mining operations, and where wildlife values would not be jeopardized. Within active mining and reclamation operations, no public access will be permitted for safety reasons (for CVRI employees and the public). After reclamation activities have been completed and the vegetation cover is established and self-sustaining, limited access may be considered. Access may only be permitted through selected reclaimed areas on designated trails. This will accommodate those persons interested in gaining access to areas in behind the MSL. This system is similar to that currently in place on areas of the CVM (e.g., the trail to Silkstone and Lovett Lakes; access to Lovettville). Time limitations to trail use may apply, as determined through government and public consultations. As reclaimed lands receive reclamation certification, and the MSL is dropped, greater levels of human use on certain areas of the reclaimed landscape may be considered. The reintroduction of human activities will be deliberately planned so that environmental conditions on the reclaimed sites and wildlife patterns are considered. Land and access management at this phase would be the responsibility of the provincial land management agencies. CVRI will continue to work with First Nation groups to maintain to Treaty and Aboriginal rights.</p>

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response	
9	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of ceremonial locations in Project area	"the large size of the CVRI development limits the use of the land for traditional ceremonies and may jeopardize grounds that are sacred to the ANSN."	July 16, 2008	CVRI is fully prepared to work with Aboriginal communities to avoid specific ceremonial locations identified or undertake other mitigative options where such are identified. ANSN has provided no information that would indicate the presence of any ceremonial locations within the Project area. No Aboriginal group consulted to date has indicated that access restrictions to the Project area will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake traditional pursuits such as ceremonies. CVRI notes that access to proposed Project lands to undertake traditional pursuits such as the performance of ceremonies will not be restricted in the entire area upon Project approval as noted in response #1 above. The withdrawal of a statement of concern submitted by ANSN regarding previously proposed CVRI mine extensions, including this specific concern, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to Treaty Rights and traditional uses in the Project area.
10	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of burials in Project area	Councillor requested information regarding known grave sites within the CVM permit area and proposed expansion areas	August 10, 2006	CVRI is aware that in the past government agencies and corporations have not been particularly sensitive or responsive to Aboriginal concerns about the disturbance of burials. To date no Aboriginal group has notified CVRI of the location of a burial within the Project area. Some Aboriginal burials and non-Aboriginal burials in the general area are known to CVRI, the locations of which are privy to those who have identified their locations. CVRI has previously modified its proposed Project permit area removing some known burials from the Project lands, none of which are associated with ANSN. CVRI is fully prepared to work with Aboriginal communities to avoid burials identified or undertake other mitigative options. If during operations possible burials are encountered, CVRI is prepared to work with Aboriginal communities and regulators to confirm burial association and devise an appropriate avoidance or mitigation strategy. The presence of human remains or burials on Project lands, whether Aboriginal or not, is subject to Federal and Provincial laws and regulations including Section 182 of the Criminal Code, the <i>Alberta Cemeteries Act</i> , and potentially the <i>Alberta Historical Resources Act</i> . Knowingly disturbing human remains (improper interference) without legal authorization constitutes a criminal act, and knowingly disturbing burials, recorded or not, without legal authorization contravenes the <i>Cemeteries Act</i> and potentially the <i>Historical Resources Act</i> . In addition to moral duties, sanctions of both a criminal and financial nature for any actions provide significant impetus for CVRI to act swiftly and accordingly should potential burials be identified during development activities. Mine management will ensure that all supervisors and workers are aware of the legal and moral issues regarding possible burials.
				Stated "their must be some burial sites out there, didn't get info from [other Aboriginal Group]", Stated "[other Aboriginal Group] found some burials which are ours actually, haven't told us where they are." Expressed that ANSN would need to get info on burial sites.	March 25, 2008	
				Chief Cameron stated that ANSN needs constant monitoring and brought up concern from the [other Aboriginal Group] remains. The Chief stated "if we come across a gravesite, have to do protocols, someone has to be there full-time"	July 17, 2009	
				Elder complained about the remains of [other Aboriginal Group] and was sad to see what happened to the burials	July 17, 2009	
				In reference to protection of burial sites Elder stated "we need to have something in paper between white man and Chief, grave sites vs. burial sites"	July 17, 2009	
				Community Member Stated "I'm concerned about the Pembina River and water quality since it flows to the ANSN Community at [location]."	August 10, 2006	Mining associated with the Project will approach the Pembina River area from the west. A 15 to 20 m high escarpment is located on the west side of the river. CVRI identifies this escarpment as the limit of the river floodplain as the escarpment is formed from intact bedrock. The river meanders within a floodplain below this high embankment. The proposed 'disturbance boundary' was originally positioned 30m from the rim of the escarpment and the excavation 'rim' of the nearest Pit (Val d'Or) was positioned to be at least 115 m from the actual Pembina River position. Due to geotechnical reasons as well as aquatic and wildlife habitat concerns CVRI has revised the mine plan to allow for a 600m buffer zone between mining activities and the Pembina River. The Project effect on the Pembina River will be insignificant.
				" The protection of the water bodies is of great importance as both wildlife and aquatic resources depend on it, as well the medicinal plants that grow near water to survive,"	2007	The surface hydrology assessment presents proposed water management plans and addresses the potential impact of the Project on: <ul style="list-style-type: none"> the quantity of surface water flow and stream behaviour during high, average and low flow conditions; and sediment concentrations in local and regional streams. Various water management and sediment control measures will be implemented for the Project during operations, reclamation, and closure, including: 1) Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the <i>EPEA</i> approval; 2) Release of water pollutants from the site such as oil and grease is controlled. With the installation of oil booms on the impoundments and immediate containment of oil in the event of a spill, there is little danger of these materials contaminating surface waters. Components of the water handling system will be designed according to the governmental specification and the systems will be operated in accordance with regulatory approval requirements; and Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the <i>EPEA</i> approval; 3) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; and 4) All mine-affected water will be treated prior to its release in to the receiving waters to reduce potential effects from loading of suspended sediments and potential effects of water quality variables typically associated with suspended sediments (e.g., total aluminum and total iron). CVRI will pay particular attention to selenium (see below). The mine wastewater treatment program similar to the one currently in use at the CVM will be established to minimize downstream siltation and minimize downstream effects on surface water quality; 5) With respect to selenium, the CVM will continue an effective water quality monitoring program including a focus on selenium concentrations. The objective will be to observe water quality relative to baseline values to identify any changes over time. Should a significant increase in selenium levels be noted an investigation will be undertaken to identify possible sources and mitigation plans will be implemented; 6) Where necessary, interim erosion/sediment control measures will be utilized until long-term protection can be effectively implemented; 7) Minimization of the time interval between clearing/grubbing and subsequent earthworks, particularly at or in the vicinity of watercourses or in areas susceptible to erosion; 8) Slope grading and stabilization techniques will be adopted. Slopes will be contoured to produce moderate slope angles to reduce erosion risk. Other stabilization techniques used to control erosion include: ditching above the cut slope to channel surface runoff away from the cut slope, leaving buffer (vegetation) strips between the construction site and a watercourse, placing large rock rip rap to stabilize slopes; 9) Whenever possible, construction activities in close proximity to watercourses will be carried out during periods of relatively low surface runoff in late fall, winter and early spring (from October to April). A 30 m buffer (vegetation) strip will be left between construction sites and watercourses except at stream crossings and diversions; 10) Temporary measures to control erosion before a vegetation cover is reestablished, including: diversion ditches, drainage control, check dams, sediment ponds, sumps and mulches; 11) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; 12) The design and construction of all stream crossings will be done in compliance with the <i>Alberta Code of Practice for Watercourse Crossings</i> and associated guidelines. This means that all stream crossings constructed by the Project will meet regulatory requirements for protection of fish resources and aquatic habitat; this will also effectively mitigate against effects on surface water quality
				What effects will the reduction in water quantity on water courses be?	April 2008	Mining activities are expected to reduce high flows, and low flows are expected to either remain the same, slightly decrease or slightly increase. Annual runoff may have modest variations dependent on mining activities at the time (e.g. pit dewatering). Temporary water diversions will also contribute to some slight variations in flow quantity for short periods of time. Instream flows will be maintained by bypass pumping. Depending on the extent of the disturbance footprint within the watershed the significance to flow quantity may remain the same, increase or decrease depending on the mine progression and seasonal variability. Dewatering of the groundwater around or in the mine pits, to permit mining, increases surface flows. This is usually a minor flow component of the overall surface runoff rate from an area. The magnitude of the flows is small and regulated by pumps. If the sump or dewatering area is well laid out and separated from active mining, the effect on sediment loads can be negligible. Impoundments such as settling ponds or end pit ponds or lakes generally reduce downstream peak flows as a result of storage. Increases in low flows can result from a more gradual release of the water stored in the impoundment. Depending upon their size, pond evaporation losses may be significant at times but is near balanced with direct precipitation on an annual basis. Depending upon their size and efficiency, impoundments can reduce sediment loads significantly. End pit ponds will reduce flows when initially filling but can provide opportunities for enhancement. For open water bodies (lakes, ponds and to some extent wetlands), lake evaporation essentially replaces evapotranspiration in equation (1) above with groundwater having both an inflow and outflow component. After initial filling and stabilization of the groundwater level, such that the net regional groundwater recharge is the same as pre-mining, it may be assumed that groundwater inflow equals outflow on an average annual basis. It should be noted that even large differences in net groundwater inflow/outflow for the water bodies typically will have minor net surface flow impacts because of the small areas of the ponds relative to the basin sizes and the smaller groundwater flow component compared to the surface runoff component. Diversions will be sized and designed to convey peak flows safely considering the life of the diversion. As a result, water diversions do not impound water or cause losses due to infiltration (if lined) and, if returned to the same stream, will not affect the magnitude of downstream flows. All defined watercourse crossings will be designed, and constructed, to meet or exceed the regulatory requirements for approval under the provincial <i>Water Act</i> and the federal <i>Fisheries Act</i> and <i>Navigable Waters Protection Act</i> . If appropriately designed and constructed, these crossings will have negligible effect on flows or sediment loads to the streams.

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response	
11	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to water quality in Project area	"What about water diversions, do you return to natural path?"	March 25, 2008	The Project will require multiple diversions around active mine areas. Many of the diversion systems are temporary and may only be in place for about one year until backfilling and reclamation can take place. Some of the diversions will be permanent installations that will be integrated with the end pit lake development. When possible, stream channels will be reclaimed to close proximity of the original channel. Meanders and channel variability will be included in the reclamation plans. Construction plans for planned diversions will be refined as Project plans are developed and will include detailed plans to mitigate adverse effects to aquatic resources. General mitigation measures that will be employed during the construction and operation of diversion channels will include: <ul style="list-style-type: none"> • maintenance of downstream flow and monitoring to ensure instream flow needs are met; • appropriate sizing of diversion channels and/or pump systems based on the design life of the diversion and considering ramifications of greater than design runoff; • armouring and/or lining of channels or use of flumes where appropriate; • installation of silt fences and/or other erosion control measures on areas immediately adjacent to open channel diversions; • placement and stockpiling of excavated materials in a location that is well away from the channel route; • gradual diversion of flow into constructed channels to minimize potential erosion and mobilization of sediment; • fish rescue and release (fish salvage) of sections or channel that will be abandoned due to diversion or in watercourses that will be diverted into a different drainage basin (i.e. BKTR in PET1); • implementation of TSS/turbidity monitoring during instream work if deemed necessary due to site conditions or timing of works; • consideration of sensitive periods during construction planning by either planning construction to avoid these periods or implementation of site specific mitigation (i.e., redd surveys, fish salvage, sediment monitoring); and • construction of open channel diversions that allow for the movements of fish. If diversions are deemed to be impassable and are impeding important spawning migration then a fish relocation program will be implemented whereby fish will be trapped and relocated to appropriate habitat upstream of the impediment.
				"Surface Water-The CVRI application states that water from impoundment areas will be periodically released into local stream systems, and further that the discharges will at times exceed provincial guidelines. The ANSN has received no information regarding which elements may be expected to exceed guidelines, nor the extent to which such guidelines will be exceeded. Further, the ANSN proposed that alternative means of blasting be used to lessen environmental impacts in the proposed mine expansion area."	July 16, 2008	Settling ponds (impoundments) will be constructed to collect local runoff from haul roads, spoil pile areas, sumps, and pit dewatering operations. Runoff from Project operations can be controlled by routing to settling ponds before being released to external watersheds. Precipitation in excess of the design storm event, or unusual short-term sediment generation events, may occur. Design of controlled outflows for this type of event will provide an effective level of sediment control. In instances where volumes exceed the holding capacity of the impoundment, sediment may be expected to exceed provincial guidelines (elevated TSS levels) for short periods of time. All mine-affected water will be treated prior to its release into the receiving waters to reduce potential effects from loading of suspended sediments and potential effects of water quality variables typically associated with suspended sediments (e.g., total aluminum and total iron). CVRI will pay particular attention to selenium (see below). The mine wastewater treatment program similar to the one currently in use at the CVM will be established to minimize downstream siltation and minimize downstream effects on surface water quality. With respect to selenium, the CVM will continue an effective water quality monitoring program including a focus on selenium concentrations. The objective will be to observe water quality relative to baseline values to identify any changes over time. Should a significant increase in selenium levels be noted an investigation will be undertaken to identify possible sources and mitigation plans will be implemented. See response #5 above for a discussion of blasting and nitrogen associated with the Project. The withdrawal of a statement of concern submitted by ANSN regarding previously proposed CVRI mine extensions, including this specific concern, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to Treaty Rights and traditional uses in the Project area.
				Chief asked how mining is going to impact the Pembina River?	July 17, 2009	See response above.
				Environmental monitor stated in TLU report "Respect natural water sources and do not contaminate as animals and plants use these sources for sustenance."	October 2011	CVRI has developed a Water Management Plan to contain all mine affected water. These mine affected waters are directed to impoundments where they are treated with an approved flocculant. Prior to release into the receiving watercourse all water must meet the Approval water quality guidelines. In an event of a registered storm event some short term exceedences are allowed. This section provides numerous responses and proposed mitigations CVRI will implement to protect the water.
				Environmental monitor stated in TLU report "Plenty of water sources will be destroyed lots of springs in area of the valley"	October 2011	Watercourses will be affected due to the development of the Project. Watercourses that require to be diverted will be reclaimed in accordance to approved reclamation plans. CVRI is currently working with DFO, Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations on completing a conceptual compensation plan for the entire Project which identifies the watercourses that will be affected and what compensation will be required. Groundwater sources may be affected for short periods of time but it is expected and has been documented in past mine areas that groundwater levels should return to baseline conditions. It has been demonstrated that significant drawdown of groundwater levels does not typically extend 100 m beyond a mine pit. Additionally, these declines in water table have been shown to be temporary. See pages which develop on the landscape after mining may provide mineral licks for ungulates. These should be identified as permanent features in the final reclaimed landscape.
			Listed under issue "[individual] indicated that in terms of the wash plant, CVRI is only accounting for coal but that there may be other minerals in the area that we don't know about. The wash plant utilizes certain chemicals that seep into the water table and act as cleaning agents but the ANSN would like to introduce the utilization of new technology to better purify the water that is collected from the wash plant. Innovative technology in water purification can begin to mitigate those impacts faced in the development. The adverse impacts on the environment resulting from dust can further be mitigated through the implementation of such water purification systems. Water contaminated in mine development must be addressed through a bilateral process that includes both the ANSN and CVRI." and under what ANSN wants "Want to know how CVRI will deal with these other potential minerals? Dealing with the issue surrounding water purification is one that the federal department DFO is obligated to address. The Agency along with DFO and the proponent can work collectively to address the issue related to mitigating impacts to the mainstream tributaries that are within the expected areas of development."	February 13, 2013	CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including: <ul style="list-style-type: none"> • continue monitoring programs already in place at the existing CVM mine (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); • document the effect of mine operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; • establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; • conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); • conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; • monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and • monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval. CVRI is currently working with DFO on completing a conceptual compensation plan for the entire project which identifies the watercourses that will be affected and what compensation will be required. 	
			Listed under issue "Cumulative impacts to water, including from emissions and selenium dust. Concern that it is increasing the frequency of disease in the community," and under what ANSN wants "Innovative water purification systems must be implemented into the planning process of the mine operations. The ANSN recognizes the value of the water that is utilized within the development area and through the use of technological applications further assurances and efforts can be made to mitigate the impacts of selenium dust on the water."	February 13, 2013	Selenium presence in the mined rock is low in comparison to other locations in Canada. Hence the opportunity for "leaching" selenium into the water column is low. Release of selenium from rock dumps into surface water has been noted at mountain mines in Alberta and British Columbia. A review of 92 selenium values from the groundwater monitoring wells demonstrate that prior to mining the highest concentration was 0.006 mg/L and the average concentration was slightly above 0.001 mg/L (CR #3, Table 2.3-7). A review of 36 selenium values from the groundwater monitoring wells post-mining demonstrate that the highest concentration post-mining was 0.0013 mg/L and the average concentration was slightly below 0.001 mg/L. The fact that the statistics appear to indicate that selenium concentrations go down after mining in an area is likely just a function of dealing with values that are: 1) close to the method detection limit and 2) can vary naturally in the order of several micrograms per liter. The appropriate interpretation is that there is no indication that mining affects selenium concentrations in groundwater. In the 35 years of mining, the CVM has not had any major issues related to selenium concentrations.	
			The TLU report stated "Although, medicinal plant life may be short term and minimal, the impact toward the wildlife habitat may be long term since the expansion project is expected to last up to twenty years."	2007	CVRI's impact to the Project area will not be permanent, and it will mine the Project in stages over a 25-year period. The first stages will involve road construction as early as 2013, with the first mine pits opening in the center of the area as early as 2014, but with development of mining areas towards the southeast not until 2021, and in the areas west of the town of Robb not until 2027. The reclamation plans for the Project will incorporate Aboriginal TEK, including that contributed by ANSN, to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for prior to that time.	

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response
				2007	The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones through displacement. Most wildlife will likely be displaced to adjacent habitat patches. Ungulates will be temporarily displaced by active mining as they are unable to cross a pit disturbance. This displacement will be restricted to local use as there are no indications of long distance or major seasons migrations in the LSA. Large amounts of moderate quality moose habitat is available throughout the RSA for moose thereby moderating the effect of habitat change caused by mining. High quality moose habitat on the Project and other areas associated with mixed wood of the Lovett Ridge will be reclaimed with a closed forest regeneration forest of lesser habitat quality. The impacts of the Project development on moose in the region can be mitigated by: implementing reclamation techniques appropriate for moose, establishing a variety of vegetation types and promoting understory complexity in regenerated forests that includes willow species, aligning reclamation and other re-vegetation efforts to maintain and improve moose habitat, taking steps to ensure core security areas are provided for wildlife, implementing appropriate monitoring, cooperating with the province and other industry on access management and other relevant management issues. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. It is expected that elk and deer will respond positively to the early stages of upland reclaimed and re-vegetated areas on the LSA particularly in the Robb West, Main and Central zones where there is extensive mixed wood and deciduous habitat adjacent the disturbance area. The impact of mining development will involve direct mortality through clearing and loss of habitat during mine development and changed composition in small mammal communities in the early stage of reclamation. Small mammals will be temporarily displaced by active mining as they are unable to cross a pit disturbance. Other forest dependent small mammals (red squirrel, snowshoe hare) will be expected to use the regenerated forest and its understory once it becomes established. Understorey development is a necessary component of snowshoe hare habitat. The density of small mammals in reclaimed grasslands has been shown to be similar to undisturbed habitats (Hingtgen and Clark 1984). After initial grassland establishment, the number of small mammal species is expected to be similar to those on undisturbed similar habitats. Wolverine status is listed as transient/migrant and abundance as rare in the study region. The wolverine is listed as "may be at risk" under Provincial Status (2010) and as "special concern" Federally Listed under COSEWIC. The Red Fox status is listed as a permanent resident in the study region but with a scarce abundance. The Provincial Status (201) for the fox population is listed as "secure". Muskrat and beaver have been observed using the reclaimed lakes on the CVM (Bighorn 1995:24). Many of the species on the CVM are birds associated with water habitats which would have been poorly represented in the pre-development ecosystem. While bird abundance and types of species may change as a result of mining activity it appears that the number of bird species will be similar or may increase as a result of adding new habitats e.g. upland grassland, shrubland, lake, pond and wetland development. The edge associated with the Project should enhance tree growth potential both natural and through reclamation planting as well as promoting maintenance of bird species occurrence during active mining. Reclaimed lakes and ponds on the CVM support breeding water birds, i.e., Canada Goose, Mallard, Bufflehead, Common Goldeneye, Barrow's Goldeneye, Killdeer, Greater Yellowlegs, Spotted Sandpiper; probably or possible breeding water birds i.e., Ring-necked Duck, Lesser Scaup, Solitary Sandpiper, summer visitants i.e. Common Loon, Osprey, and several species of waterfowl and shorebird migrants not seen elsewhere in the RSA, i.e., Semipalmated Sandpiper, Western Sandpiper, Least Sandpiper, Baird's Sandpiper, Short-billed Dowitcher. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features.
				2007	Hauling has the potential to impact wildlife through collisions and emissions including dust. Haul trucks to be used have a maximum speed of 60 km/h. Potential direct mortality through vehicle collisions is not expected to be a problem as haul roads are typically wide (approx. 30 m) and provide a good field of view for operators and wildlife. Truck travel is slower (areas of 30 km/h and areas of 60 km/h) than highway speeds. Haul truck operators at the CVM are experienced drivers. All mine vehicles using the haul road are radio-equipped. It is standard operating practice for operators to advise other operators if a road hazard is encountered including wildlife on the road. CR#1 (Air Quality Assessment) concluded that combustion emissions on public roads (SO2, NOx, CO, PM2.5) are lower than emissions from CVM haul road operations (Tables 4.1-12 to 4.1-15). SO2 emissions from public roads are 17% of total haul road emissions from Robb West and Robb East and NOx emissions from public roads are 2% of Project haul roads. CO emissions from public roads are 15% of Project haul roads. Gravel or crushed rock is used on the haul roads. Gravel is observed to produce less dust than clay and sandy surfaces. In order to mitigate dust, water will be applied to haul roads operated by CVM. In summer, the assessment assumed that water will be applied to haul roads operated by CVM. Application of water or calcium chloride (CaCl2) is assumed to have 80% dust suppression efficiency, as used in previous air quality assessments in other mine areas in Alberta (Cirrus, 2002). Water is systematically applied to haul roads to minimize dust using a water truck dedicated to this purpose. An emission control efficiency of 80% during the summer months is expected from this measure. Snow cover is retained on the road as a mitigative measure during the winter months, unless the cover would compromise the safety of vehicle operations. Winter ground is frozen and, since the soil and overburden have elevated moisture contents, there is significant reduction of dust emissions at that time. Although hauling will negatively affect nearby resources, the Air Quality study concluded that the effects were insignificant. Overall, residual air quality impacts relevant to the Project were considered to be low for several reasons. Project contributions to predicted concentrations at the RSA MPOI and at local receptors were typically very small in an absolute sense. The addition of the Project did not result in exceedances of the CWS and AAQOs or odour thresholds. All Project air quality impacts are reversible and the ambient air quality is expected to revert to its original state after the Project ceases to operate. Other impacts to wildlife and vegetation from the Project are addressed in numerous other responses in this table.
12	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impact on wildlife in Project area	March 25, 2008	Low calf moose numbers are generally attributed to wolf predation, lack of forage, increased access leading to increased hunting and die-off related to ticks. Mining and forest harvesting may result in temporary displacement of local populations but the RSA is characterized by a large amount of moderate quality moose habitat. An examination of elk observations during Fish and Wildlife moose surveys in the area on the north side of the existing CEA study area indicates scattered elk in low numbers. There is not a substantive elk population in this area. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features. CVRI also aims to maintain as much undisturbed habitat as possible during mining will help to enhance the wildlife diversity of the reclaimed sites. The future management of the reclaimed areas, including access for hunting and the management of ungulate populations, will be the responsibility of AESRD.
				April 2008	CVRI works with the FMA holder (West Fraser) to determine appropriate clearing plans to reduce overall footprints. Cut blocks are coordinated with upcoming mining activity whenever possible to maintain as much undisturbed forest habitat as possible. Once the mine removed the vegetation the FMA rights are compensated and the land is take over by CVRI under their permit boundary and lease. CVRI cannot remove other FMA holder lands by simply purchasing them for offsetting habitat losses. Conversations with West Fraser continue to make sure both parties can obtain resources in the most environmentally responsible way.
				April 2008	In support of the application, baseline wildlife surveys were completed. These surveys included collecting data on all existing wildlife resources (amphibians, reptiles, birds, and terrestrial and aquatic mammals) and their use of habitat in the study area(s). Tasks completed for the wildlife assessment included: <ul style="list-style-type: none"> • identify relative abundance, concentration areas, distribution patterns, and habitat associations of ungulates by means of winter aerial surveys, snow track-counts, and a spring pellet-browse survey; • identify small mammal, avian and amphibian presence, relative abundance and habitat association by means of snow track-counts, trapping small mammals, owl surveys, spring bird survey, breeding bird survey, migration survey, and amphibian survey; • compile a list of vertebrate species (excluding fishes) and identify their status as per the Committee on Endangered Wildlife in Canada (COSEWIC), the Canadian Endangered Species Conservation Council (CESCC 2006) and the General Status of Alberta Wild Species (ASRD 2005); • prepare a habitat map to identify the quantity and quality of habitat present in the Project Development Areas; • update wildlife use of the existing CVM by means of aerial survey, systematic monthly ground surveys, spring pellet-group counts, breeding bird survey and amphibian survey; • identify VEC's for assessing the potential impact of the proposed development on ungulates, small mammals, birds and amphibians; • discuss biodiversity at the LSA and RSA scale; • review Traditional Use Studies (TUS) prepared for CVRI from a wildlife perspective; • discuss climate change with respect to changes in the Boreal-Cordilleran ecoregion that may affect wildlife; and • evaluate the potential impacts of the Project within a temporal and spatial perspective that incorporates existing and future demands by other users and developments by conducting a quantitative cumulative effects assessment for elk. This extensive background data collection provided the application with a good indication of wildlife health. See below for additional information on animal health.

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response
				"Q36. What if any baseline studies, have been done on animal health in the area"	April 2008 Through its consultation efforts, CVRI is aware that many Aboriginal groups are concerned about the effect of industrial development on wildlife health. They report cases of diseased animals that when butchered are found unfit for consumption, and many attribute this to industrial development. This has even led to research studies into animal health supported by several Treaty 6 First Nations. And of course, Alberta Fish & Wildlife (AESRD) studies numerous animal health issues including Chronic Wasting Disease (CWD), White-nose Syndrome, West Nile Virus, mammalian skin tumours, and numerous others. They have established programs to track, understand, and manage many of these. CVRI recommends that Aboriginal groups continue to press the Provincial Crown and other industrial players on the potential link between industrial activities and animal health. As for Project potential effects on animal health, a discussion of these is found in CR#5, Human Health, Appendix F: Screening Level Wildlife Risk Assessment (SLWRA). This assessment looked at any potentially harmful substances that could be associated with the Project such as air contaminants, heavy metals, polycyclic aromatic hydrocarbons, volatile organic compounds, and others that could be released into the air, or otherwise make their way into soils or surface water, and then be breathed in or eaten by animals. In order to err on the side of caution, the study assumed that potentially affected animals would be exposed to maximum potential adverse effects from the air for their entire life cycle, and that the Project would last 80 years instead of 25. The assessment concluded that predicted acute exposures to the substances through the air would not have an adverse effect on either avian or mammalian wildlife in the region. It was also concluded that predicted chronic exposures to the substances through the air would not have an adverse effect on mammalian wildlife in the region. Most predicted soil concentrations for these substances are not expected to have an adverse effect on wildlife populations in the study area. However, some metals identified during the screening indicated a possible concern under only one of the several screening guidelines, and resulted in more in-depth analysis. This analysis indicated that these metals will be within the typical range of levels across Alberta, and therefore comparison of predicted soil concentrations to background levels indicated that wildlife are not likely to be at any greater risk in the RSA than other populations across Canada. In all instances, the long-term surface water concentrations of the substances are not anticipated to adversely affect wildlife populations in the region. The results of the SLWRA indicate that the overall risks posed to wildlife health from the Project will be low. Therefore, no impacts to wildlife populations are expected based on estimated wildlife exposures to predicted maximum acute and chronic air concentrations and measured soil and surface water concentrations. The confidence in the prediction is high since highly conservative assumptions were applied in the SLWRA. CVRI will continue to work with government agencies, Aboriginal groups, and others to monitor and mitigate against potential effects to animal health in the region.
				"Q.37 What, if any, studies on animal health have been done with regard to current and past CVRI mines?"	April 2008 Wildlife monitoring is common practice at all CVRI mines to various degrees of complexity. All CVRI projects required to provide baseline wildlife data and ongoing monitoring occurs with wildlife cameras and survey counts identifying what habitat (pre-mine, during mining, post-mine, reclaimed) is used and to what degree. As noted above, CVRI does not expect that the Project will have any effect on animal health.
				"Q.38 Why has CVRI not committed to a Wildlife Compensation Program to address the relatively long "short term" effects of the Project on wildlife?"	April 2008 A variety of wildlife uses on undisturbed and reclaimed habitat associated with coal leases during and after the mining phases has been documented. Wildlife have colonized new habitat created by reclamation of coal mines (MacCallum 2003). Activity associated with mining is predictable and focused. Animals are not subject to random and varied human disturbance within the MSL. These conditions allow animals to colonize the reclaimed landscape. The MSL associated with the CVM has provided a secure environment for wildlife and is instrumental in maintaining regional ungulate populations especially in the Critical Wildlife Habitat associated with the Lovett Ridge. Initial displacement of the existing wildlife community on the Project LSA by active mining will be followed relatively quickly by colonization of wildlife species appropriate to the stage of succession reached by the regenerated plant community. Given that appropriate habitats are established and movement opportunities are designed into the Project disturbance, wildlife are expected to adjust to the initial displacement and disturbance by colonizing newly available habitat and incorporating it into their daily and seasonal activities.
				Environmental monitor stated in TLU report "Wildlife will lose a lot of forest they use to survive.", Elder stated in TLU report on suggestions to reduce impacts, "Just the medicines and berries, and the bear den. Try to protect them by not using machinery near or around the creek and bear den."	October 2011 A minimum 30 m buffer is maintained around all watercourses and if an important wildlife component (nest, den, rearing area) is identified, site specific mitigation will be implemented that could include time restrictions.
13	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impact to environment	The TLU report stated "It was suggested that any major development into the area would definitely have impact on wildlife, berry growth, medicinal trees and plant life."	2007 The Project will affect wildlife and vegetation in the area but for short periods of time until reclamation activities can establish productive terrain. It should be noted that the Project is completed over a number of years and not all the lands will be disturbed at one time. CVRI promotes progressive reclamation and when the opportunity exists the mine will start to recontour and reclaim mined out lands as soon as possible. Mining is a temporary use of the land and reclamation activities aim to make this time as short as possible. This is detailed in the response to #1 above.
				Environmental monitor stated in TLU report Recommendations "Less impact to land, game trails and vegetation by machinery or quads."	October 2011 Disturbance footprints are minimized as much as possible to decrease the overall effect on vegetation, wildlife and various other factors. CVRI also aims to maintain as much undisturbed habitat as possible during mining which will help to enhance the wildlife diversity of the reclaimed sites.
				Environmental monitor stated in TLU report "Beautiful land will be destroyed forever." and "Disturbance will have a large impact"	October 2011 CVRI's reclamation objective for the CVM is to reclaim mined lands to meet equivalent land capability with the intended end land uses. The achievement of this objective assures that mining is a temporary use of the land. Reclamation of the land is detailed in many of the above responses.
				"Comment 14: The Application should identify whether or not the on-site storage of coal, catalysts and chemicals, products, by products, intermediates and wastes will also be used for the Robb Trend portion of the project. If they are, the Application should quantify the amounts associated with each of the three portions of the project."	April 11, 2007 On-site storage of coal, catalysts and chemicals, products, intermediates and wastes will not change due to the Project. These current facilities and products will continue to be used for the Project and volume increases are not expected.
				Stated under issue "Selenium dust – According to [individual], CVRI is denying it is out there but he argued it is a problem in the project area. Selenium comes up in several different sections of the EIS (e.g. CR3-Hydrogeology, CR10 – Soils, CR 11 – Surface Water Quality).", and under what ANSN wants "We have no idea of the adverse effects of selenium and as such the ANSN would further request that direct technical support and resources be provided to the ANSN that will allow them to address this matter. Through cost sharing the Agency and the proponent can clarify the effects of the selenium dust on the environment and further ascertain the direct impacts of the selenium dust on the ANSN inherent right to gain access to the traditional livelihood."	February 13, 2013 CVRI's response to selenium concerns is discussed above in response #11. CVRI's studies indicate that there will be no impact from selenium, and therefore no impact from such on Treaty Rights and traditional uses in the area. CVRI cannot respond to the request for additional funding to ANSN from Federal agencies to study the issue of selenium, but will not provide additional funding as the proponent for such work.
14	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	impact to rare plants	Stated "There is a plant on the CERA list for extinction up there, guy from [other Aboriginal Group] said"	March 25, 2008 In total, 574 vegetation species were documented during field surveys within the LSA. Of these, 345 were vascular and included 9 trees, 62 shrubs, 193 forbs and 81 graminoids, and 229 were non-vascular and included 134 bryophytes and 95 lichens. Forty-six vegetation species documented during field surveys in the LSA are on the ACIMS Alberta Rare Plant Tracking and Watch Lists (Table E.13-5). Of these, 20 are vascular plants (with 38 occurrences), 18 are bryophytes (with 40 occurrences), and 7 are lichens (with 9 occurrences). Additionally, one occurrence each of Chrysozanthemum lowense (golden saxifrage), the crust lichen Lecidea leparioides, and Conocephalum conicum (snake liverwort) were observed within 500 m outside the LSA boundary. The results of baseline field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List. No plants observed in the Project area are listed as potentially being extinct. The comment provided may be referring to a new, and rare species of orchid documented in the Marlboro area, far outside of the Project area.
				"Q11. Since Aboriginal people have a heavier reliance on country food such as fish, and there may be a risk associated with long-term high consumption, will CVRI commit to conducting a baseline health study on Aboriginal people using or living in the area and monitor the health impacts"	April 2008 Studies of Human Health impact (CR#5), including Aboriginal receptors utilizing a subsistence diet in the region, indicate no substantial Project-related health risks due to exposure to, inhalation, or ingestion of chemicals, toxins, carcinogens, or harmful non-carcinogens. No adverse health effects are expected for the region. CVRI will continue to implement monitoring of air, surface water, and ground water to help mitigate any potential effects. Given the distance of ANSN from the Project area, potential impact to a member of that community through dietary intake cannot reasonably be expected to exceed the conditions as laid out for an Aboriginal receptor in the study of human health.
				"Q12. Will CVRI commit to consulting with ANSN on water quality monitoring to ensure there is no health risk from mercury consumed in fish?"	April 2008 Responses #5 and #11 provide a discussion of potential impacts from mercury and selenium respectively.

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response	
15	Potential Impact to Treaty or Aboriginal Rights	Health	impacts to Aboriginal health quality in surrounding region	"Human Health- The people of the ANSN generally have a higher reliance on local sources of food such as fish, berries, plants and game, and accordingly have concerns about human health impacts of them. To date, no information has been provided by CVRI suggesting that a baseline health study has been conducted on the ANSN people, nor has any indication been given regarding the risk associated with high long-term consumption of local sources of such food. Accordingly, The ANSN is concerned particularly for the health of its people, and proposes that it should be informed of any potential associated risks and that suitable steps to be taken to minimize such."	July 16, 2008	Responses #5, #11, and a response above provide a discussion of potential impacts from mercury, selenium, and wild resource consumption respectively. The withdrawal of a statement of concern submitted by ANSN regarding previously proposed CVRI mine extensions, including this specific concern, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to Treaty Rights and traditional uses in the Project area.
				Chief stated that they would like to look at the cumulative effects on ANSN, he stated that "coal dust affects everything out there"	July 8, 2009	
16	Potential Impact to Treaty or Aboriginal Rights	Health	noise pollution	"Noise- The ANSN is concerned over the impact that noise from explosives will have on areas surrounding the proposed mine expansion area. Although admittedly the immediate effects from blasting will only be of short duration, the mitigation of disturbance to animals and residents in the area does not appear to have been addressed by CVRI other than to state that residents will be notified prior to blasting. The ANSN is concerned that such notification will not help to minimize impacts of blasting, and states that alternative methods of blasting exist that would minimize noise disturbance."	July 16, 2008	The noise and vibration levels associated with blasting are typically a cause for concern by nearby residents and can disturb wildlife. Blasting will be conducted on weekday afternoons and the utilization of smaller more localized blasts will be implemented to reduce noise levels and the amount of explosive being used. As mentioned above, ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. The withdrawal of a statement of concerns submitted by ANSN regarding previously proposed CVRI mine extensions, including this specific concern, is a strong indication that the proposed mitigations and relationship established have addressed general concerns about impacts to Treaty Rights and traditional uses in the Project area.
17	Potential Impact to Treaty or Aboriginal Rights	general traditional use	Interest in environmental monitor	Chief stated ANSN would be interested in monitoring in an MOU	January 15, 2007	The CVM has active employees whose responsibilities include the environmental monitoring throughout the CVM. Other monitoring activities are completed by various environmental consulting companies. CVRI will consider the use of Aboriginal Groups for future monitoring programs. The following monitoring will continue within the Project area and throughout the mine site: <ul style="list-style-type: none"> • groundwater; • surface water; • air; • noise; • wildlife/aquatics; • vegetation/wetlands; • reclamation; and • regulatory compliance. An ANSN liaison position exists at the CVM. The scope of this position can be expanded to a role in the environmental monitoring of CVM operations.
				Chief expressed that Alexis would like a monitor to look at site on a monthly basis and be part of the advisory committee	July 8, 2009	
				Expressed interest in having a full-time environmental monitor from ANSN	April 26, 2011	
				Expressed interest in having a full-time environmental monitor from ANSN for the mine	October 5, 2011	
				Raised as recommendation in TLU report for ongoing monitoring of project area	October 2011	
18	Socio-economic impacts	Socio-economic	other	"The ANSN is specifically concerned about the lack of study by CVRI of socio-economic impacts on its people, separate and distinct from the communities of Edson, Hinton, Robb and those areas of Yellowhead County studies. Specifically, the ANSN is concerned over the social impacts on its members due to the mine expansion, but also economic impacts or opportunities facing its members. To date, no further reported information forms the basis of CVRI's application in this regard. The ANSN states that further studies should be conducted with its members to this end to minimize potential adverse effects and to develop mutually beneficial opportunities between the parties."	January 15, 2007	The Project is not a new enterprise but an undertaking that will allow the continuation of an existing venture. Employment is expected to remain roughly constant to current levels, therefore, population and social conditions in the local or regional area are expected to stay fairly static. An agreement is in place between CVRI and ANSN that is focused on a cooperative relationship including the establishment of employment and contracting opportunities. The liaison for this agreement is active in bridging between the community and the mine operation through regular meetings, communicating job openings and employment resumes, plus representing and promoting community contracting capacity.
				"A particular concern is held over ongoing communication and consultation between it and CVRI. Especially, the ANSN would ask that the ERCB order that CVRI consult continually with the ANSN as a condition of this application, if granted."	January 15, 2007	
				Expressed that the Nation would like capacity funding for TUS studies and socio-economic impacts	March 15, 2007	
				"Comment 11: The Application should describe how the Proponent intends to consult with the ANSN on environmental management plans and on-going monitoring and adaptive management."	April 11, 2007	
				The TLU report stated "It was stated that more women elders take part in the assessments for medicinal purposes. It was indicated that women are apt to identify more medicinal plants."	2007	
				The TLU report stated "Finally, the monitors suggested that for future environmental assessments based on traditional knowledge that more elder monitors be recruited to enhance the assessments."	2007	
				The 2007 TLU report stated "The elder monitors recommended that the environmental assessment based on their traditional knowledge needed more time to complete a thorough assessment and cover more ground area to see everything. They indicated suitable timeframe is important to make a complete and thorough assessment."	2007	
				Sent a letter requesting additional TLU studies for ANSN as recommended in [consultant's] review of the EIA.	May 26, 2009	
				Chief stated that he disagreed that TLU studies had been completed and stated "the position I have to reiterate is the core of cumulative effects, everything is not okay, ANSN is different in terms of engagement, we have lands out there, makes us different, since 1996 we have been guaranteed reserve lands."	July 8, 2009	

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response	
19	Consultation	Consultation	Consultation	Chief stated "we need to deal all coal companies the same way, I think meeting every 6 months with council, once a year with community, Premier has indicated will be re-looking at consultation, need to get it concrete, not meaning to be adversarial, but need to let you now how we want to be engaged"	July 8, 2009	<p>CVRI has engaged in consultation with ANSN on the Project in the spirit of both Provincial consultation guidelines and relevant court decisions since 2006 in order to assess and mitigate any potential impacts to their Treaty Rights and traditional uses of the Project area. CVRI believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in terms of the assessment of its adequacy. Consultation has resulted in a written agreement between the parties that has established a relationship that will witness on-going consultation for the life of the Project, and has addressed many of the concerns raised regarding consultation. CVRI continues to provide capacity funding that will maintain coordination between the parties on issues of concern to ANSN, including but not limited to issues of traditional knowledge, contracting and employment opportunities, and other community support. CVRI funded ANSN traditional use studies of the Project lands in 2007 and 2011, and has agreed to further studies on its operations in the future where necessary. The 2011 traditional studies were initiated in response to footprint changes associated with the Project and concerns regarding coverage. In all cases, ANSN has been responsible for choosing participants in the studies and the preparation and presentation of the results. These studies have been extensive in coverage and have provided meaningful baseline data for the incorporation of Aboriginal Group D traditional ecological knowledge into future reclamation activities. CVRI has similar expectations for any future traditional use studies that are implemented on lands associated with CVRI operations. CVRI is not privy to the precise make-up of the traditional use studies program at ANSN, but has provided ample funding to see studies undertaken in support of understanding potential impacts of the Project on ANSN Treaty Rights and traditional uses. CVRI has sponsored ANSN field investigations and reports for Mercoal West, Yellowhead Tower, and the Project. Subsequently CVRI sponsored ANSN field investigations and report for Robb Trend West and the Access Corridors. This work was complementary to the previous Project investigations. [Individual] has repeatedly expressed his personal dissatisfaction with the methodology applied in these earlier studies which had been completed under the oversight of the lands consultation department. CVRI is unwilling to "redo" this baseline work. The existing agreement includes provisions for on-going "annual" reviews of discrete land disturbance areas with respect to further detailing of "land use." CVRI is following provisions of this agreement as is evident in the on-going plans for "field review" of the 2013/2014 disturbance areas in Yellowhead Tower. [Individual] has also repeatedly expressed his concept of "land use studies" including video recordings, detailed mapping requiring ANSN acquisition of equipment, training, and staff. His concept involves detailed digital data acquisition, application of GIS software, and development of capacity within ANSN to undertake such work. CVRI maintains that much of the base mapping (topography, soils, vegetation, wildlife, ecosites) have already been completed and remains available. CVRI is not solely responsible for the support and development of ANSN's traditional studies program, and suggests that additional funding for that beyond that previously provided be sought from relevant Provincial and Federal ministries. As in the past, ANSN has had the opportunity to review CVRI regulatory applications related to the Project, and CVRI has provided capacity funding to assist with the reviews. CVRI is currently awaiting the results of one of those reviews. Given the scope, complexity, and requirements of regulatory filings, it is not possible to allow all parties an opportunity to comment on all matters prior to filing, nor is it reasonable to expect that any and all concerns will be mitigated prior to the submission of an application. As noted previously, CVRI understands that consultation is a process, not a one time event, and the agreement between the parties will help ensure continued discussion of CVRI developments and their potential impact on ANSN Treaty Rights and traditional uses, and other concerns raised regarding potential community impacts from and benefits related to the Project. Regarding issues of asserted Aboriginal Title for their "traditional territory" and its recognition by other parties, and the appropriateness of compensation, those are matters that are well beyond the jurisdiction of CVRI, and issues that need to be discussed with the Federal Crown. The Supreme Court of Canada considers compensation to be a specific form of accommodation. Accommodation does not mean compensation as it is often implied, rather it means steps taken to address concerns and reach some form of reconciliation of competing interests. In an extreme case, typically one involving Title infringement, where compensation as a form of accommodation is called for, the SCC has made it clear that it believes any responsibility in this regard lies with the Crown, not third parties (Haida 2004: 55). The issue of Aboriginal Title is a complex legal issue beyond the scope of the present Project application. The Provincial and Federal Crowns' position is that Aboriginal Title in Alberta was extinguished with the signing of the numbered treaties; CVRI is aware of no court ruling or Crown position contradicting this, or evidence suggesting that a credible prima facie claim to Aboriginal Title covering the Project area on the part of ANSN could be made. CVRI continues to work with ANSN on consultation matters, and views the withdrawal of previously filed statements of concern on its projects and the lack of filing related to the Robb Trend Project as signals that both parties are satisfied that a process is in place to address any current and future concerns related to the Project. This agreement and the on-going consultation must be viewed as the process of reconciliation of competing interests between ANSN Treaty Rights and traditional uses and CVRI's use of the land base for mining purposes.</p>
				Chief stated "consultation has to be on-going, I cant give one-time approval for something to go on for 25 years"	July 8, 2009	
				Chief stated "company comes with intent to get approval from ANSN, not in ANSN best interest, wanted to point out Dan is anthropologist/credited to document doesn't show everything that ANSN said they wanted, just keeping records to show they talked to us, are you satisfied? My question is what have you learnt from our policy, have you incorporated it? You brought tobacco which is good, do you feel in your own procedures you have done all you need to do to get approvals?"	July 17, 2009	
				Elder stated "I don't think the whole idea is just trust, we all gotta live. We live here, we can't meet once and forget it. We hunt here, roads we can't use in future. Trust is not it alone. We have to respect each other."	July 17, 2009	
				Councillor stated how agreement with another company was not followed through. They stated "Looked good at the time. Trust, and they are not fulfilling that agreement, we don't want the same to happen with you. We learned from the last."	July 17, 2009	
				Stated "We do need something on paper. But once we signed (with another company) they turned their back on us."	July 17, 2009	
				Addressed that the Robb Trend West area would need additional TUS studies	April 26, 2011	
				Discussed that the Robb Trend West area would need additional TLU work	August 6, 2011	
				Raised concern that the Robb East portion had not been finished in the TLU studies	October 12, 2011	
				Expressed that ANSN would like to see money for traditional use	October 12, 2011	
				Chief stated "If footprint or licenses changes, we need to be notified to see how it affects us"	October 31, 2011	
				Expressed concern that TLU studies should not be done at one time and should be on-going.	March 2, 2012	
				Expressed interest in funding for GIS capacities for additional TLU studies	February 28, 2012	
				Expressed there was no GIS funding at the ANSN and was needed for additional TLU work	March 2, 2012	
				Noted that ANSN needs internal funding for mapping capacity including training in ArcView and equipment for map production.	March 15, 2012	
				Expressed that ANSN was concerned that the Robb Trend Application was being submitted before ANSN concerns had been mitigated	March 12, 2012	
				In letter from [legal counsel] stated "I have been requested by [Chief] to contact you to request that you provide to our offices with a copy of the proposed Application to the ERCB...The reasons for our request is to have the opportunity to review it before filing and allow ANSN the opportunity to provide feedback in respect to all matters relating to the impact that the project will have on their Treaty Rights.	March 14, 2012	
In letter from [legal counsel] stated "I have been advised by [individual] that the traditional knowledge study report was provided to CVRI last fall and there has been no formal response received to the contents of the report including the recommendations contained therein."	March 14, 2012					

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response	
			<p>Listed under issue "The ANSN has made direct reference to the existing agreement relative to Adaptive Management Strategies that has compelled CVRI to incorporate TEK research that will include multi-media applications. This must become an essential tool that will capture pertinent digital data for the entire landscape within the project area. This hands-on approach will eliminate any threats of elder accidents in accessing this rough terrain. The data sets and video that are collected by ANSN environmental monitors can be shared immediately on a daily basis through a presentation of a video that the elders, trappers, hunters and gatherers can all review to clarify their findings. The ANSN must locate and digitize plant foliage. Timing is essential due to the peak growth season. Planning TEK research is essential and budgets will have to be approved on an annual basis. The variable is time and each location must be assessed prior to any dirt work. This includes Mercoal West, Yellowhead Tower, all corridors and the main area of the Robb Trend project area."</p> <p>Listed under what ANSN wants "The ANSN would like to conduct annual TLU studies using the Universal Transverse Mercator (UTM) grid system to map coordinates of traditional vegetation." and, "The ANSN must undertake a progressive mapping strategy to stay one step ahead of each new stage of development within the project area." and "The ANSN will require confirmation from CVRI that this will be a primary feature of operations in future developments in the mine. Inclusive to the IBA."</p>	February 13, 2013		
			<p>Listed under issue "Incorrectly filed information by CVRI: TEK/TLU studies in EIS document do not cover the entire project area. Studies only include haul roads. Work done in 2006 when the proponent was applying for the Mercoal West and Yellowhead Tower mines." Stated under what ANSN wants "Want to do baseline TLU studies (also referred to by [individual] as "Environmental Monitoring") for the entire project footprint to quantify and map traditional vegetation (herbs, medicines, berries) that may be present and that will be destroyed as a result of the project. This information will help the ANSN quantify what is being lost as a result of the project and clarify the correlation to accommodation through compensation for the loss of access to traditional livelihood as it is stated in the existing treaty (hunt, gather and fish) previously negotiated with the Crown. Further, the affirmation of aboriginal title by the ANSN in relation to the traditional territory is recognized by other first nations, governmental departments and industry partners. As well, TEK information can assist in reclamation works."</p>	February 13, 2013		
			<p>"Deficiencies in Aboriginal Consultation: a. Lack of documentation related to Aboriginal communities throughout the report. When documentation was presented it was primarily focused in the TK/TLU Report; b. Lack of specific documentation of concerns by Aboriginal communities and how they were addressed; c. Unclear how communication with Aboriginal communities will be handled moving forward related to mitigation and monitoring and how the programs might be modified in future" (See Dillon Consulting; Robb Trend EIA High-Level Technical Review for more detail)</p>	May, 2013		
20	Regulatory Process	other	other	<p>"Comment 1: The Application should fully describe the reasons for submitting separate applications for portions of the same project and why this should not be considered as environmental assessment "Project Splitting"- a practice that is contrary to acceptable environmental impact assessment."</p> <p>"Comment 2: The Application should clarify why the Public Consultation Program included the Robb Trend portion of the Project for which separate terms of reference and an application are to be developed."</p> <p>"Comment 3: The Application should assess the degree to which the Public Consultation Program, by including the Robb Trend portion, was potentially flawed."</p> <p>"Comment 4: The Application should contain a full tabular matrix of public and First Nation comments and concerns raised and how they have been addressed."</p> <p>"Comment 9: The Application should describe clearly which components, etc. of the Mercoal West and Yellowhead Tower portions overlap with the Robb Trend portion of the project."</p> <p>"Comment 10: The Applications should describe how management plans for all three portions will be integrated, and, if the environmental management plan for the Robb Trend portion is different, whether and how the management plans for the first two portions will be changed to ensure consistency."</p>	<p>April 11, 2007</p> <p>April 11, 2007</p> <p>April 11, 2007</p> <p>April 11, 2007</p> <p>April 11, 2007</p> <p>April 11, 2007</p>	<p>In Alberta, the coal industry is a two stage approval process. First a mine permit is applied for which allows a proponent to secure the lands required for a project. A mine permit essentially is the regulators approving the project idea but no disturbance is allowed. Once a mine permit is approved the proponent can apply for a mine license which will allow for land disturbance and mining to occur. The Application that was supplied to the regulators (ESRD, ERCB) for review followed the Terms of Reference that were issued by the government to CVRI. The Application included all the necessary information to apply for a mine permit boundary for the project. Consultation is an ongoing process. The sooner a proponent can make future plans aware to stakeholders the better. A lengthy consultation period is beneficial to better educate stakeholders about the Project and to identify concerns and mitigation strategies to resolve them. The Project was identified during the Mercoal West - Yellowhead Tower Application in 2008 to let stakeholders know about the potential development and how it related to other mine areas within the CVM. CVRI fails to understand how very early notification to the public and Aboriginal groups of its potential plans for the Robb Trend Project can be considered a "flaw." CVRI has engaged all parties including ANSN from those early planning stages, indicating a commitment to be open about the planning and regulatory process.</p> <p>Section G and Appendix 7 of the Application contain the public engagement comments and concerns. Federal IR #6 also contains an updated Public Engagement record. Consultant Report #12 captures the comments and concerns raised by Aboriginal Groups. An earlier SIR response provided a more generic breakdown of these concerns in order to respect confidentiality issues associated with Aboriginal groups. This table provides a more detailed breakdown of those concerns as requested by Regulators in their review of the Project Application.</p> <p>The Project represents an extension of CVM's mining footprint into a new area, otherwise using the existing plant and other infrastructure. The Project does not overlap the Mercoal West and Yellowhead Tower projects from a land stand point but similarities exist when speaking about machinery, use of the existing plant, workforce, general geology/vegetation/wildlife and mining/reclamation techniques. As ANSN entered into a long-term agreement with CVRI and withdrew its concerns related to Mercoal West and Yellowhead Tower, CVRI believes that any overlapping concerns have previously been addressed to the satisfaction of Aboriginal Group D.</p> <p>The Project represents an extension of CVM's mining footprint into a new area, otherwise using the existing plant and other infrastructure. The environmental plan for the Project will be dependent on the ESRD EPEA Approval that would be issued at the licensing stage. Common environmental practices and procedures will remain and if required improved upon.</p>
			<p>"Comment 12: The Application should clarify whether subsection 4.1 c) refers to the Robb Trend portion of the Project. It should also clarify whether or not the Mercoal West and Yellowhead Tower portions would be economic, or would not be proceeded with, if the Robb Trend portion was not approved."</p>	April 11, 2007	The Mercoal West mine area is currently active and approaching completion (Phase 2 was approved in late 2012). The Yellowhead Tower mine area is also currently active and further development (Phase 2) in the preliminary development stages.	

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect		Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response
				"Comment 18: The Application should clearly indicate which of the three assessment scenarios includes consideration of the Robb Trend portion of the project."	April 11, 2007	See above.
				"Comment 21: The Application should explain and provide a rationale for any information deficiencies that limit or make the cumulative effects assessment uncertain that are under the Proponent's direct control, i.e. The Robb Trend portion of the Project"	April 11, 2007	As explained above the Mercoal West and Yellowhead Tower projects are active and no information deficiencies exist relating to the Project. The Project was submitted as a separate complete application focused on meeting all of the Terms of Reference. The potential cumulative effects of the Project are assessed in numerous places in the Application.
				"Lack of involvement by ANSN in determining VECs" (See Dillon Consulting: Robb Trend EIA High-Level Technical Review for more detail)	May, 2013	The First Nation was not specifically asked to provide a detailed list of items that it considered to be VECs. However, information supplied by the First Nation in the form of traditional use information or other submissions was used to guide the selection of VECs in some cases, particularly in vegetation, wildlife, and health impact studies.
21	Potential Impact to Aboriginal Heritage	Historical Resources	requests for information on location and nature of recorded Historical Resources in the Project area	Councillor stated "the artifacts you come across, this is something we'd like to be involved with, we want to open an interpretive centre"	October 31, 2011	Artifacts and the sites on which they are found are considered to be historical resources in Alberta. The management of historical resources in Alberta is governed by the <i>Historical Resources Act</i> and administered by the Provincial Crown (Alberta Culture). Provincial authority to regulate all historical resources has been supported by past Supreme Court of Canada decisions, most notably <i>Kitkatla Band v. British Columbia</i> (2002 SCC 31). Although CVRI has shared some general information regarding its Historical Resources Impact Assessment studies with both Aboriginal groups and the public, regulations under the Act limit information sharing on the part of CVRI and its consultants in order to help protect extant significant sites and any associated information and artifacts. Any questions regarding historical resources and artifacts should be directed to the Head, Archaeological Survey of Alberta, Historical Resources Management Branch, Alberta Culture.
22	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	Overall comments by ANSN members included interest in employment opportunities at the mine	August 10, 2006	CVRI and ANSN have entered into a long-term agreement written in part to address concerns regarding Aboriginal employment at the CVM brought up from the initiation of consultation activities in 2006. The issue of worker retention at the CVM, including that related to ANSN or other Aboriginal groups, is complex. Nonetheless, working with their liaison from ANSN, CVRI continues to make efforts aimed at improving employment with this Aboriginal group associated with CVRI operations, both in terms of direct hiring and potential contracting opportunities for Aboriginal owned businesses. Particularly given its distance from established Aboriginal communities, CVRI can only be considered to be one of the options for improving ANSN unemployment issues. ANSN must continue to pursue other options not only with other industrial players in the region, but must continue to press the Provincial and Federal Crowns for assistance on this important matter. Using existing resources and working under the agreement between the parties, CVRI expects to be able to make more positive impacts regarding ANSN employment in the future, which is one of the responsibilities of the liaison position with the CVM.
				Chief stated that employment opportunities need to be looked at in MOU	January 15, 2007	
				Expressed that Alexis First Nation would like to see funding for economic development including training, employment and contracting	March 15, 2007	
				Expressed interest in discussing contracting and employment opportunities for ANSN	March 25, 2008	
				"What, if any, Aboriginal Employment and Retention Programs has CVI instituted or considered to improve its Aboriginal employment numbers beyond 33%"	April 2008	
				[Legal counsel] asked about job opportunities for ANSN and joining of union	July 8, 2009	
				Expressed interest in job opportunities for ANSN	April 26, 2011	
				Expressed ANSN would be interested in employment opportunities	October 5, 2011	
				Expressed that Chief and Council would like to see job opportunities for the ANSN.	October 18, 2011	
				Elder stated in TLU report as recommendation: "Meaningful employment for first nation people (contract, or part-time, or fulltime)"	October 2011	
				Stated "I would like to say here for our community, we are looking for jobs, a lot of educated people in community and accountants, environment, security...other people we work with have their own aboriginal liaisons, hire one of our people, give our people a chance"	October 31, 2011	
				Discussed employment opportunities	February 28, 2012	
				Expressed interest in creating Plan of Action to address full-time employment, summer student positions and contracting opportunities	February 28, 2012	
				Expressed interest in creating Plan of Action to address full-time employment, summer student positions and contracting opportunities	March 1, 2012	
				Chief and Council discussed interest in employment opportunities	May 4, 2012	
				Stated under issue "Worker retention is poor at this coal development." and under what ANSN wants "More community support is required and the CVRI management team must allow for a secondary aboriginal human resources representative to work in the mine who can maintain a direct link to HR initiatives such as positions within the mine and as well to assist in recruitment efforts at the high school level. The HR rep could coordinate with Alberta Works and the CVRI to develop a forum for the local school to promote the mining industry to the younger generation."	February 13, 2013	
23	Employment Opportunities for Students	Socio-economic development	increased employment for underemployed sector of Aboriginal	Expressed interest in summer positions involving reclamation to help foster career paths for ANSN members	October 5, 2011	Refer to the above response. CVRI and Westmoreland are also working on the development of a corporate consultation strategy that may see the formalization of educational and training opportunities for Aboriginal persons. CVRI encourages members of the Aboriginal community to apply for jobs at the CVM, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We do have some trades apprentice positions at the CVM, and there is on the job training for equipment operators.
				Discussed interest in summer student positions for ANSN	February 28, 2012	

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect		Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response
			society	Chief and Council discussed interest in summer student positions.	May 4, 2012	
24	Employment Opportunities	Liaison	Liaison	[Individual] requested a continuing "liaison" with ANSN, where someone chose from the community, who is knowledgeable of the Traditional Use (both past, current and anticipated future uses) in the area is available to, on a continuous basis, to be consulted on mine planning, development and operations. ANSN would then be able to ensure that Traditional Use and values are accounted for.	August 10, 2006	CVRI and ANSN have entered into a long-term agreement that established a liaison position between the parties funded by CVRI. At this time there does not exist a reasonable justification for the establishment of a secretarial position or other supporting staff for the liaison position.
				Expressed that ANSN would be interested in a permanent liaison.	October 25, 2006	
				Stated that ANSN will want money for a liaison with the company	January 15, 2007	
				Chief stated that ANSN was interested in a full-time liaison and incorporated this into draft MOU	July 17, 2009	
				[Individual] requested funding for a secretary to help with his liaison position	March 1, 2012	
				[Individual] suggested to provide a proposal for a joint secretary to his liaison positions for CVRI and another company.	March 15, 2012	
25	Training Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	Stated that ANSN would be interested in money for training opportunities	January 15, 2007	CVRI has recently entertained a funding proposal brought to it from ANSN that would see a third party assist ANSN in providing training opportunities to its members. Senior management at CVRI are still considering the merits of supporting this program. CVRI and Westmoreland are also working on the development of a corporate consultation strategy that may see the formalization of educational and training opportunities for Aboriginal persons. CVRI encourages members of the Aboriginal community to apply for jobs at the CVM, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We do have some trades apprentice positions at the CVM, and there is on the job training for equipment operators.
				Community Members asked if training for jobs was provided and what the qualifications were for the jobs	August 10, 2006	
				Expressed ANSN would be interested in training for employment opportunities	October 5, 2011	
				Environmental monitor expressed interest in TLU report stating in recommendations "Create job training for work in the area."	October 2011	
26	Education Support For Scholarships	Socio-economic development	supporting children's education; increased employment for underemployed sector of Aboriginal society	An ANSN community member inquired if there was available scholarships or bursaries for people to go to school	August 10, 2006	CVRI and Westmoreland are in the process of developing a corporate Aboriginal consultation plan. One of the items under a consideration is a scholarship or bursary program designed to help Aboriginal students fund continuing education. When and if such a program is developed, CVRI anticipates that ANSN members would have access to it.
				Chief expressed interest in scholarships to be included in MOU	January 15, 2007	
				Expressed ANSN would be interested in scholarships for youth	October 5, 2011	
27	Education Support	Socio-economic development	supporting children's education; increased employment for underemployed sector of Aboriginal society	Stated that ANSN will want money to support education	January 15, 2007	CVRI and ANSN have entered into a long-term agreement that in part established funding for the community to use for the enhancement of educational or social initiatives. As always, CVRI entertains request for support funding on an ad hoc basis when such requests are presented. As part of the development of a corporate Aboriginal consultation plan, the formalization of such a funding program is one of the items under consideration.
				Expressed ANSN would be interested in funding for education	October 5, 2011	
				Chief stated that he would like to see money put towards education as part of community benefits from CVRI	October 12, 2011	
				Councillor stated that ANSN would like to see funding for educational opportunities	October 12, 2011	
28	Contracting Opportunities	Socio-economic development	development of Aboriginal owned business; increased employment for underemployed	ANSN community members showed interest in contracting work particularly pertaining to tree planting	August 10, 2006	CVRI and ANSN have entered into a long-term agreement written in part to address concerns regarding contracting opportunities for Aboriginal owned businesses at the CVM brought up from the initiation of consultation activities in 2006. Working with their liaison from ANSN, CVRI continues to make efforts aimed at providing contracting opportunities with this Aboriginal group associated with CVRI operations. Bearing in mind that CVRI is unionized and outside contracting opportunities are limited, some success has been met with in this regard, but opportunity for growth exists. ANSN must also continue to pursue options with other industrial players in the region. Using existing resources and working under the agreement between the parties, CVRI expects to be able to make more positive impacts regarding ANSN contracting opportunities in the future, which is one of the responsibilities of the liaison position with the mine. The current agreement contains provision for the inclusion of ANSN "contracting capability" to participate in mining and reclamation
				Expressed that ANSN would like some guarantees for contracting opportunities	January 15, 2007	
				Chief asked about contracting opportunities for ANSN	July 8, 2009	
				Chief stated that ANSN was interested in contracting opportunities and incorporated this into draft MOU	July 17, 2009	
				Expressed interest in contracting opportunities for ANSN	April 26, 2011	
				Discussed contracting opportunities for ANSN	August 6, 2011	
				Expressed interest in a contracting opportunity for ANSN	October 5, 2011	
				Chief raised interest that ANSN should be afforded some of the work for contracting positions for the Robb Trend	October 12, 2011	

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response	
			sector of Aboriginal society	Expressed that ANSN would like to see contracting opportunities for the Nation.	activities. Such capability is yet to be available from ANSN. The liaison is advocating the establishment of a "mining corporation" within ANSN so as to participate more significantly in the business of mining. CVRI notes that ANSN has recently added staff responsible for a long-range business strategy, but no such business entity has been established. CVRI notes that funding is available through the Ministry of Aboriginal Relations Aboriginal Economic Partnerships and First Nations Development Fund programs for the creation of such economic growth opportunities.	
			Chief expressed interest in contracting opportunities for ANSN involving environmental stating "protection of environment is crucial, we want to get involved in the monitoring and the work, not soul source but we want some of the work"	October 31, 2011		
			Discussed contracting opportunities for ANSN	28-Feb-12		
			Discussed contracting opportunities for ANSN	March 15, 2012		
			Discussion of interest with Chief and Council	May 4, 2012		
29	Ceremonial Support	Cultural Awareness and Survival	enhance intra- and inter-community awareness and cultural education	Request by Chief and Council for Pow Wow funding	May 4, 2012	CVRI and ANSN have entered into a long-term agreement that in part established funding for the community to use for the enhancement of educational or social initiatives. As always, CVRI entertains requests for support funding on an ad hoc basis when such requests are presented. As part of the development of a corporate Aboriginal consultation plan, the formalization of such a funding program is one of the items under consideration.
30	General Community Infrastructure Support	Community Development	enhance Aboriginal social programs and services	Expressed that ANSN would be interested in financial support of social needs and for community contribution to economic development	January 15, 2007	CVRI and ANSN have entered into a long-term agreement that in part established funding for the community to use for the enhancement of educational or social initiatives. As always, CVRI entertains requests for support funding on an ad hoc basis when such requests are presented. As part of the development of a corporate Aboriginal consultation plan, the formalization of such a funding program is one of the items under consideration.
				Stated ANSN looking for funding for multi-plex recreation centre	October 5, 2011	
				Chief stated "need to heighten community engagement, other companies do community benefits...we are trying to build a multi-purpose facility, government does not help..want you to consider funding us on that somehow"	October 31, 2011	
31	General Socio-Economic Impact Assessment	Socio-Economic development	enhance socio-economic opportunities for Aboriginal society	"Lack of specific socio-economic impacts (positive and negative) for Aboriginal communities" (See Dillon Consulting; Robb Trend EIA High-Level Technical Review for more detail)	May, 2013	CR#9 of the Application dealt with Socio-Economic issues related to the Project and surrounding areas as well as the province in general. This assessment was in accordance to EPEA requirements.
				Expressed that ANSN would like to establish an MOU with CVRI	October 25, 2006	
				Chief stated that MOU will need to look at liaison, scholarships, monitoring and employment opportunities	January 15, 2007	
				[Legal counsel] sent a letter on behalf of ANSN addressing that they would like to work on an MOU with Coal Valley to address ANSN concerns with the project.	July 17, 2008	
32	Long-Term Agreement	MOU	MOU	Chief stated "If we're seriously talking of moving ahead, categorically I want an agreement, if it's 25 years, have to consult with my community, need series of meetings in next few months."	July 8, 2009	CVRI has been consulting with ANSN on the Project since 2006, and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. CVRI has responded to these concerns regarding a long-term agreement between the parties. One of the purposes of discussions with individual Aboriginal groups regarding community benefit agreements is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, but that those restrictions will not be permanent and can be mitigated through other opportunities, economic or otherwise, associated directly with the Project mining and reclamation activities, or in other areas such as educational programming. CVRI and ANSN have entered into such a long-term agreement, including the Project area, as a result of previous and on-going consultation. This agreement provides mitigations or opportunities associated with on-going mining negotiated to specifically address future Project impacts and provide development opportunities to ANSN. As noted in some of the concerns mentioned, CVRI believes that this agreement provides one mechanism through which ANSN can improve the financial situation of the Aboriginal group as a whole and individual members. The success of this agreement in helping to attain such goals can only be adequately judged in the long-term, but CVRI has lived up to its commitments as outlined in the agreement and detailed in some of the other responses above. The liaison is advocating the establishment of a "mining corporation" within ANSN so as to participate more significantly in the business of mining. CVRI notes that ANSN has recently added staff responsible for a long-range business strategy, but no such business entity has been established. CVRI notes that funding is available through the Ministry of Aboriginal Relations Aboriginal Economic Partnerships and First Nations Development Fund programs for the creation of such economic growth opportunities.
				Chief discussed MOU agreement with incorporation of full-time liaison and contracting	July 17, 2009	
				Expressed Chief and Council would be interested in agreement focused on jobs, training, scholarships, community centre funding.	October 5, 2011	

ANSN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect		Dates Concern Raised	Proposed Proponent Mitigation, Accommodation or Response
				<p>Listed under issue "ANSN is agreeing to this development but is dependent on the negotiated deliverables that will be provided by the proponent. In the impact benefits agreement. Clearly, the ANSN will seek out concise measures to enhance the sustainability of socio-economics through a comprehensive environmental monitoring strategy that will take into account traditional values in an effort to quantify the loss of access to the traditional livelihood that is recognized and affirmed in the Canadian Constitution under sec35." and, under what ANSN wants "The ANSN can procure a lifetime of income that will aid in contributing to GDP. Partnerships and joint venture initiatives can be established that will expand economic opportunities for the ANSN. The development of a mining corporation that is able to procure a diversity of contracting opportunities can potentially grow the</p>	February 13, 2013	
			<p>Listed under issue "The current agreement between CVRI and ANSN is one small step above an MOU. It is not acting like an IBA but they intend to negotiate an actual IBA." and under what ANSN wants "The current agreement was a milestone. Through on-going discussions the ANSN is attempting to develop a full fledged IBA in order to plan for future developments relative to enhancing the sustainability of socio-economics for the community and the residents."</p>	February 13, 2013		

SFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	Hunting	direct impact/removal of hunting, gathering locations in Project area	The March 13, 2012 traditional use report provides UTM coordinates for 23 recorded locations in the SFN Traditional Land Use database. These are characterized either as salt/mineral licks (presumably important for game and hunting locations), or culturally sensitive areas which can include hunting areas, medicinal plant locations, rivers, water tables, wetlands, beaver dams, or creeks. Plotting these sites shows 6 salt/mineral licks within the Robb Trend Project area, and another 4 on the boundary. 1 culturally sensitive site of unknown type is within the Robb Trend Project area (may be where moose observed). The report indicates that "Any potential impact on these sites will require further negotiation/and/or compensation for the loss of traditional land use by the Sunchild First Nation membership."	March 13, 2012	No Aboriginal group consulted to date has demonstrated that access restrictions to the Project area will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake the Rights to hunt, fish, and trap for food on Crown lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project. The purpose of discussions with individual Aboriginal groups is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, and that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, and that further consultation may result in the identification of mitigations or accommodations of potential impacts suitable to all parties. As noted in the concerns, SFN indicated that further negotiation will be required in their opinion for the loss of access to these lands for hunting and any impact to the locations identified in their reporting. Although CVRI will offer neither SFN nor any other Aboriginal group "compensation" for the loss of land available to exercise Treaty hunting rights, it has been and is currently in the process of discussing a possible community benefit agreement that will in part mitigate SFN concerns through other opportunities, economic or otherwise, associated directly with the mining and reclamation activities, or in other areas such as educational programming.
				Community must go elsewhere to hunt and gather medicine.	October 25, 2012	
				"SFN's hunters, gatherers and elders utilize these areas for hunting and gathering herbs and medicines."	March 8, 2012; March 13, 2012	
				If the salt-licks are destroyed, the animals will migrate. It affects our right to hunt and fish.	April 21, 2009	
				35 of us per year depend on a salt lick, our way of life is shot, we need something in writing, something we can benefit from the destruction.	October 25, 2012	
				"The 2008 report and Sunchilds elders have identified a number of hunting blinds, mineral salt licks, kill sites and game trails within close proximity to the Project. The area the project will be located is a prime hunting area for Sunchilds members, specifically for hunting big game, birds and ducks and all other kinds of animals"	July 9, 2014	
				Concern that "the area the Project will be located is a prime hunting area for Sunchild members, specially for hunting big game, birds and ducks and all other kinds of animals"	July 9, 2014	
Concern that "the new disturbance of constructing and operating the Project will affect wildlife and wildlife habitat in the area which will have an impact on Sunchild members ability to hunt."	July 9, 2014					
				Were there native ponds up there before the mining, and have fish now congregated in the lakes? But are there native fish, did you test them before and after?	April 21, 2009	<p>No native ponds will be affected due to the development of the Project. End pit lakes are one of the end results of coal mining and two stocked lakes currently exist within the CVM permit boundary. Silkstone and Lovett Lake are reclaimed end pits and are stocked by ESRD on an annual basis. Silkstone and Lovett Lakes are stocked with rainbow trout by AESRD. CVRI does not have information on the edibility of the stocked fish. However, CVRI has studied the water quality of its end-pit lakes. There have now been three sets of limnological and ecological studies conducted on CVM end-pit lakes: the studies in the 1990s conducted on Lovett, Silkstone, and Stirling (Pit 24) lakes (Agbeti 1998, Mackay 1999); the 2006 studies conducted on Lovett, Silkstone, and Stirling (Pit 24) lakes plus Pit 35 and Pit 45 lakes (Hatfield 2008), and the current study. Taken together, the results of these studies indicate that there may be fewer constraints of water quality to the ecological viability of end-pit lakes in the CVM area than those described in End-Pit Lake Working Group (2004):</p> <ol style="list-style-type: none"> 1. The concentration of a number of water quality variables, such as nutrients and major ions, are higher in end-pit lakes than in natural lakes, but these higher concentrations are not at levels that would affect the ecological viability of the end-pit lakes. 2. There have been relatively few instances of measured water quality variables, including metals, exceeding provincial or federal water quality guidelines. 3. The incidence of water quality guideline exceedance is not measurably greater in end-pit lakes than in natural lakes in the CVM area. 4. The trophic status of end-pit lakes is similar to that of natural lakes in the CVM area. <p>The exception to this is dissolved oxygen. The results of this study indicate there are portions of end-pit lakes in all seasons sampled with concentrations of dissolved oxygen that are below provincial guidelines for the protection of aquatic life. The same is true of Fairfax Lake, the natural lake that was surveyed as part of this study. The depth patterns of dissolved oxygen in the lakes that were studied are related to processes of lake stratification and turnover.</p> <p>CVRI can also offer the following information with respect to edibility of fish in the region. The predicted exposure to methyl mercury is associated with Risk Quotient (RQ) values greater than 1.0 for the resident group in the multiple pathway assessment. The maximum RQ value of 1.3 for the resident group is not predicted to change from the Baseline Case to Application Case. The Project is not expected to measurably increase methyl mercury-related health risks in the region. Methyl mercury is the form of mercury that is of greatest concern with respect to accumulation in biological organisms, and subsequent consumption by people (Health Canada 2007). Food intake is the primary route of exposure to mercury compounds in humans, with fish and seafood being the most significant contributors to human exposure (ATSDR 1999). For the resident group, the highest RQ value was predicted for the toddler life stage, where 100% of the estimated daily intake of methyl mercury is attributable to local fish consumption. The methyl mercury concentration (i.e., 95UCLM) in fish used in the HHRA is 0.11 mg/kg wet weight. This concentration is below the subsistence fish consumption guideline of 0.2 mg/kg recommended by Health Canada (2007). The fish consumption rates used in the HHRA represent rates cited by Health Canada (2007) for subsistence fish consumers for all types of fish. No adjustments for local fish consumption preferences were applied, suggesting that the consumption rates used may be conservative. At present, there is no consumption advisory on fish caught from the Embarras or McLeod River within the RSA for the Project (Government of Alberta 2011). Additional factors that may have contributed to the overestimation of the health risks are:</p> <ul style="list-style-type: none"> • the estimated daily intakes and associated RQ values are based on the assumption that people rely on locally caught fish as a part of their diet; • the exposure limit used in this assessment (0.1 µg/kg/day) is based on developmental impairment in children. Health Canada (2007) cites a TDI of 0.2 µg/kg/day for methyl mercury. When compared to the Health Canada TDI, the RQ values for the resident toddler is reduced to 0.7; • it is important to note that any nutritional benefits associated with eating fish from the RSA were not accounted for in the characterization of the potential health risks; and • the predicted RQ values for methyl mercury remain consistent across the Baseline and Application Case for the resident group. This suggests that the Project is not expected to increase methyl mercury-related health risks in the region.

SFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
2	Potential Impact to Treaty or Aboriginal Rights	Fishing	removal of fish resources/habitat in Project area	"There are also fish-bearing creeks and natural waterways that SFN does not want disturbed or destroyed. The McLeod River, Mercoal Creek, Embarrass River, Chance Creek (only to name a few) are natural rivers and streams that come from the glacial mountains and are the last of the earth's fresh water supply, within the Foothills region...Is there a guarantee that these natural waterways will not be permanently damaged?"	March 8, 2012; March 13, 2012	Watercourses will be affected due to the development of the Project. Watercourses that require to be diverted will be reclaimed to similar conditions prior to disturbance. Potential changes in surface water quality in the RSA were assessed as insignificant (Section E.11, CR# 11) and are not expected to significantly impact fish populations in the RSA. No additional access to water bodies in the RSA is expected to occur as a result of the Project. CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including: continue monitoring programs already in place at the existing CVM (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); document the effect of CVM operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval. The surface hydrology assessment presents proposed water management plans and addresses the potential impact of the Project on: the quantity of surface water flow and stream behaviour during high, average and low flow conditions; and sediment concentrations in local and regional streams. Various water management and sediment control measures will be implemented for the Project during operations, reclamation, and closure, including: Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPEA approval; Release of water pollutants from the site such as oil and grease is controlled. With the installation of oil booms on the impoundments and immediate containment of oil in the event of a spill, there is little danger of these materials contaminating surface waters. Components of the water handling system will be designed according to the governmental specification and the systems will be operated in accordance with regulatory approval requirements; and Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPEA approval; Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; and All mine-affected water will be treated prior to its release in to the receiving waters to reduce potential effects from loading of suspended sediments and potential effects of water quality variables typically associated with suspended sediments (e.g., total aluminum and total iron). [continued below]
				continued from above	[continued from above] CVRI will pay particular attention to selenium (see below). The mine wastewater treatment program similar to the one currently in use at the CVM will be established to minimize downstream siltation and minimize downstream effects on surface water quality; 5) With respect to selenium, the CVM will continue an effective water quality monitoring program including a focus on selenium concentrations. The objective will be to observe water quality relative to baseline values to identify any changes over time. Should a significant increase in selenium levels be noted an investigation will be undertaken to identify possible sources and mitigation plans will be implemented; 6) Where necessary, interim erosion/sediment control measures will be utilized until long-term protection can be effectively implemented; 7) Minimization of the time interval between clearing/grubbing and subsequent earthworks, particularly at or in the vicinity of watercourses or in areas susceptible to erosion; 8) Slope grading and stabilization techniques will be adopted. Slopes will be contoured to produce moderate slope angles to reduce erosion risk. Other stabilization techniques used to control erosion include: ditching above the cutslope to channel surface runoff away from the cutslope, leaving buffer (vegetation) strips between the construction site and a watercourse, placing large rock rip rap to stabilize slopes; 9) Whenever possible, construction activities in close proximity to watercourses will be carried out during periods of relatively low surface runoff in late fall, winter and early spring (from October to April). A 30 m buffer (vegetation) strip will be left between construction sites and watercourses except at stream crossings and diversions; 10) Temporary measures to control erosion before a vegetation cover is re-established, including: diversion ditches, drainage control, check dams, sediment ponds, sumps and mulches; 11) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; 12) The design and construction of all stream crossings will be done in compliance with the Alberta Code of Practice for Watercourse Crossings and associated guidelines. This means that all stream crossings constructed by the Project will meet regulatory requirements for protection of fish resources and aquatic habitat; this will also effectively mitigate against effects on surface water quality.	
				"Sunchild has concerns regarding the sustainability of fish populations and development of aquatic flora and fauna. Sunchild's concerns have not been addressed by CVRI in its February 2014 report by Hatfield Consultants"	July 9, 2014	Mining activities are expected to reduce high flows, and low flows are expected to either remain the same, slightly decrease or slightly increase. Annual runoff may have modest variations dependent on mining activities at the time (e.g. pit dewatering). Temporary water diversions will also contribute to some slight variations in flow quantity for short periods of time. Instream flows will be maintained by bypass pumping. Depending on the extent of the disturbance footprint within the watershed the significance to flow quantity may remain the same, increase or decrease depending on the mine progression and seasonal variability. Dewatering of the groundwater around or in the mine pits, to permit mining, increases surface flows. This is usually a minor flow component of the overall surface runoff rate from an area. The magnitude of the flows is small and regulated by pumps. If the sump or dewatering area is well laid out and separated from active mining, the effect on sediment loads can be negligible. Impoundments such as settling ponds or end pit ponds or lakes generally reduce downstream peak flows as a result of storage. Increases in low flows can result from a more gradual release of the water stored in the impoundment. Depending upon their size, pond evaporation losses may be significant at times but is near balanced with direct precipitation on an annual basis. Depending upon their size and efficiency, impoundments can reduce sediment loads significantly. End pit ponds will reduce flows when initially filling but can provide opportunities for enhancement. For open water bodies (lakes, ponds and to some extent wetlands), lake evaporation essentially replaces evapotranspiration in equation (1) above with groundwater having both an inflow and outflow component. After initial filling and stabilization of the groundwater level, such that the net regional groundwater recharge is the same as pre-mining, it may be assumed that groundwater inflow equals outflow on an average annual basis. It should be noted that even large differences in net groundwater inflow/outflow for the water bodies typically will have minor net surface flow impacts because of the small areas of the ponds relative to the basin sizes and the smaller groundwater flow component compared to the surface runoff component. Diversions will be sized and designed to convey peak flows safely considering the life of the diversion. As a result, water diversions do not impound water or cause losses due to infiltration (if lined) and, if returned to the same stream, will not affect the magnitude of downstream flows. All defined watercourse crossings will be designed, and constructed, to meet or exceed the regulatory requirements for approval under the provincial <i>Water Act</i> and the federal <i>Fisheries Act</i> and <i>Navigable Waters Protection Act</i> . If appropriately designed and constructed, these crossings will have negligible effect on flows or sediment loads to the streams.
				"Construction and operation of the Project will harm fish and fish habitat. Sunchild is especially concerned about disruption of fish bearing streams and pollution of water sources. Any such event could have a devastating impact on Sunchild's ability to fish."	July 9, 2014	
3	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of plant gathering locations in Project area	"SFN's hunters, gatherers and elders utilize these areas for hunting and gathering herbs and medicines."	March 8, 2012; March 13, 2012	CVRI acknowledges that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses, including medicinal plant gathering, for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional pursuits will not be restricted in the entire area upon Project approval nor will it be permanent, as it will mine the Project in stages over a 25-year period as discussed above. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. The purpose of discussions with individual Aboriginal groups is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, and that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, and that further consultation may result in the identification of mitigations or accommodations of potential impacts suitable to all parties. CVRI has been and is currently in the process of discussing a possible community benefit agreement that will in part mitigate SFN concerns through other opportunities, economic or otherwise, associated directly with the mining and reclamation activities, or in other areas such as educational programming. CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecotone phases which support TEK vegetation will be accessible in the RSA following removal of ecotone phases by the Project Footprint in the LSA. It is assumed that ecotone phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following: • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • implementing a re-vegetation program which aims at the re-establishment of ecotones common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecotones will, over time, again support TEK vegetation.
				"Traditional use vegetation has a very high potential to occur in the Project area. The construction of the Project will destroy these plant harvesting sites. One of the most important concerns among the Sunchild Elders was the impact to medicinal, ceremonial, and food plants in the Project area. Some of these plants were noted as "rare" or "rare elsewhere". Some were noted by Elders as being more abundant in this area and larger in size in some cases."	July 9, 2014	With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecotone phases within the LSA. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established.
				"The Elders and the 2008 TLU Report have identified a number of plant and berry harvesting and cultivation sites within the close proximity of the Project. Sunchild members use plants found at these sites for a wide range of uses including medicinal, ceremonial and dietary purposes. Medicinal, ceremonial and food plants found in the Project area and is considered a preferred area to carry out this practice as it is the "cleanest area" remaining in Sunchild territory"	July 9, 2014	
				We want to have a meaningful consultation before the disturbance, we don't want burials run over, removed etc., as has been happening in industry.	April 21, 2009	
4	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of burials in Project area	The March 13, 2012 traditional use report does not indicate the presence of burials within the Robb Trend, but notes burials in Twp 47 Rge 19, Twp 47 Rge 20, Twp 46 Rge 19, Twp 46 Rge 20 that should be protected. A portion of the Project passes through the northeast corner of Twp 47 Rge 19. Based on previous discussions with [Individual] requesting access to Coal Valley, the Twp 47 Rge 19 burials are likely in the vicinity of Lovetteville.	March 8, 2012; March 13, 2012	Maps produced during past meetings showed salt licks and moose in the Project area, but no burials in conflict with this or any other proposed CVRI development. To date no Aboriginal group has notified CVRI of the location of a burial within the Project area. Some Aboriginal burials and non-Aboriginal burials in the general area are known to CVRI, the locations of which are privy to those who have identified their locations, and which may include those listed in the legal to the right. CVRI has previously modified its proposed Project permit area removing some known burials from the Project lands, none of which are associated with SFN. CVRI is fully prepared to work with Aboriginal communities to avoid burials identified or undertake other mitigative options. If during operations possible burials are encountered in the Project area, CVRI is prepared to work with Aboriginal communities and regulators to confirm burial association and devise an appropriate avoidance or mitigation strategy. The presence of human remains or burials on Project lands, whether Aboriginal or not, is subject to Federal and Provincial laws and regulations including Section 182 of the Criminal Code, the <i>Alberta Cemeteries Act</i> , and potentially the <i>Alberta Historical Resources Act</i> . Knowingly disturbing human remains (improper

SFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
				"The Elders and the 2008 TLU Report have identified heritage property sites in and around the Project area, including burial sites. In fact, Sunchild has identified to CVRI a burial site merely within an estimated 15 kilometers away from the Sunchild's burial sites. Therefore, CVRI activities clearly will cause irreparable harm to Sunchild's burial sites through its mining activities. Notwithstanding CVRI's Application fails to identify any measures to avoid and mitigate such irreparable harm. Clearly Sunchild will be directly and adversely affected by the Project."	July 9, 2014	interference) without legal authorization constitutes a criminal act, and knowingly disturbing burials, recorded or not, without legal authorization contravenes the <i>Cemeteries Act</i> and potentially the <i>Historical Resources Act</i> . In addition to moral duties, sanctions of both a criminal and financial nature for any actions provide significant impetus for CVRI to act swiftly and accordingly should potential burials be identified during development activities. CVM management will ensure that all supervisors and workers are aware of the legal and moral issues regarding possible burials.
5	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	impacts to general traditional use area	SFN has a traditional interest in the area where the mine expansion is proposed to occur. There is concern with the development and the potential impacts on traditional use and the consultation process must be done properly. Specific concerns in the area include known grave sites in the area, animal salt lick location, medicinal herbs along with a range of environmental needs and concerns	October 2, 2006	CVRI has been engaged in consultation with SFN on its proposed projects, including the Project, since 2006, and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. CVRI acknowledges that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. No SFN burials within the Project area have been reported to CVRI as noted above. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional pursuits will not be restricted in the entire area upon Project approval nor will it be permanent, as it will mine the Project in stages over a 25-year period as discussed above. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. The purpose of discussions with individual Aboriginal groups is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, and that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, and that further consultation may result in the identification of mitigations or accommodations of potential impacts suitable to all parties. As noted in the concerns, SFN indicated that further negotiation will be required in their opinion for the loss of access to these lands for hunting and any impact to the locations identified in their reporting. Although CVRI will offer neither SFN nor any other Aboriginal group "compensation" for the loss of land available to exercise Treaty hunting rights, it has been and is currently in the process of discussing a possible community benefit agreement that will in part mitigate SFN concerns through other opportunities, economic or otherwise, associated directly with the mining and reclamation activities, or in other areas such as educational programming.
				SFN has significant sites directed within this area.	November 15, 2012	
				Representative expressed concern over preserving rights of the community and for future generations from the impacts of the project	June 4, 2014	
				Representative expressed that more and more animals are being displaced and that the community is needing more and more to go to the mountains to pick medicines	June 4, 2014	
				"The Project area is an area that includes many of Sunchild's traditional use, ceremonial and burial sites"	July 9, 2014	
				"The Project is within the core of Sunchild Territory and within the area that Treaty No. 6 expressly provides hunting, fishing, harvest and trapping rights to Sunchild"	July 9, 2014	
				"The 2008 TLU report and Sunchild's elders have identified a number of traditional use sites within the project location. This establishes Sunchild's extensive connection to the area where the Project is to be constructed and operated. It also established that Sunchild's currently exercises Aboriginal and Treaty rights in the area where the Project is to be constructed and operated."	July 9, 2014	
				"The Elders have identified a number of habitation sites within the Project area. The 2008 TLU report identifies a number of habitation sites including location of old cabins in the Project area. The people living in this area or using it for ceremonial purposes will be impacted by the Project. The noise from construction will adversely affect them by driving away wildlife and destroying aesthetics of the area."	July 9, 2014	
				"It has been so far confirmed that at least one traditional season round in close proximity to the Project is used by Sunchild members to access hunting grounds...It is crucial that the location of the Project and all construction activities performed for the Project do not destroy or limit access to these seasonal round routes. Any interruption in the se routes will severely hinder Sunchild's members from in engaging in traditional uses and traveling throughout Sunchild Territory as their ancestors did."	July 9, 2014	
				The other major concern to the elders is the destruction of natural streams. We are getting into an era with not enough water. Is it possible not to disturb the water?	April 21, 2009	
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to water quality in Project area	"There are also fish-bearing creeks and natural waterways that SFN does not want disturbed or destroyed. The McLeod River, Mercoal Creek, Embarras River, Chance Creek (only to name a few) are natural rivers and streams that come from the glacial mountains and are the last of the earth's fresh water supply, within the Foothills region...Is there a guarantee that these natural waterways will not be permanently damaged?"	March 8, 2012; March 13, 2012	See response #2 above. None of the watercourse named will be directly impacted by the Project as they are located outside of the Project area. The mitigation measures described in response #2 will serve to protect these downstream waters.
				"Sunchild is concerned about water contamination arising from CVRI's activities."	July 9, 2014	

SFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
				"Sunchild is specifically concerned with impacts to: (i) Pembina River; (ii) Embarrass River, and (iii) Lovett River."	July 9, 2014	
	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts on environment in Project area	Representative expressed that the community had problems with project due to environmental impacts	June 21, 2013	
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general effects on wildlife in Project area	"Wildlife animal habitats, burrowing areas and natural migratory routes. These routes have been in existence since before any disturbance came upon the lands."	March 8, 2012; March 13, 2012	<p>Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Tasks that were completed during the wildlife assessment include:</p> <ul style="list-style-type: none"> • identify relative abundance, concentration areas, distribution patterns, and habitat associations of ungulates by means of winter aerial surveys, snow track-counts, and a spring pellet-browse survey; • identify small mammal, avian and amphibian presence, relative abundance and habitat association by means of snow track-counts, trapping small mammals, owl surveys, spring bird survey, breeding bird survey, migration survey, and amphibian survey; • compile a list of vertebrate species (excluding fishes) and identify their status as per the Committee on Endangered Wildlife in Canada (COSEWIC), the Canadian Endangered Species Conservation Council (CESCC 2006) and the General Status of Alberta Wild Species (ASRD 2005); • prepare a habitat map to identify the quantity and quality of habitat present in the Project Development Areas; • update wildlife use of the existing CVM by means of aerial survey, systematic monthly ground surveys, spring pellet-group counts, breeding bird survey and amphibian survey; • identify Valued Environmental Components for assessing the potential impact of the proposed development on ungulates, small mammals, birds and amphibians; • discuss biodiversity at the LSA and RSA scale; • review Traditional Use Studies (TUS) prepared for CVRI from a wildlife perspective; • discuss climate change with respect to changes in the Boreal-Cordilleran ecoregion that may affect wildlife; and • evaluate the potential impacts of the Project within a temporal and spatial perspective that incorporates existing and future demands by other users and developments by conducting a quantitative cumulative effects assessment for elk. <p>In order to reduce potential impacts to wildlife within the Project area, the following mitigation measures will take place:</p> <ul style="list-style-type: none"> • incorporate select native trees and shrubs such as alder and willow into re-vegetation activities; • maximize downed woody debris (stumps) through direct placement of top-soil and associated slash and stumps; • maintain and connect to core areas as many residual forest patches as possible; • maintain a 30 metre buffer zone of undisturbed natural habitat along well developed riparian corridors, where available; • continue to maintain hunting and firearm restrictions on the reclaimed areas of the Project including after mining has ceased and until hiding cover on the mines is equivalent to that of natural closed forest cover types; and • maintain haul truck and regular vehicle speeds of <70 kph. <p>In order to evaluate and if need be adapt the mitigation measures, CVRI will also implement monitoring. Site wide monitoring will allow CVRI to determine the length of time it takes for wildlife to return to the landscape and what reclaimed landscape features are most desirable. All potential effects are noted to be reversible over the short-term or long-term depending on the type of effect.</p> <p>Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features.</p>
				Item re-iterated that community had concerns about moose and mercury concentrations	June 21, 2013	
				Representative expressed interest in on the results of studies on fish tissue in the project area	June 21, 2013	
				"Additionally, the Project will disturb wildlife migratory patterns by creating a barrier and causing activity that will cause animals to avoid the area."	July 9, 2014	
				"Another contributing factor impacting wildlife and wildlife habitat is in the increase of noise in the area that will arise from the Project."	July 9, 2014	<p>The noise and vibration levels associated with blasting are typically a cause for concern by nearby residents and can disturb wildlife. Blasting will be conducted on weekday afternoons and the utilization of smaller more localized blasts will be implemented to reduce noise levels and the amount of explosive being used. As mentioned above, ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback.</p>
				Concern that "construction and operation of the Project will be disruptive to wildlife habitats and will drive game elsewhere. This will have a devastating impact on Sunchild. Therefore, mitigation measures approved by Sunchild must be put in place to ensure that the construction and operation of the Project is done in a manner that preserves wildlife, wildlife habitat, and Sunchilds traditional use of both."	July 9, 2014	

SFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
8	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to environmental quality in Project area	I think the major question would be the pollution.	April 21, 2009	<p>CVRI's goal is to foster the safe, orderly and efficient development of its coal resources. This is done in a manner to achieve and maintain a balance between meeting the needs of its customers and protecting the environment. As part of conducting its mining operations in a safe and efficient manner, the company strongly endorses initiatives which protect and enhance environmental quality. These initiatives illustrate the company's proactive commitment towards carrying out mining operations in an environmentally responsible manner. CVRI will adopt the same environmental and operating practices championed at the existing mine to the Project area.</p> <p>CVRI has many Standard Practices and Procedures and specifically practices aimed at preventing pollution including:</p> <ul style="list-style-type: none"> • reuse and recycling of products; • substitution of products purchased with more "environmentally friendly" materials, if available; • equipment modifications and improved operating efficiencies, where possible; and • conservation of materials and resources. <p>CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project. Programs range from participation in regional programs such as the West Central Airshed Society (WCAS) and West Fraser's Forest Resources Advisory Group (FRAG), to provincial and national initiatives. CVRI is committed to ensuring that its operations comply with all relevant laws and regulations.</p> <p>CVRI also has an Environmental Protection Program at the CVM which is designed to first prevent and second to minimize adverse environmental impacts resulting from mine related operations. The program will be implemented in the Project area through the following on-site mechanisms:</p> <ul style="list-style-type: none"> • adaptive management approach to environmental risk assessment; • Safety, Health and Environment Committee (SHE) comprised of key CVRI employees; • emergency response and wildfire control and prevention; • waste management program; • spill response and clean up procedures; • operating policy commitments; and • site reclamation.
9	Potential Impact to Treaty or Aboriginal Rights	Health	general impacts to animal health quality in surrounding region	How about big game, there is a big elk herd up there, some must have lived for years, have any of those been tested? I was mentioning to Dan if we could harvest an elk, have it tested, you could test it too.	April 21, 2009	<p>An examination of elk observations during Fish and Wildlife moose surveys in the area on the north side of the existing CEA study area indicates scattered elk in low numbers. There is not a substantive elk population in this area. The large herds referred to are likely those that make use of the currently reclaimed areas at the CVM. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. It is expected that elk and deer will respond positively to the early stages of upland reclaimed and re-vegetated areas on the LSA particularly in the Robb West, Main and Central zones where there is extensive mixed wood and deciduous habitat adjacent the disturbance area. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback.</p> <p>CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features. CVRI also aims to maintain as much undisturbed habitat as possible during mining will help to enhance the wildlife diversity of the reclaimed sites.</p> <p>Wildlife monitoring including aerial surveys, winter track surveys, pellet count surveys and the use of wildlife cameras have all been completed and continue to occur at the CVM. No animals have been harvested for further analysis.</p>
				Representative raised question about studies on wildlife populations in the area and results of study would help ease the communities concerns regarding the Project	June 21, 2013	
				Representative expressed concern over animal health in project area as a lot of community members still hunt in that area	June 21, 2013	
10	Potential Impact to Treaty or Aboriginal Rights	Hunting	loss of access to additional land for hunting in general region	SFN is losing hunting and gathering rights to this particular Traditional Territory.	November 15, 2012	<p>See response #1 above and #11 below. Not all of the Project area will be disturbed at one time. CVRI can work with local First Nation groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur. Hunting within the CVM permit boundary cannot occur as carrying firearms within the permit boundary is restricted for safety reasons.</p> <p>CVRI's reclamation objective for the CVM is to reclaim mined lands to meet equivalent land capability with the intended end land uses. The achievement of this objective assures that mining is a temporary use of the land. Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations.</p>
11	Potential Impact to Treaty or Aboriginal Right	Hunting	loss of access to land available for hunting in Treaty 6 area	Our fishing and hunting rights have been negatively impacted, things such as grazers, bear dens, herbs, and medicines. Ceremonial sites have been destroyed, we still utilize them. We think you will have respect if you know where the sites are. Industry has been having a cumulative adverse impact, all of it affects together, we need to minimize and mitigate that.	April 21, 2009	<p>The overall cumulative effects of Crown taking up of land for other purposes as allowed under Treaty is an issue that is beyond the scope of the present consultation. SFN leadership needs to engage the Provincial and Federal Crowns in this regard. However, CVRI is of the opinion that the Project will not represent an onerous loss of land base in the region available for the exercise of Treaty Rights to hunt, fish, and trap for food or undertake other traditional uses of the land. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project. SFN has reported no ceremonial site locations in the Project area to CVRI, thus impacts to those specifically are not an issue with the development.</p>

SFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Dates Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
12	Consultation Process	Consultation Process	Consultation Process	SFN does not subscribe to and is not part of the Alberta Government's consultation policy and guidelines approach to First Nation consultation	October 2, 2006	CVRI understands that SFN along with the other Treaty 6 Chiefs have rejected the Province's consultation policies and guidelines. These policies and guidelines were developed in response to applicable jurisprudence, notably several important Supreme Court of Canada decisions, and follow the Court's guidelines resulting from those decisions. While seeking regulatory approvals, CVRI must in fact follow the Government of Alberta expectations for consultation as outlined in those guidelines. The Crown is ultimately responsible for consultation given that the Duty to Consult is vested in the Honour of the Crown, not CVRI to whom only aspects of the consultation process have been delegated. Therefore, discussion of the process of consultation and concerns with it is an issue that needs to be raised with the Crown. One of the purposes for the inclusion of concerns such as this into this record is to help communicate on-going concerns with the consultation process to the Crown. CVRI has been engaged in consultation with SCN since July, 2006, and in that time has provided all Project information in a timely manner, and participated in numerous meetings and other discussions with SCN designed to address stated concerns. Although generous capacity funding was supplied by CVRI on more than one occasion for traditional use studies, SCN is alone responsible for the format, content, results of, and reporting on those studies.
				Representative expressed that he would like Les to come visit the community and meet with an individual who is a "portfolioholder"	June 21, 2013	
				Chief requested the scheduling of another meeting after council feedback regarding an agreement	July 8, 2013	
				Representative requested follow-up meeting after direction from elders	July 8, 2013	
				Representatives expressed concern over relationship with Coal Valley	June 4, 2014	
				Representatives expressed concern over inadequate TLU studies in the past and that the studies were rushed, and that items were missed	June 4, 2014	
				Representative expressed concern over having another Obed Mine disaster without proper assessment of potential impacts from TLU studies	June 4, 2014	
				Representative stressed importance that project was a serious concern for the community as trying to preserve the future and securing children's future	June 4, 2014	
				"The 2008 TLU report...do not provide Sunchild or CVRI with information on all the Project's impacts...the lack of information provided to Sunchild is inconsistent with the duty of consultation and accommodation because it prevents Sunchild from meaningfully identify and discuss impacts arising from the Project and mitigation measures."	July 9, 2014	
13	Compensation	Compensation	-	There are a number of things to negotiate: compensation, participation...They are looking for accommodation for the development within their area. From the business aspect this is: compensation, equity share, reclamation opportunities...But we need to raise it to a settlement negotiation, something to deal with the outstanding claim.	April 21, 2009	CVRI acknowledges that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. This has in fact resulted in the low threshold triggering a Duty to Consult. CVRI does recognize that the development of the Project can offer mutually beneficial opportunities in the forms of employment and contracting opportunities to potentially affected Aboriginal groups, and that CVRI can help provide community support to Aboriginal groups from time to time as a good "corporate citizen." It will continue to discuss ways in which SFN can potentially benefit from the development of natural resources in the region, but CVRI will not be offering compensation in the forms of payments or royalties to any Aboriginal group. The Supreme Court of Canada considers compensation to be a specific form of accommodation. Accommodation does not mean compensation as it is often implied, rather it means steps taken to address concerns and reach some form of reconciliation of competing interests. In an extreme case, typically one involving Title infringement, where compensation as a form of accommodation is called for, the SCC has made it clear that it believes any responsibility in this regard lies with the Crown, not third parties (Haida 2004: 55). Should SFN believe it is entitled to compensation in the form of lease or royalty fees, the Provincial and Federal Crowns should be contacted to discuss this issue. CVRI is more than willing to continue discussions with SFN on an MOU with reasonable terms that offers mutual benefit to both parties.
				Discussion of a type of compensation plan prior to "signing off" on project.	March 22, 2012	
				Discussion of a type of compensation plan prior to "signing off" on project.	October 25, 2012	
14	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	CVR stands to make billions of dollars for 25-30 years and this is not sufficient compensation for the infringement of our Treaty Rights, under sec. 35 of the Canadian Constitution.	November 15, 2012	CVRI has been engaged in discussions with SFN regarding employment opportunities for its membership for a considerable time. Discussions regarding an agreement between the parties are not complete, thus any specific terms in this regard have not been agreed to. CVRI encourages members of the Aboriginal community to apply for jobs at the mine, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. CVM is a union shop, and CVRI will neither implement a general Aboriginal employment "quota" nor one directed specifically at SFN or any other potentially affected Aboriginal group. CVRI is more than willing to continue discussions with SFN on an MOU with reasonable terms that offers mutual benefit to both parties.
				Interest expressed in annual payment for compensation and incorporating into an agreement	December 18, 2013	
				Expressed that framework for compensation outlined in past draft agreement was not appropriate	June 4, 2014	
14	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	Commitment from Coal Valley to make sure people are involved in employment	January 13, 2012	CVRI has been engaged in discussions with SFN regarding employment opportunities for its membership for a considerable time. Discussions regarding an agreement between the parties are not complete, thus any specific terms in this regard have not been agreed to. CVRI encourages members of the Aboriginal community to apply for jobs at the mine, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. CVM is a union shop, and CVRI will neither implement a general Aboriginal employment "quota" nor one directed specifically at SFN or any other potentially affected Aboriginal group. CVRI is more than willing to continue discussions with SFN on an MOU with reasonable terms that offers mutual benefit to both parties.
				Councillor inquired about employment opportunities at the mine and training requirements, as well as potential labourer positions, the individual also noted that the community was always looking for employment as the government was getting hard on them	July 8, 2013	
				Councillor inquired about a community camp, living allowances and setting up camp jobs regarding employment opportunities for the community	July 8, 2013	
				Interest in employment opportunities and incorporating into an agreement	December 18, 2013	
				Interest in having an employed environmental monitor from the community at the mine and incorporating into an agreement	December 18, 2013	

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				Consultant inquired about employment opportunities	June 4, 2014	
15	Training Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	Discussion in-house training opportunities, heavy duty mechanics, millwrights, apprenticeships, scholarships.	October 25, 2012	CVRI has been engaged in discussions with SFN regarding training opportunities for its membership. Discussions regarding an agreement between the parties are not complete, thus any specific terms in this regard have not been agreed to. CVRI encourages members of the Aboriginal community to apply for jobs at the CVM, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We do have some trades apprentice positions at the CVM. There is on the job training for equipment operators. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program for educational/training opportunities is one of the items under consideration. When and if such a program is developed, CVRI anticipates that SFN would have access to it. CVRI is more than willing to continue discussions with SFN on an MOU with reasonable terms that offers mutual benefit to both parties.
				Low employment rate and need for training	October 25, 2012	
				Interest in training opportunities and incorporating into an agreement	December 18, 2013	
16	Education Support	Socio-economic development	supporting children's education; increased employment for underemployed sector of Aboriginal society	[Individual] said that CVM should not be surprised if a request is made to provide a donation in support of either or both of the local suicide prevention program or the cyber school initiative involving 30 First Nation communities.	October 2, 2006	CVRI has been engaged in discussions with SFN regarding scholarship opportunities for its membership. Discussions regarding an agreement between the parties are not complete, thus any specific terms in this regard have not been agreed to. CVRI and Westmoreland are in the process of developing a corporate Aboriginal consultation plan. One of the items under a consideration is a scholarship or bursary program designed to help Aboriginal students fund continuing education. CVRI will continue to consider funding SFN community programs such as those noted through donations on an ad hoc basis. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program is one of the items under consideration. CVRI is more than willing to continue discussions with SFN on an MOU with reasonable terms that offers mutual benefit to both parties.
				Request scholarship programs for post-secondary studies.	January 13, 2012	
				Request scholarship programs for post-secondary studies.	October 25, 2012	
				Discussion of scholarship programs for post-secondary studies.	March 22, 2012	
				Request for funding annual funding for community related events, pow wows, Christmas hampers.	October 25, 2012	
				Request for funding annual funding for community related events (sports activities, pow wows, Christmas hampers etc.).	December 5, 2012	
				Interest expressed in scholarships for community	June 21, 2013	
Interest in educational opportunities (scholarships) and incorporating into an agreement	December 18, 2013					
				SFN has a Development Corporation that owns a construction company that does lease development and heavy construction work; some of the revenues are used to raise money for unfunded programs	October 2, 2006	
17	Contracting Opportunities	Socio-economic development	development of Aboriginal owned business; increased employment for underemployed sector of Aboriginal society	Councillor inquired about contract opportunities	July 8, 2013	CVRI has been engaged with SFN for several years and has discussed this concern with contracting opportunities at the mine for Aboriginally owned businesses. Discussions regarding a final agreement between the parties are on-going, thus any specific terms in this regard have not been settled nor otherwise agreed to. CVRI would be happy to work with those businesses to provide opportunity for their growth if available, bearing in mind that CVRI is unionized and outside contracting opportunities are limited. Opportunity for growth exists and will be investigated. SFN must continue to pursue options with other industrial players in the region. Using existing resources and working under an agreement between the parties if reached, CVRI expects to be able to make more positive impacts regarding SFN contracting opportunities in the future. CVRI is more than willing to continue discussions with SFN on an MOU with reasonable terms that offers mutual benefit to both parties.
				Council inquired about contract opportunities	June 4, 2014	
18	Ceremonial Support	Cultural Awareness and Survival	enhance intra- and inter-community awareness and cultural education	Request for pow-wow donation.	January 13, 2012	CVRI will continue to consider funding SFN community programs such as this through donations on an ad hoc basis. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program is one of the items under consideration. When and if such a program is developed, CVRI anticipates that SFN would have access to it.
19	General Community Infrastructure Support	Community Development	enhance Aboriginal social programs and services	Request for contribution towards new multi-cultural centre.	October 25, 2012	As part of its continuing efforts to reach a written agreement with SFN, CVRI has discussed the issue of providing funding towards a feasibility study for a new multi-cultural centre. Discussions regarding a final agreement between the parties are on-going, thus any specific terms in this regard have not been settled nor otherwise agreed to. CVRI is more than willing to continue discussions with SFN on an MOU with reasonable terms that offers mutual benefit to both parties.
				Request for contribution towards new multi-cultural centre.	March 22, 2012	
				Request for funding for feasibility study for new community centre.	December 5, 2012	
				Representatives expressed interest in funding for new community center	June 21, 2013	
20	General Community Support	Impact Benefits Agreement	enhance Aboriginal social programs and services	What can Coal Valley do for me? Not just trinkets, something long-term that we can look back on and they tell me "thank you."	October 25, 2012	CVRI recognizes that the development of the Project can offer mutually beneficial opportunities in the forms of employment and contracting opportunities or educational benefits to potentially affected Aboriginal groups, and that CVRI can help provide community support to Aboriginal groups from time to time as a good "corporate citizen." It will continue to discuss ways in which SFN can potentially benefit from the development of natural resources in the region. CVRI is more than willing to continue discussions with SFN on an MOU with reasonable terms that offers mutual benefit to both parties.

ECN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	general impact to Treaty rights	general impact to Treaty rights	<p>It is my understanding that Coal Valley Resources will be required to undertake meaningful consultation as the proposed reopening of the Robb Trend Coal mine runs in our Ancestral Land Use Areas. I realize there are many first nations who utilize this area and have identified land uses. Ermineskin is no exception we have nation members who still utilize this area for hunting, fishing and gathering... I am pleased to read this as they (Smallboy) are the ones who will experience the most impact we have nation members here on Ermineskin who also utilize the area, I look forward in hearing from you in the near future.</p>	May 30, 2011	<p>Following discussion of this issue and clarification with the SREM Aboriginal Affairs Branch, CVRI representatives and legal counsel met with ECN Chief and Council and legal counsel in February, 2013 to discuss consultation matters related to the Project. Representatives from SAAB and Federal government agencies were also present. The parties agreed that there have been some communication issues in the past, but are moving forward on a more formal consultation process. At this meeting Les LaFleur provided a general overview of the Project and how it relates to existing CVM operations, and answered council questions regarding potential environmental impacts. Les presented a document outlining what CVRI understood to be ECN concerns related to the Project, but legal counsel declined to enter into a discussion of those concerns. CVRI is currently considering a scope and cost proposal from ECN regarding a possible study of ECN traditional land use related to the Project area, and the parties will continue to meet to discuss ECN concerns related to the Project.</p> <p>The Project will affect wildlife and vegetation in the Project area but for short periods of time until reclamation activities can establish productive terrain. It should be noted that the Project is completed over a number of years and not all the lands will be disturbed at one time. CVRI promotes progressive reclamation and when the opportunity exists the mine will start to recontour and reclaim mined out lands as soon as possible. Mining is a temporary use of the land and reclamation activities aim to make this time as short as possible. Disturbance footprints are minimized as much as possible to decrease the overall effect on vegetation, wildlife and various other factors. CVRI also aims to maintain as much undisturbed habitat as possible during mining which will help to enhance the wildlife diversity of the reclaimed sites. A variety of wildlife uses on undisturbed and reclaimed habitat associated with coal leases during and after the mining phases has been documented. Wildlife have colonized new habitat created by reclamation of coal mines (MacCallum 2003). Activity associated with mining is predictable and focused. Animals are not subject to random and varied human disturbance within the MSL. These conditions allow animals to colonize the reclaimed landscape. The MSL associated with the CVM has provided a secure environment for wildlife and is instrumental in maintaining regional ungulate populations especially in the Critical Wildlife Habitat associated with the Lovett Ridge. Initial displacement of the existing wildlife community on the Project LSA by active mining will be followed relatively quickly by colonization of wildlife species appropriate to the stage of succession reached by the regenerated plant community. Given that appropriate habitats are established and movement opportunities are designed into the Project disturbance, wildlife are expected to adjust to the initial displacement and disturbance by colonizing newly available habitat and incorporating it into their daily and seasonal activities.</p>
				<p>CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecotone phases which support TEK vegetation will be accessible in the RSA following removal of ecotone phases by the Project Footprint in the LSA. It is assumed that ecotone phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following:</p> <ul style="list-style-type: none"> • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • implementing a re-vegetation program which aims at the re-establishment of ecotones common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecotones will, over time, again support TEK vegetation. <p>With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecotone phases within the LSA. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established.</p>	September 28, 2012	
2	Potential Impact to Treaty or Aboriginal Rights	Hunting	direct impact/removal of hunting locations in Project area	<p>She indicated that ECN hunters had been neglected in this process...ECN has literature dating back to 1896 supporting their use of the area. ECN people work for the people of tomorrow, not just for those of today. They need places to sustain themselves in the future, there are people who still live off of the land, and they are getting crowded out by land uses. [Councillor] indicated that they had hunters going out now, and the young men want to learn, so their hunting population is actually growing...The council had decided that further review of the project was in order and would like to move toward a community review including interviews with specific users of the area such as hunters.</p>	February 13, 2013	<p>CVRI representatives and legal counsel met with ECN Chief and Council and legal counsel in February, 2013 to discuss consultation matters related to the Project. CVRI is currently awaiting a scope and cost proposal from ECN regarding a possible study of ECN traditional land use related to the Project area, and the parties will continue to meet to discuss ECN concerns related to the Project. No Aboriginal group consulted to date has demonstrated through such studies that impacts from the Project will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake the Rights to hunt for food on Crown lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights to hunt during the development of the Project.</p>
			loss of access to hunting locations in Project area	<p>ECN harvesters depose that Project will impact wildlife populations beyond existing impacts, Project will further restrict rights of access to lands previously available to them to practice rights to hunt, fish, gather, trap.</p>	September 28, 2012	<p>The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones through displacement. Most wildlife will likely be displaced to adjacent habitat patches. Ungulates will be temporarily displaced by active mining as they are unable to cross a pit disturbance. This displacement will be restricted to local use as there are no indications of long distance or major seasons migrations in the LSA. Large amounts of moderate quality moose habitat is available throughout the RSA for moose thereby moderating the affect of habitat change caused by mining. High quality moose habitat on the Project and other areas associated with mixed wood of the Lovett Ridge will be reclaimed with a closed forest regeneration forest of lesser habitat quality. The impacts of the Project development on moose in the region can be mitigated by: implementing reclamation techniques appropriate for moose, establishing a variety of vegetation types and promoting understory complexity in regenerated forests that includes willow species, aligning reclamation and other re-vegetation efforts to maintain and improve moose habitat, taking steps to ensure core security areas are provided for wildlife, implementing appropriate monitoring, cooperating with the province and other industry on access management and other relevant management issues. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. It is expected that elk and deer will respond positively to the early stages of upland reclaimed and re-vegetated areas on the LSA particularly in the Robb West, Main and Central zones where there is extensive mixed wood and deciduous habitat adjacent the disturbance area. Many of the species on the CVM are birds associated with water habitats which would have been poorly represented in the pre-development ecosystem. While bird abundance and types of species may change as a result of mining activity it appears that the number of bird species will be similar or may increase as a result of adding new habitats e.g. upland grassland, shrubland, lake, pond and wetland development. The edge associated with the Project should enhance tree growth potential both natural and through reclamation planting as well as promoting maintenance of bird species occurrence during active mining. Reclaimed lakes and ponds on the CVM support breeding water birds, i.e., Canada Goose, Mallard, Bufflehead, Common Goldeneye, Barrow's Goldeneye, Killdeer, Greater Yellowlegs, Spotted Sandpiper; probably or possible breeding water birds i.e., Ring-necked Duck, Lesser Scaup, Solitary Sandpiper, summer visitants i.e. Common Loon, Osprey, and several species of waterfowl and shorebird migrants not seen elsewhere in the RSA, i.e., Semipalmated Sandpiper, Western Sandpiper, Least Sandpiper, Baird's Sandpiper, Short-billed Dowitcher. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features.</p>
			displacement of game animals from Project area	<p>Hunt various species in or near Project area including moose, elk, deer (white-tail and mule), birds including grouse, ruffed grouse, ducks, geese, prairie chickens</p>	September 28, 2012	
3	Potential Impact to Treaty or Aboriginal Rights	Trapping	displacement of fur-bearing animals from Project area	<p>Trap various species in or near Project area including rabbit, lynx, beaver, weasel, muskrat</p>	September 28, 2012	<p>A total of 22 Registered Fur Management Areas (RFMAs) overlap in whole or in part with the RSA. Fur harvest return information for the period 1985 to 2001 was obtained from ESRD for the RFMA. Fur returns for 17 different species were reported. This included red squirrel (13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp. (1,531), coyote (896), wolf (236), lynx (133), mink (128), fisher (50), red fox (47), black bear (18), badger (14), striped-skunk (7), wolverine (6), river otter (4) and raccoon (1). The average numbers of captures per year per trap line for VEC species were: lynx (0.42), marten (5.17), fisher (0.16), and wolf (0.71). RFMAs 1516, 2619 and 2256 will be directly affected by the proposed development of the Project permit area. Over a 16 year period, RFMA 1516 reported an average number of lynx (0.4/year), fisher (0.19), marten (5.4/year) captures and reported below average wolf captures (0/year). Over a 15 year period, RFMA 2256 reported above average marten (8.5/year), and fisher (0.13) captures and below average lynx (0.3/year) and wolf (0.1/year) captures. Over a 17 year period, RFMA 2619 reported below average capture rates for lynx (0.2/year), marten (1.2), fisher (0.12), and wolf (0.6). Caution must be used when interpreting this data. Capture rates can vary widely and may reflect trapper effort and fur prices as much as it does of animal abundance. Capture rates can also reflect the size of the RFMA. Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Contact and discussions have been held with people holding RFMA rights. Where required, agreements have been reached and compensation provided. Trapping is likely to continue in the RSA. Harvest levels are difficult to predict and are dependent largely on fur prices, RFMA tenure and levels of industrial activity. It is reasonable to assume that future trapping levels will occur at average levels from 1985 to 2001. As noted above, Project development will occur over time, and access to mine areas to undertake Treaty trapping rights, and Project development and reclamation will be complete by approximately 2060, returning those lands for trapping uses.</p>

ECN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
4	Potential Impact to Treaty or Aboriginal Rights	Fishing	direct loss of fish through mortality (water quality etc.) in Project area	Concerns with water hydrology and impacts of Project on environment and fish and fish habitat due to increased emissions and other impacts to water bodies in area used for traditional fishing purposes. Sediment. Chemical contaminants. Flow regime. Water quality. Access.	September 28, 2012	Access to the Project area to undertake Treaty fishing rights will be restricted during development, but that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent. The Project is not expected to have a negative effect on fish, with mitigation measures in place such as the "No Net Loss" (NNL) compensation plan. The Project is expected to have no effect on fish in the surrounding area, which will remain available for undertaking Treaty fishing rights. Activities associated with the Project that have potential to directly impact fish habitat and, consequently, fish populations will not extend into the RSA. The impacts to fish populations as a result of the mining and pit filling is expected to be minimal since it is assumed that downstream flows will be managed to adhere to instream flow guidelines (AENV 2011). In general, peak flows will be reduced and low flows will be increased. This attenuating effect may have some impact on fish habitat composition and could also benefit fish populations by reducing the intensity of high flow events that can adversely affect fish, particularly during the early life stages. Potential changes in surface water quality in the RSA were assessed as insignificant (Section E.11, CR# 11) and are not expected to significantly impact fish populations in the RSA. No additional access to water bodies in the RSA is expected to occur as a result of the Project. CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including: continue monitoring programs already in place at the existing CVM mine (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); document the effect of CVM operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval.
			removal of fish resources/habitat in Project area	Fish in or near the Project area including whitefish, trout, grayling, jackfish, pickerel.	September 28, 2012	The surface hydrology assessment presents proposed water management plans and addresses the potential impact of the Project on: <ul style="list-style-type: none"> the quantity of surface water flow and stream behaviour during high, average and low flow conditions; and sediment concentrations in local and regional streams. Various water management and sediment control measures will be implemented for the Project during operations, reclamation, and closure, including: 1) Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPEA approval; 2) Release of water pollutants from the sites such as oil and greases is controlled. With the installation of oil booms on the impoundments and immediate containment of oil in the event of a spill, there is little danger of these materials contaminating surface waters. Components of the water handling system will be designed according to the governmental specification and the systems will be operated in accordance with regulatory approval requirements; and Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPEA approval; 3) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; and 4) All mine-affected water will be treated prior to its release in to the receiving waters to reduce potential effects from loading of suspended sediments and potential effects of water quality variables typically associated with suspended sediments (e.g., total aluminum and total iron). [continued below]
			removal of fish resources/habitat in Project area	[Legal counsel] indicated to DFO personnel that ECN expected any analysis [presumably related to analysis of Robb Trend project water and fisheries reports] to be provided.	February 13, 2013	[continued from above] CVRI will pay particular attention to selenium (see below). The mine wastewater treatment program similar to the one currently in use at the CVM will be established to minimize downstream siltation and minimize downstream effects on surface water quality; 5) With respect to selenium, the CVM will continue an effective water quality monitoring program including a focus on selenium concentrations. The objective will be to observe water quality relative to baseline values to identify any changes over time. Should a significant increase in selenium levels be noted an investigation will be undertaken to identify possible sources and mitigation plans will be implemented; 6) Where necessary, interim erosion/sediment control measures will be utilized until long-term protection can be effectively implemented; 7) Minimization of the time interval between clearing/grubbing and subsequent earthworks, particularly at or in the vicinity of watercourses or in areas susceptible to erosion; 8) Slope grading and stabilization techniques will be adopted. Slopes will be contoured to produce moderate slope angles to reduce erosion risk. Other stabilization techniques used to control erosion include: ditching above the cutslope to channel surface runoff away from the cutslope, leaving buffer (vegetation) strips between the construction site and a watercourse, placing large rock rip rap to stabilize slopes; 9) Whenever possible, construction activities in close proximity to watercourses will be carried out during periods of relatively low surface runoff in late fall, winter and early spring (from October to April). A 30 m buffer (vegetation) strip will be left between construction sites and watercourses except at stream crossings and diversions; 10) Temporary measures to control erosion before a vegetation cover is reestablished, including: diversion ditches, drainage control, check dams, sediment ponds, sumps and mulches; 11) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; 12) The design and construction of all stream crossings will be done in compliance with the Alberta Code of Practice for Watercourse Crossings and associated guidelines. This means that all stream crossings constructed by the Project will meet regulatory requirements for protection of fish resources and aquatic habitat; this will also effectively mitigate against effects on surface water quality. Mining activities are expected to reduce high flows, and low flows are expected to either remain the same, slightly decrease or slightly increase. Annual runoff may have modest variations dependent on mining activities at the time (e.g. pit dewatering). Temporary water diversions will also contribute to some slight variations in flow quantity for short periods of time. Instream flows will be maintained by bypass pumping. Depending on the extent of the disturbance footprint within the watershed the significance to flow quantity may remain the same, increase or decrease depending on the mine progression and seasonal variability. Dewatering of the groundwater around or in the mine pits, to permit mining, increases surface flows. This is usually a minor flow component of the overall surface runoff rate from an area. The magnitude of the flows is small and regulated by pumps. If the sump or dewatering area is well laid out and separated from active mining, the effect on sediment loads can be negligible. Impoundments such as settling ponds or end pit ponds or lakes generally reduce downstream peak flows as a result of storage. Increases in low flows can result from a more gradual release of the water stored in the impoundment. Depending upon their size, pond evaporation losses may be significant at times but is near balanced with direct precipitation on an annual basis. Depending upon their size and efficiency, impoundments can reduce sediment loads significantly. End pit ponds will reduce flows when initially filling but can provide opportunities for enhancement. For open water bodies (lakes, ponds and to some extent wetlands), lake evaporation essentially replaces evapotranspiration in equation (1) above with groundwater having both an inflow and outflow component. After initial filling and stabilization of the groundwater level, such that the net regional groundwater recharge is the same as pre-mining, it may be assumed that groundwater inflow equals outflow on an average annual basis. It should be noted that even large differences in net groundwater inflow/outflow for the water bodies typically will have minor net surface flow impacts because of the small areas of the ponds relative to the basin sizes and the smaller groundwater flow component compared to the surface runoff component. Diversions will be sized and designed to convey peak flows safely considering the life of the diversion. As a result, water diversions do not impound water or cause losses due to infiltration (if lined) and, if returned to the same stream, will not affect the magnitude of downstream flows. All defined watercourse crossings will be designed, and constructed, to meet or exceed the regulatory requirements for approval under the provincial <i>Water Act</i> and the federal <i>Fisheries Act and Navigable Waters Protection Act</i> . If appropriately designed and constructed, these crossings will have negligible effect on flows or sediment loads to the streams. [continued below]
4a	continued from above			continued from above		[continued from above] Some of the species cited are not found in or near the Project area. Rainbow Trout were the most common and widespread species within the LSA and RSA and were found in 38 of the 42 waterbodies sampled during baseline fisheries investigations. Bull Trout, Burbot, Lake Chub, Longnose Sucker, and Spoonhead Sculpin were encountered much less frequently than Rainbow Trout but were still found at a number of different locations. Other species, including Arctic Grayling, Brook Stickleback, Brook Trout, Longnose Dace, Mountain Whitefish, Northern Pike, Pearl Dace, Trout-perch, and White Sucker were rare and were only found in one or two waterbodies. Arctic Grayling are listed as Sensitive and is considered a Species of Special Concern in Alberta (ASRD 2010). Populations have decreased in the past few decades. Threats provincially include increased harvest pressure from improved road accessibility, blocked migration routes and altered stream flow resulting from improperly placed culverts in newly constructed roads. Brook Trout are listed as an exotic/alien species (ASRD 2010). They were introduced into Alberta in the early 1900's and are abundant in many foothills streams and isolated lakes. Bull Trout are listed as Sensitive and is considered a Species of Special Concern in Alberta (ASRD 2010). Over-harvesting has led to a decline in population and while angling regulations may lead to recovery, habitat degradation and competition from introduced species may contribute to further declines. Introduced stocks of Rainbow Trout in Alberta are Secure. However, the native Athabasca Rainbow Trout population has suffered introgression from introduced trout in the Athabasca drainage system. The native species is currently considered At Risk (ASRD 2010) but Alberta's Endangered Species Conservation Committee has recommended that Athabasca Rainbow Trout be listed as Threatened under the <i>Wildlife Act</i> . Rainbow Trout (At Risk status) were widespread in the Project and were often the only species found, or historically reported, in study streams. As such the majority of watercourses had a moderate diversity ranking. Aquatic resources issues related to construction, operation, and reclamation of the Project were generally linked to potential changes to physical habitat components, changes in flow regimes, changes in surface water quality, and changes in resource access. Measures to reduce or mitigate potential effects were identified using proven strategies and combined expertise of professionals. Potential local effects on the fisheries Valuable Environmental Component's (VEC) associated with direct habitat loss or alteration are expected to be fully mitigated with properly implemented mitigation strategies. CR #2 (Section 5.4) of the Project application provides details of the numerous mitigation strategies proposed to protect fish resources, in the areas of surface water management and erosion control, haul road crossing construction, stream diversions, management of stream flows, public access restrictions, and habitat enhancement. Therefore, no cumulative effects on fisheries VECs associated with direct habitat loss or alteration are expected. Potential adverse effects relate primarily to direct physical habitat alteration/loss, changes in surface water hydrology and water quality issues. With mitigation there will be an insignificant impact on the fisheries VEC's. CVRI is currently working with the Department of Fisheries and Oceans Canada (DFO), Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations in creating a conceptual compensation plan to be able to uphold the principle of "No Net Loss" to fish habitat.
4a	continued from above			continued from above		
			removal of medicinal plant species in Project area	Gather medicinal plants in or near Project area including roots (not specified), muskeg tea, sweet grass, willow, bark (not specified), sweet pine.	September 28, 2012	CVRI is currently considering a scope and cost proposal from ECN regarding a possible study of ECN traditional land use related to the Project area, and the parties will continue to meet to discuss ECN concerns related to the Project. No Aboriginal group consulted to date has demonstrated through studies that impacts from the Project will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake traditional pursuits such as the collecting of plants for food or ceremonial/medicinal purposes. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans

ECN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
5	Potential Impact to Treaty or Aboriginal Rights	Traditional Use		Gather various berries in or near Project area including blueberries, high bush cranberries, low bush cranberries, raspberries, Saskatoon berries, strawberries, gooseberries, huckleberries, chokecherries	September 28, 2012	for the Robb Trend will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project.
				TEK/TLU work to date conducted to date is incomplete and deficient, ECN expects a full and proper traditional use study with the Nation.	January 21, 2013	CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR #13, Appendix 5), including all of the species cited. Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species, including all of those cited, are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecotone phases which support TEK vegetation will be accessible in the RSA following removal of ecotone phases by the Project Footprint in the LSA. It is assumed that ecotone phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA.
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to water quality in Project area	Questions raised regarding the use of water by the mine and the impact on watercourses.	February 13, 2013	The existing mine areas within the CVM have implemented a Water Management Plan in order to maintain clean water flows in local watercourses and to capture mine affected water for treatment. CVRI is planning on implementing a similar plan for the Project area to maintain water quality and quantity. Responses #4, 4a, and 4b provide more detailed discussion of CVRI's proposed measures to protect water resources in the area.
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general effects on wildlife in Project area	Impact to culturally important species harvesting in hunting and trapping activities; grizzly bear (sacred species; at-risk species), marten (do not trap, but effect on will impact others), fisher (do not trap, but effect on will impact others), lynx (do not hunt, but effect on will impact others; at-risk species), wolf. Impacts, universally negative in direction, arise due to: habitat alteration, sensory disturbance and effective habitat loss, habitat fragmentation, direct mortality, barriers to movement.	September 28, 2012	<p>Grizzly bears will likely be displaced from portions of the Project footprint and permit area during the active mining period. Displacement will result from construction noise and blasting. At some point shortly after reclamation grizzly bears will be attracted to the herbaceous forage and ungulates on the Project footprint as was observed on the Luscar, Gregg River and CVM reclaimed mine areas. The mined lands will not act as a serious barrier to grizzly bears, with the possible exception of during active blasting and hauling. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. The greatest threat to regional grizzly bear populations is human-caused mortality caused by legal and illegal hunting, self-defence kills by ungulate hunters, and vehicle/train collisions. Any land use that results in increased access or use of access by individuals carrying firearms is a threat to grizzly bear population persistence. Any roads with vehicle speeds greater than 70 kph also have potential to result in increased grizzly bear mortality. Sources of domestic garbage at the CVM are contained in appropriate secure containers and transported to the licensed landfill in Hinton as per the Approval conditions. Problem bear actions at mines in the Coal Branch region are of extremely limited occurrence. Grizzly bears actively select habitats and foods that provide them with the greatest possible net digestible energy (Hamer and Herrero 1983, Pritchard and Robbins 1989). Mining and subsequent reclamation of the existing CVM has significantly changed landscape structure, composition and food production in the permit area for grizzly bears. Mining and reclamation at the CVM has resulted in removal of tree canopies, leading to increases in availability of high energy herbaceous plant material (clover, thistles, legumes) and an increase in ungulates (elk, deer) responding to increased forage and edge habitat. There is strong evidence to suggest that ungulates and plants used for reclamation are sought and used extensively by grizzly bears occurring in the vicinity of the CVM area. Similar findings were observed in the existing Luscar and Gregg River mines (Stevens and Duval 2005; Kansas and Symbaluk 2011). Bears using the reclaimed Luscar and Gregg River mine lands were on average larger than bears in an adjacent un-mined Subalpine and the Gregg/Luscar permit block was considered to be an attractive habitat for grizzly bears and a source for enhanced cub production (Kansas 2005). If similar reclamation measures are used on the Project then impacts on grizzly bears from a habitat alteration perspective will likely be positive within 10 years post-construction. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. This assertion is based on the fact that carrying of firearms in not permitted within any CVM permit areas and traffic speed control is practiced. It is further supported by the fact that no grizzly bear mortalities have occurred on CVM permit areas in 40+ years in the Coal Branch region (Symbaluk 2008). This does not diminish the seriousness of cumulative effects on grizzly bear mortality in the RSA and broader Yellowhead region.</p> <p>According to CR #7, Marten are listed as "Secure" by the Alberta Fish and Wildlife Division (2010), and winter tracking surveys from 2007 to 2011 indicate normal to above-normal marten densities throughout the RSA. Those surveys also indicate that marten trail densities in areas with past timber harvest were as high or higher than in areas without timber harvest. Based on the results of the wildlife studies it was concluded that marten will possibly avoid some high quality habitat during blasting and coal hauling during active mining, but this will be short to medium-term effect with limited demographic consequences. While marten utilize reclaimed mine habitats, at this point in natural succession they are reliant on remnant forest stands embedded within the CVM footprint. The following mitigation measures are recommended to increase marten habitat suitability and use of reclaimed mine lands: Marten use of regenerating stands may be enhanced with the occurrence of dense shrub and coniferous regeneration (Poole et al. 2004; Thompson et al. 2008). Selected native shrubs and trees should be planted to increase security cover for marten and their prey (varying hare, red squirrel, voles and mice).</p> <p>According to CR #7, fishers are listed as Sensitive by the Alberta Fish and Wildlife Division (2010), and little is known of their ecology in the foothills of Alberta. They are an uncommon species in the RSA with occurrence linked to older mixedwood forests in the lower elevation eastern portions. This species is not commonly trapped in the RSA with harvest limited to eastern RFMAs. High and very high quality fisher habitat currently comprises about 6% of the Project mine permit area (LSA). Fisher tracks were observed in the Project permit area but at much lower (40 times) densities than marten. The greatest threats to regional fisher populations are habitat alteration at maternal denning sites and over-trapping. Over-trapping is unlikely to occur because fisher harvest is very low in the region and subject to quotas. [continued below]</p>
7a	continued from above			continued from above		<p>[continued from above] The government can reduce quotas at any time if concerns over regional fisher occurrence or population density arise. A study of habitat alteration showed the predicted supply of high and very high quality fisher habitat over time considering effects of the Project and other planned and reasonably foreseeable land uses. The supply of high/very high fisher habitat increases steadily over time with increases of 273% and 444% for the Embarras and Lendrum BMUs from baseline to T50. Based on the above evidence, the combined effects of the Project and past, present and future land actions on fisher populations are rated as insignificant.</p> <p>According to CR #7, the main potential causes of lynx mortality arising from the Project are: 1) vehicle collisions from coal haul; and, 2) fur harvest. Unlike cougars, lynx are not a big game species in Alberta. Therefore, increased legal hunting pressure due to improve human access will not likely occur. Trapping of lynx is quota-based and recent lynx harvest has not been excessive. Vehicle speeds are reduced on mines to <70 kph further reducing the likelihood of vehicle collisions. Overall, it is predicted that development of the Project is unlikely to cause an increase in direct lynx mortality. After the immediate maximum effect of construction, the losses of lynx habitat are predicted to be ameliorated over time by natural aging of existing forests and regeneration of forest on reclaimed lands. Succession of early post-seral clear cuts and Project reclamation to young forest with abundance hare populations are the main reasons for projected increases in quality lynx habitat. Planned timber harvest in the RSA will provide an optimal mix of regenerating forest and older forest that lynx need for forage and reproduction (denning). Surface coal mining will offer the same conditions if mitigation measures recommended are followed; and, habitat supply projections for lynx predict that supply of high and very high quality lynx habitat will significantly increase from baseline to T50 in the RSA (277% in Embarras BMU and 193% in Lendrum BMU) largely because of planned timber harvest, beetle salvage and surface coal mining.</p> <p>According to CR #7, wolves are a common species in the LSA and RSA. From 1985 to 2001, a total of 14 wolves were trapped within the three RFMAs that overlap the LSA. Wolf trails were regularly observed during winter tracking surveys from 2007 to 2011 with travel and hunting occurring within the existing CVM permit area. Wolves are not a listed species at risk in Alberta or nationally. The greatest threats to regional wolf populations are human-caused mortality caused by legal and illegal hunting, fur harvest, and vehicle collisions. Wolves could also be affected by significant and large-scale regional declines in ungulate prey availability. It is unknown to what extent projected decreases in ungulate prey and wolf habitat will impact wolf populations. Wolves have inherently high fecundity and in a region with low human population levels (i.e. low mortality risk) are very unlikely to be extirpated in the RSA.</p> <p>In addition to mitigations mentioned above, proposed mitigation strategies to help protect these mammalian carnivore species include: 1) Monitor the effectiveness of measures designed to increase understory cover (downed woody debris, shrubs, tree density) on reclaimed mine lands for marten, fisher and lynx. Design a program that includes establishment of specific targets; 2) Monitor response of marten, fisher/lynx to existing and planned mine land reclamation using winter tracking techniques; 3) Determine if habitats required for fisher maternal denning occur on or immediately adjacent to the Project and assess their levels of use by fisher; 4) Monitor the effectiveness of establishing and maintaining hiding cover for grizzly bears near Project edges and adjacent to main roads; 5) Measure and monitor human use levels of linear features during summer, winter and fall (hunting) seasons. Assign this as a primary task of the 'bear warden' position. Use this data to design road closure plans; 6) Monitor the effectiveness of voluntary and enforced road closures including gating; 7) Monitor and study specific use of the existing CVM and proposed Project by grizzly bears. Investigate the extent to which existing mines in the region serve as attractive forage sources for grizzlies, and study implications for subregional mortality. Consider non-intrusive methods including DNA hair snagging; 8) Continue long-term, multi-species winter monitoring of mammals (carnivores and prey) to regional habitat fragmentation using the tracking data conducted in 2007, 2009 and 2011 as a starting point.</p>

ECN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
8	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to environmental quality in Project area	The habitat suitability decrease resulting in lost habitat from the Project is materially important for the culturally important species across all types of habitats...the mining activities will change lands in the Project area from closed forest to barren land and herb-dominated vegetation communities.	September 28, 2012	In the impact zones of the Project area, considerable change to the current vegetation patterns will obviously occur. After initial topsoil placement, these areas may indeed be described as "barren," but relatively quickly the reclamation process will begin the natural succession that has and will characterize the development of the landscape's vegetation. The revegetation program proposed for the Project area will use experiences gained over the years at the CVM. Vegetation species will be selected to match site-specific conditions (slope position and exposure) that are consistent with the land use objectives; watershed, timber, wildlife, fisheries and aesthetics/recreation. Three seed mixes are currently being utilized at CVM; the standard mix was formulated for use in drier upland areas, the wetland mix is formulated for the revegetation of lower lying wetter sites and constructed wetlands and a native seed mix formulated to facilitate native succession. Traditional value plants will be identified in respect to their possible use as revegetation species. The revegetation program will plant the dominant tree species, either a conifer or deciduous species. Where reclamation stock is available suitable understory species will be inter-planted with the tree seedlings. Initial grass/legume seeding will be undertaken during the first growing season following minesoil placement. Fertilizing will be completed in the same year (and may be repeated once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas. As noted above, reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. Given the timelines of forest succession, precise timelines for the development of a "climax community" in reclaimed areas are difficult to predict, but this "successional reclamation" process (Polster, 1989) will continue for several decades. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features. CVRI also aims to maintain as much undisturbed habitat as possible during mining will help to enhance the wildlife diversity of the reclaimed sites. Adjacent landscape features will be emulated in the reclamation plan allowing for the development of similar habitat. A variety of wildlife uses on undisturbed and reclaimed habitat associated with coal leases has been documented. Wildlife have colonized new habitat created by reclamation of coal mines (MacCallum 2003). Activity associated with mining is predictable and focused. Animals are not subject to random and varied human disturbance within the MSL. These conditions allow animals to colonize the reclaimed landscape. The MSL associated with the CVM has provided a secure environment for wildlife and is instrumental in maintaining regional ungulate populations especially in the Critical Wildlife Habitat associated with the Lovett Ridge. Initial displacement of the existing wildlife community on the Project LSA by active mining will be followed relatively quickly by colonization of wildlife species appropriate to the stage of succession reached by the regenerated plant community. Given that appropriate habitats are established and movement opportunities are designed into the Project disturbance, wildlife are expected to adjust to the initial displacement and disturbance by colonizing newly available habitat and incorporating it into their daily and seasonal activities.
9	Potential Impact to Treaty or Aboriginal Rights	Hunting, Trapping, Fishing	loss of access to land available for hunting in Treaty 6 area	<p>ECN harvester report that frequency of the exercise of harvesting rights is currently being impacted by development, further development in their traditional territory including this Project has potential to further negatively impact and erode traditional activities.</p> <p>Project impacts cannot be considered in isolation, cumulative effects of all development in area on reasonable ability to exercise Treaty Rights must be considered, too much land has been taken...ECN is deeply concerned that the Project represents a significant taking up of Crown land by Alberta under Treaty No. 6.</p>	<p>September 28, 2012</p> <p>January 21, 2013</p>	<p>The Provincial and Federal Crowns are responsible for the administration of Crown lands with respect to the provisions entered into under Treaty 6 and modified by the <i>Natural Resources Transfer Act</i>. It is beyond the jurisdiction of CVRI to either quantify or comment on the overall effects of the Crown's "taking up of land" as allowed under the Treaty in the past century and a half across the Provinces of Alberta and Saskatchewan as it relates to ECN or any other Aboriginal group. That being said, no Aboriginal group lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project.</p>
10	Potential Impact to Treaty or Aboriginal Right	Traditional Use	general effect on environmental quality in surrounding region	Habitat loss will directly and adversely affect these traditional practices within both the LSA and RSA, EA demonstrates a material impact...Clear that many species in Project area and LSA already under stress.	September 28, 2012	The EA does not demonstrate a material effect on ECN's Treaty Rights to hunt, fish, and trap for food, either through habitat loss or access restrictions. CVRI notes that courts have interpreted jurisprudence to indicate that the protection of a right does not guarantee its exercise in an "unspoiled wilderness" or in one particular location (Halfway River 1999: 140-141). Nor does the EA make it "clear" that many species in the Project area are already under stress. In fact, in the vast majority of cases, just the opposite is indicated. That being said, CVRI understands that the Project will have some direct effect on both habitat and wildlife during the course of its development as discussed in these responses. The Project will affect wildlife and vegetation in the area but for short periods of time until reclamation activities can establish productive terrain. It should be noted that the Project is completed over a number of years and not all the lands will be disturbed at one time. CVRI promotes progressive reclamation and when the opportunity exists the mine will start to recontour and reclaim mined out lands as soon as possible. Mining is a temporary use of the land and reclamation activities aim to make this time as short as possible. Disturbance footprints are minimized as much as possible to decrease the overall effect on vegetation, wildlife and various other factors. CVRI also aims to maintain as much undisturbed habitat as possible during mining which will help to enhance the wildlife diversity of the reclaimed sites. CVRI's reclamation objective for the CVM is to reclaim mined lands to meet equivalent land capability with the intended end land uses. The achievement of this objective assures that mining is a temporary use of the land. A variety of wildlife use on undisturbed and reclaimed habitat associated with coal leases during and after the mining phase has been documented. Wildlife have colonized new habitat created by reclamation of coal mines (MacCallum 2003). Activity associated with mining is predictable and focused. Animals are not subject to random and varied human disturbance within the MSL. These conditions allow animals to colonize the reclaimed landscape. The MSL associated with the CVM has provided a secure environment for wildlife and is instrumental in maintaining regional ungulate populations especially in the Critical Wildlife Habitat associated with the Lovett Ridge. Initial displacement of the existing wildlife community on the Project LSA by active mining will be followed relatively quickly by colonization of wildlife species appropriate to the stage of succession reached by the regenerated plant community. The Project will affect wildlife and vegetation in the area but for short periods of time until reclamation activities can establish.
				<p>[Individual] indicated that all consultation with the [other Aboriginal Group] needed to go through her. [Individual] stated that [other Aboriginal Group] were ECN, and that for protocol reasons all consultation needed to go through her. [Individual] indicated and Dan agreed that to resolve this issue a meeting with Donna Hovsepian, CVRI, [Individual], and [Individual] should be convened to discuss the matter. [Individual] indicated that had Dan contacted her regarding the Project, she would likely just have had him contact [other Aboriginal Group], but everything needed to go through her. [Individual] then noted that it was she, not Dan, that was related to the people up there, she was glad that they went back in the 1960s to "reclaim the mountains for them," and that other ECN went up there too. Dan replied that that portion of the ECN community who made most use of the area and would be impacted by the Project were the Smallboy. [Individual] agreed, but noted that others do still go up there.</p>	August 16, 2011	
				ECN submits that at minimum oral hearing necessary for ERCB to consider how Project may impact ECN's rights, and if approved what conditions needed. Request for participatory rights in ERCB proceedings "if it appears to the Board that its decision on an application may directly and adversely affect the rights" of that party.	September 28, 2012	
				Application fails to explain specifically how CVRI will reduce or mitigate impacts specifically with respect to [Aboriginal Group]'s constitutionally entrenched and protected Aboriginal and Treaty rights. Absent a proposal to specifically address potential direct and adverse impacts to ECN Aboriginal and Treaty rights, there exists a real risk that if approved, Project effects on culturally important species will be direct and adverse.	September 28, 2012	
				Objects to process on basis of purported consultation with [other Aboriginal Group] and ECN. To date CVRI not taken any steps to engage ECN's elected chief and council or consultation staff in a meaningful way, and consultation activities cannot be invoked in support of the application.	September 28, 2012	CVRI understands ECN's position that consultation with the other Aboriginal group in question does not constitute consultation with ECN. Both SAAB and CEAA have also indicated their understanding of this, and SAAB has clarified that CVRI is required to continue consultation directly with ECN. CVRI notes that it has made efforts to engage ECN directly on its expansion projects, including the Project, beginning in 2006. This has included the sharing of information and documents including the Aboriginal Consultation Plan and Plain Language Project description, the proposed Terms of Reference, final Terms of Reference, the Federal Project Agreement, the Project Application, responses to Supplemental Information Requests, and other update notifications and information newsletters. As noted above, at a meeting in February 2013 both parties acknowledged that there had been communication issues, but are working together to move the consultation process forward in a mutually agreeable form. Currently, CVRI is considering a formal proposal on a scope and scale of traditional use studies involving ECN associated with the Project area. This continuing consultation process should make meaningful progress in addressing, mitigating, or accommodating any identified project-specific potential impacts to ECN Treaty Rights and traditional uses of the Project area. Any ECN concerns brought forward to date through the consultation process or the submission of a Statement of Concern are addressed in this table. CVRI attempted to discuss some of them directly with Chief and Council during the meeting in February 2013, but ECN legal counsel indicated an unwillingness to do so at that time. CVRI welcomes ECN comment on the responses, mitigations, or accommodations proposed here. The continuing
				Reliance on Alberta Policy, not "law." Alberta's consultation Policy was rejected by Treaty chiefs because it fails to acknowledge the Crown's "duty to accommodate."	January 21, 2013	

ECN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
11	Consultation	Consultation	Consultation	United Nations Declaration on the Rights of Indigenous Peoples must also guide consultation on resource projects.	January 21, 2013	consultation process will entail further discussion of these issues and others raised by and with ECN on a range of matters from potential impacts to Treaty Rights and traditional uses, to employment and contracting opportunities, to issues of community support. CVRI understands that ECN along with the other Treaty 6 Chiefs have rejected the Province's consultation policies and guidelines. Although technically correct that these policies and guidelines are not "law," they were developed in response to applicable jurisprudence, notably several important Supreme Court of Canada decisions, and follow the Court's guidelines resulting from those decisions. While seeking regulatory approvals, CVRI must in fact follow the Government of Alberta expectations for consultation as outlined in those guidelines. The Crown is ultimately responsible for consultation given that the Duty to Consult is vested in the Honour of the Crown, not CVRI to whom only aspects of the consultation process have been delegated. Therefore, discussion of the process of consultation, Treaty 6 Chiefs concerns with it, and specific issues such as the potential inclusion of the U.N. Declaration on the Rights of Indigenous People is an issue that needs to be raised with the Crown. One of the purposes for the inclusion of concerns such as this into this record is to help communicate on-going concerns with the consultation process to the Crown. That being said, CVRI stands by its record and believes that its consultation plan and activities to date, including proposed mitigations and accommodations, have exceeded Crown expectations and those expected from relevant jurisprudence. CVRI has been consulting with ECN on the Project, and believes that its efforts on the delegated aspects of the consultation process can be considered reasonable in the assessment of adequacy. It is working with potentially affected Aboriginal groups, including ECN, to understand, address, and accommodate potential impacts to Treaty Rights and traditional uses, and to provide other potential benefits to Aboriginal communities from the development of the Project where appropriate.
				Impossible to continue a consultation that never began – only one meeting has occurred.	January 21, 2013	
				Coal Valley has failed to review previously supplied concerns with the project presented in September, 2012.	January 21, 2013	
				When ECN members, including those who reside at [other Aboriginal Group], hunt, fish, trap, and conduct other traditional land uses in the Project area and surrounding lands, they are exercising the Treaty and Aboriginal rights of the ECN. Accordingly, consultation regarding the adverse impacts of the Project on our Treaty and Aboriginal rights can only legitimately occur with the ECN through our Council which is democratically elected to represent the Nation...CVRI, Canada, and Alberta have engaged a select group of ECN individuals in an effort to circumvent the requirements of duty to consult with ECN...Delegation of authority to consult with Smallboy as ECN members has not been given, agreement invalid and cannot satisfy any aspect of duty to consult.	January 21, 2013	
				ECN was here because they think the consultation process was not done correctly...Coal Valley has met with the Smallboy, that is not ECN, it is not Chief and Council. Although interviews etc. had happened out there, the proper starting point was here [clearly referring to the meeting with Chief and Council]. [Individual] indicated that when the whole consultation process started, both parties were "young" at consultation, and there was a learning curve, but now all are better at it. [Individual] indicated that a few things would be expected such as properly done aboriginal consultation including a presentation to Chief and Council and a presentation to the people, and to hire ECN's consultant with industry paying for it [presumably for any traditional use studies]. [Individual] indicated that the process needed to start over...It was noted by ECN that their prime objective was to make sure the Smallboy was adequately protected in the process.	February 13, 2013	
12	Long-term Agreement	MOU	MOU	Interest in an agreement with CVRI	January 31, 2014	On October 22, 2014 CVRI and ECN reached an agreement on scope and funding for Project related TUS's that anticipates further discussions on a long-term agreement between CVRI and ECN.
13	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	[Individual] stated that ECN had its own water monitors, well trained and including staff for traditional use studies.	February 13, 2013	CVRI is responsible for environmental monitoring and retains qualified staff for these duties. Employment for such positions are available through the CVRI hiring policy.

NNC	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	general traditional use concerns	general traditional use concerns	Following initial discussions, NNC Elders indicated likely at least 1 traditional site in the Robb Trend, studies would be required.	October 3, 2006	CVRI has been consulting with NNC since 2006 regarding its proposed projects including the Project, and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. Through many discussions and two sets of TUS's and field visits, the community had opportunity to voice its concerns about the Project, which included concerns related to traditional use sites in the region and possibly associated with the Project area. The conclusion of the October, 2007 traditional use report states: "Through the collective and cooperative effort of the three [Aboriginal Groups] and CVM representatives, consultation has occurred that has led to the identification of culturally significant sites and livelihood component parts to current day practice. The mitigative measures determined by all parties gives comfort that, if followed, the three groups will see a continuation of availability for future exercise of their way of life. Any authorizations forthcoming are contingent upon written confirmation by vri, of agreement to the mitigative measures and outstanding cost payment." Such written confirmation was provided by Mel Williams in December, 2007. In letters dated December 7, 2007 and March 17, 2011 NNC indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project and continued CVM development to proceed. A written agreement is in place between the parties providing for continuing avoidance of some sites in the vicinity of CVM operations important to NNC and continuing annual consultation on CVM operations. CVRI continues to consult with NNC on the Project and its other operations. As discussed in some of the responses below and on other Aboriginal concern response tables, and as detailed in the Environmental Assessment, CVRI has a number of strategies in place to mitigate any Project effects on wildlife and the environment. To date, no Aboriginal Group has demonstrated that the development of the Project will have a particularly deleterious, non-mitigable effect on Rights to hunt, fish, and trap for food. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Rights and undertake traditional activities will not be curtailed in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK, including that contributed by NNC, to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Rights and traditional uses during the development of the Project.
				"Upon completion of the survey many areas within the project area were identified to have and to continue to support the three groups traditional use. In the modern day the use continues to support hunting/ gathering activities as well as ceremonial functions. Ceremonial herb gathering and the actual ceremonies are prominent in the area to this day. Much of the project area traverses the traditional and present day hunting area frequented by all three groups."	October 2007	
				Additions to Robb Trend project need map review, likely field studies/visits.	March 17, 2011	
				Site visit requested following map review of Robb West and the 3 road corridors.	May 3, 2011	
2	Potential Impact to Treaty or Aboriginal Rights	Hunting	loss of access to specific hunting locations in Project area	"In the same area as the grave sites exists a current hunting area, with the presence of an integral part of moose habitat that can also be mitigated by the buffer area used to protect the grave sites."	October 2007	The October, 2007 traditional use report states that "To mitigate the impacts to the grave sites and moose habitat, it was suggested and agreed that an adjustment to the project of an agreed upon set back from the prescribed area is needed. This set back area for the moose habitat and graves sites are incorporated an indicated in a revised Project area map. This map is provided as Attachment 1." These terms form part of the agreement between CVRI and NNC which led to the letters of December 7, 2007 and March 17, 2011 in which NNC indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project and continued CVM development to proceed.
3	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of medicinal and food plant species in Project area	Request to consider using OFN/NNC members to replant during reclamation activities.	September 6, 2007	The discussion of proper mitigation efforts during consultation led to the agreement on the process as outlined in the October 2007 traditional land use report: "To ensure that impacts to specific medicinal herbs and ceremonial plants are properly mitigated, a progressive project impacts assessment will be implemented on an annual basis. The following regimen will be set into action: An annual, detailed activities impact map will be generated by CVM to show the actual disturbance area proposed. This map will be reviewed to determine proximity to any identified site.; CVM will provide a review of the plant list to determine rarity and risk potential.; Acceptable alternative sources of 'at risk rare' plants will be identified (if possible); if no other source for at risk plants are found transplantation options will be explored. Any transplanting attempt will follow appropriate aboriginal protocol.; In the event transplanting is not possible, avoidance will be applied to the operations planning.; The process for mitigation of the herbs, plants, and eatables may require a process of harvesting, nurturing, and replanting. Select members from each group would be contracted to participate in the transplanting activity incorporating all three groups protocols and ceremonial requirements. Follow-up plant survival review would be planned and conducted." These terms form part of the agreement between CVRI and Aboriginal Group G which led to the letters of December 7, 2007 and March 17, 2011 in which Aboriginal Group G indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project and continued CVM development to proceed. CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses, including those identified by Aboriginal Group G. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecosite phases which support TEK vegetation will be accessible in the RSA following removal of ecosite phases by the Project Footprint in the LSA. It is assumed that ecosite phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following: • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • implementing a re-vegetation program which aims at the re-establishment of ecosites common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecosites will, over time, again support TEK vegetation. With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecosite phases within the LSA. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established. CVRI will continue the consultation with the Aboriginal groups as information is brought forward regarding specific impacts to traditional uses as well as undertake further discussions with Aboriginal groups on specific impacts and mitigation measures. Negotiations with Aboriginal groups will also continue on a case by case basis for avoidance of specific plant species if possible. Not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation.
				"Throughout the project area the three groups found and identified numerous medicinal herbs, ceremonial plants, and food source roots and berries. Mitigative measures for this component require strict adherence to NNC custom, tradition, and method."	October 2007	
				Proper mitigation measures for plants, transplanting, ceremonies, rarity.	October 17, 2007	
					October 2007	
				During field visit to Robb West, Bryan Corridor, and Erith Corridor the Elders noted that there were no burials or other concerns, but that there were important plants all over.	June 2, 2011	
				During field visit to Halpenny Corridor the Elders noted that there were many medicines in the area.	August 23, 2011	
				Discussion of the existing agreement to provide annual maps and opportunity for harvesting plants prior to disturbance.	December 10, 2012	
				Discussion of burials which look like they are outside of project boundary.	June 18, 2007	Discussions on the topic of important sites, most notably burials, resulted not in the application of a generic buffer zone but rather specific areas of avoidance for the sites in question. "To mitigate the impacts to the grave sites and moose habitat, it was suggested and agreed that an adjustment to the project of an agreed upon set back from the prescribed area is needed. This set back area for the moose habitat and graves sites are incorporated an indicated in a revised project area map. This map is provided as Attachment 1." These terms form part of the agreement between CVRI and Aboriginal Group G which led to the letters of December 7, 2007 and March 17, 2011 in which Aboriginal Group G indicated that any impacts to culturally significant sites had been mitigated by CVRI through a meaningful consultation process, and provided its authorization for the Project and continued CVM development to proceed. Regarding the specific burials in question, the area in
				Question regarding "sacred burial" sites and what is done.	August 9, 2007	
				Request to avoid grave sites near Robb Trend	September 6, 2007	
				Issue of buffer zones for important sites discussed.	October 17, 2007	

NNC	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
4	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of burials in Project area		October 2007	question is located outside of the currently proposed Project boundary, and CVRI is still to provide maps verifying to Aboriginal Group G elders that this is true. Regarding any unrecorded burials, if during operations possible burials are encountered in the Project area, CVRI is prepared to work with Aboriginal communities and regulators to confirm burial association and devise an appropriate avoidance or mitigation strategy. The presence of human remains or burials on Project lands, whether Aboriginal or not, is subject to Federal and Provincial laws and regulations including Section 182 of the Criminal Code, the Alberta Cemeteries Act, and potentially the Alberta Historical Resources Act. Knowingly disturbing human remains (improper interference) without legal authorization constitutes a criminal act, and knowingly disturbing burials, recorded or not, without legal authorization contravenes the <i>Cemeteries Act</i> and potentially the <i>Historical Resources Act</i> . In addition to moral duties, sanctions of both a criminal and financial nature for any actions provide significant impetus for CVRI to act swiftly and accordingly should potential burials be identified during development activities. Mine management will ensure that all supervisors and workers are aware of the legal and moral issues regarding possible burials.
				Discussion of production of maps to verify continued avoidance of burials near Robb Trend.	March 17, 2011	
				Discussion of production of maps to verify continued avoidance of burials near Robb Trend.	December 10, 2012	
5	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of ceremonial locations in Project area	The October 2007 traditional use report provides the UTM coordinates for several burials, campsites, and a "homestead."	October 2007	The October 2007 traditional use report provides the UTM coordinates for several burials, campsites, and a "homestead." None of these sites are within the proposed Project permit area. The two burials nearest the Project have been mitigated through agreed-to avoidance as discussed above. The remaining sites are located well outside of the Project area. CVRI has maintained discussion with Aboriginal Group G regarding these sites and others of importance in the region. On December 10, 2012 CVRI and NNC continued to engage on some of these sites, which are located outside of the Project, to ensure continued avoidance or mitigation if required. As also noted above, CVRI is to provide mapping information again demonstrating the Aboriginal Group G elders the continued avoidance of these sites.
6	Ceremonial Support	Cultural Awareness and Survival	enhance intra- and inter-community awareness and cultural education	[Elder] then inquired about donations for ceremonies etc. Les then inquired about Christmas hampers. [Individual] then described a big New Year's Feast, with up to 50 children in attendance, characterized by a tradition where everyone shows up and shake hands with one another regardless of personal animosity. Les then offered a donation and indicated that he would send a cheque.	December 10, 2012	CVRI has and will continue to support NNC community programs such as this through donations on an ad hoc basis. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program is one of the items under consideration.

MNA Region 4	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	Hunting and Fishing	general hunting and fishing	[Individual] stated that MNA Region 4 often have concerns regarding fish and wildlife	October 1, 2009	As discussed in some of the responses, and as detailed in the EA, CVRI has a number of strategies in place to mitigate any Project effects on fish and wildlife. To date, no Aboriginal Group has demonstrated that the development of the Project will have a particularly deleterious, non-mitigable effect on Rights to hunt, fish, and trap for food.
2	Potential Impact to Treaty or Aboriginal Rights	Hunting	loss of access to specific hunting locations in Project area	Community member stated "there are some Metis traditional hunters that use that area on the Robb Trend."	October 23, 2008	CVRI has been consulting with MNA Region 4 and its membership on its proposed developments including the Project since 2007, and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. Through meetings with MNA Region 4 leadership, meetings or open houses in Hinton, Robb, and Edson, and surveys sent to MNA Region 4 membership, community members have had the opportunity to express their views on the Project and communicate any concerns to MNA Region 4 leadership or to CVRI directly. As discussed in some of the responses below and on other Aboriginal concern response tables, and as detailed in the EA, CVRI has a number of strategies in place to mitigate any Project effects on fish and wildlife. To date, no Aboriginal Group has demonstrated that the development of the Project will have a particularly deleterious, non-mitigable effect on Rights to hunt, fish, and trap for food. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use well before that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Rights and traditional uses during the development of the Project.
				[Individual] and [Individual] stated there are people who hunt in the area and would want to contact them	November 10, 2009	
3	Potential Impact to Treaty or Aboriginal Rights	Hunting	access to hunting locations in Project area	Community member stated in regards to reclamation of the area "when we as hunters etc. go out there, we don't understand why growth is not back yet, why its not accessible, and you're taking another section ahead"	October 23, 2008	The Project will affect wildlife and vegetation in the area but for short periods of time until reclamation activities can establish. It should be noted that the Project is completed over a number of years and not all the lands will be disturbed at one time. CVRI promotes progressive reclamation and when the opportunity exists the mine will start to recontour and reclaim mined out lands as soon as possible. Mining is a temporary use of the land and reclamation activities aim to make this time as short as possible. Controlled public access may be permitted in or through those areas of the Mineral Surface Lease (MSL) where mining activities have been completed but are not actively occurring, which are distant from mining operations, and where wildlife values would not be jeopardized. Within active mining and reclamation operations, no public access will be permitted for safety reasons (for CVRI employees and the public). After reclamation activities have been completed and the vegetation cover is established and self-sustaining, limited access may be considered. Access may only be permitted through selected reclaimed areas on designated trails. This will accommodate those persons interested in gaining access to areas in behind the MSL. This system is similar to that currently in place on areas of the CVM (e.g., the trail to Silkstone and Lovett Lakes; access to Lovettville). Time limitations to trail use may apply, as determined through government and public consultations.
				Community member asked "you have areas of several different growth ages of trees, any of it ready to come back?"	October 23, 2008	
4	Potential Impact to Treaty or Aboriginal Rights	Hunting	displacement of game animals from Project area	[Individual] stated "looking for breeding grounds etc. It will compact caribou, I know in your area will impact sheep"	October 1, 2009	Based on the in-depth wildlife assessment completed for the Project as well as past wildlife studies within the CVM and ongoing studies, no caribou or sheep populations have been identified in the Project area. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features.
5	Potential Impact to Treaty or Aboriginal Rights	Trapping	general trapping concern	[Individual] inquired if there was a trapper's association report and they would like a copy	October 1, 2009	A total of 22 Registered Fur Management Areas (RFMA) overlap in whole or in part with the RSA. Fur harvest return information for the period 1985 to 2001 was obtained from ESRD for the RFMA. Fur returns for 17 different species were reported. This included red squirrel (13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp. (1,531), coyote (896), wolf (236), lynx (133), mink (128), fisher (50), red fox (47), black bear (18), badger (14), striped-skunk (7), wolverine (6), river otter (4) and raccoon (1). The average numbers of captures per year per trap line for VEC species were: lynx (0.42), marten (5.17), fisher (0.16), and wolf (0.71). RFMA 1516, 2619 and 2256 will be directly affected by the proposed development of the Project permit area. Over a 16 year period, RFMA 1516 reported an average number of lynx (0.4/year), fisher (0.19), marten (5.4/year) captures and reported below average wolf captures (0/year). Over a 15 year period, RFMA 2256 reported above average marten (8.5/year), and fisher (0.13) captures and below average lynx (0.3/year) and wolf (0.1/year) captures. Over a 17 year period, RFMA 2619 reported below average capture rates for lynx (0.2/year), marten (1.2), fisher (0.12), and wolf (0.6). Caution must be used when interpreting this data. Capture rates can vary widely and may reflect trapper effort and fur prices as much as it does of animal abundance. Capture rates can also reflect the size of the RFMA. Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Contact and discussions have been held with people holding RFMA rights. Where required, agreements have been reached and compensation provided. Trapping is likely to continue in the RSA. Harvest levels are difficult to predict and are dependent largely on fur prices, RFMA tenure and levels of industrial activity. It is reasonable to assume that future trapping levels will occur at average levels from 1985 to 2001. As noted above, Project development will occur over time, and access to mine areas to undertake Treaty Rights to trap will be restricted in active mining areas for a period of time. However, areas surrounding the Project will still be available to undertake Treaty trapping rights, and Project development and reclamation will be complete by approximately 2060, returning those lands for trapping uses.
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of medicinal plant species in Project area	[Individual] expressed concern over the protection of resources (She stated previous incident that in a special area for traditional medicines near Obed, there was a special orchid and some contamination happened close to this area, the communities wanted to protect it but did not have the resources)	October 4, 2011	To date, no Aboriginal group consulted has indicated the presence of a specific medicinal plant gathering location present in the Project area. While numerous patches of plants traditionally used for medicines have been observed and recorded, CVRI is unaware of a specific patch that is either frequently used or particularly rare or important. Mining activities will remove any medicinal plants currently growing within the disturbance footprint. Over the short, medium, and long-term, many of these plants will become re-established following reclamation. Some of these plants will re-establish naturally after soil replacement from seeds or plant communities in adjacent areas. None of the medicinal plants important to Aboriginal communities identified to CVRI are rare plant species, nor are they uncommon in the surrounding region. CVRI will work with Aboriginal groups to help specific plants return during the reclamation process. CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR #13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. In total, 574 vegetation species were documented during field surveys within the LSA. Of these, 345 were vascular and included 9 trees, 62 shrubs, 193 forbs and 81 graminoids, and 229 were non-vascular and included 134 bryophytes and 95 lichens. Forty-six vegetation species documented during field surveys in the LSA are on the ACIMS Alberta Rare Plant Tracking and Watch Lists (Table E.13-5). Of these, 20 are vascular plants (with 38 occurrences), 18 are bryophytes (with 40 occurrences), and 7 are lichens (with 9 occurrences). Additionally, one occurrence each of Chrysofenestrone (golden saxifrage), the crust lichen Lecidea leprarioides, and Conocephalum conicum (snake liverwort) were observed within 500 m outside the LSA boundary. No plants observed in the Project area are listed as potentially being extinct. The comment provided refers to a new, and rare species of orchid documented in the Marlboro area, far outside of the Project area.

MNA Region 4	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of food plant species in Project area	[Individual] and [Individual] stated that there are some people who collect huckleberries in the area and would like to contact them regarding the project	November 10, 2009	Not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur.
8	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	reclamation with native species using traditional knowledge	[Individual] stated that "reclamation will be a big issue, when I bring my mom out it is"	February 23, 2011	CR#13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecosite phases which support TEK vegetation will be accessible in the RSA following removal of ecosite phases by the Project Footprint in the LSA. It is assumed that ecosite phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following: <ul style="list-style-type: none"> • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • implementing a re-vegetation program which aims at the re-establishment of ecosites common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecosites will, over time, again support TEK vegetation.
				October 2, 2011	With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecosite phases within the LSA. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established.	
9	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of burials in Project area	Community member questioned what would happen if burials were encountered	October 23, 2008	To date no Aboriginal group has notified CVRI of the location of a burial within the Project area. Some Aboriginal burials and non-Aboriginal burials in the general area are known to CVRI, the locations of which are privy to those who have identified their locations. CVRI has previously modified its proposed Project permit area removing some known burials from the Project lands, none of which are associated with MNA Region 4. CVRI is fully prepared to work with Aboriginal communities to avoid burials identified or undertake other mitigative options. There are a number of small cemeteries in the region associated with the old Coal Branch towns which we believe are of concern to MNA Region 4. Due to this concern and those expressed by other stakeholders during previous mine extension regulatory processes, CVRI has worked with the Director of Cemeteries, Alberta Culture, and its consultants to record information regarding these cemeteries and provide it to the Director of Cemeteries and AESRD to help ensure that they are not inadvertently disturbed in the future. A report on these activities is forthcoming. None of these are associated with the Project area. If during operations possible burials are encountered in the Project area, CVRI is prepared to work with Aboriginal communities and regulators to confirm burial association and devise an appropriate avoidance or mitigation strategy. The presence of human remains or burials on Project lands, whether Aboriginal or not, is subject to Federal and Provincial laws and regulations including Section 182 of the Criminal Code, the <i>Alberta Cemeteries Act</i> , and potentially the <i>Alberta Historical Resources Act</i> . Knowingly disturbing human remains (improper interference) without legal authorization constitutes a criminal act, and knowingly disturbing burials, recorded or not, without legal authorization contravenes the <i>Cemeteries Act</i> and potentially the <i>Historical Resources Act</i> . In addition to moral duties, sanctions of both a criminal and financial nature for any actions provide significant impetus for CVRI to act swiftly and accordingly should potential burials be identified during development activities. Mine management will ensure that all supervisors and workers are aware of the legal and moral issues regarding possible burials.
				[Individual] expressed that she has two elders who want to look at the project area because there is a cemetery	November 10, 2009	
10	Potential Impact to Treaty or Aboriginal Right	Traditional Use	general impacts to environmental quality in Project area	[Individual] stated that "we want to work with the company to mitigate issues, its an ecologically special place"	November 10, 2009	CVRI will continue the consultation with the Aboriginal groups as information is brought forward regarding specific impacts to traditional uses as well as undertake further discussions with Aboriginal groups on specific impacts and mitigation measures. CVRI is also committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones. Through the mitigative measures proposed in the Project Application and discussed in this table, CVRI will limit those heaviest impacts to the disturbance zones, and minimize or eliminate any potential effects in adjacent or downstream areas. Through the reclamation activities also discussed, CVRI will return the land in the impact zones to a more productive state in the future. CVRI will complete longer-term monitoring on the impact to medicinal and other plants and for general environmental monitoring, and continue to consult with the Aboriginal communities regarding future development plans. CVRI will ensure that environmental factors and protection measures are taken into consideration during all phases, from planning to reclamation, of mine development. Technically proven and economically feasible measures will be taken which protect environmental quality for air, water, vegetation, wildlife and land resources. CVRI undertakes as a priority "pollution prevention" in preference to "pollution cleanup". Pollution prevention measures in place at CVRI include: <ul style="list-style-type: none"> • reuse and recycling of products; • substitution of products purchased with more "environmentally friendly" materials, if available; • equipment modifications and improved operating efficiencies, where possible; and • conservation of materials and resources. CVRI is an active participant in many environmental and regulatory initiatives and will continue to be an active member of these programs during the operating life of the Project. Programs range from participation in regional programs such as the West Central Airshed Society (WCAS) and West Fraser's Forest Resources Advisory Group (FRAG), to provincial and national initiatives. The purpose of the Environmental Protection Program at the CVM is to first prevent and second to minimize adverse environmental impacts resulting from mine related operations. The program will be implemented in the Project area through the following on-site mechanisms: <ul style="list-style-type: none"> • adaptive management approach to environmental risk assessment; • Safety, Health and Environment Committee (SHE) comprised of key CVRI employees; • emergency response and wildfire control and prevention; • waste management program; • spill response and clean up procedures; • operating policy commitments; and • site reclamation.
11	Potential Impact to Treaty or Aboriginal Rights	Health	general impacts to animal health quality in surrounding region	Community member stated "If there are too many animals there, then we as public will have to pay for disease problems."	October 23, 2008	One of the concerns being expressed here is about the high ungulate populations currently making use of older reclaimed areas at CVM, and the lack of access to hunt there, one method used to manage populations. Please see response #3 above regarding access to reclaimed areas. <p>Through its consultation efforts, CVRI is aware that many Aboriginal groups are concerned about the effect of industrial development on wildlife health. They report cases of diseased animals that when butchered are found unfit for consumption, and many attribute this to industrial development. This has even led to research studies into animal health supported by several Treaty 6 First Nations. And of course, Alberta Fish & Wildlife (AESRD) studies numerous animal health issues including Chronic Wasting Disease (CWD), White-nose Syndrome, West Nile Virus, mammalian skin tumours, and numerous others. They have established programs to track, understand, and manage many of these. CVRI recommends that Aboriginal groups continue to press the Provincial Crown and other industrial players on the potential link between industrial activities and animal health. As for Project potential effects on animal health, a discussion of these is found in CR#5, Human Health, Appendix F: Screening Level Wildlife Risk Assessment (SLWRA). This assessment looked at any potentially harmful substances that could be associated with the Project such as air contaminants, heavy metals, polycyclic aromatic hydrocarbons, volatile organic compounds, and others that could be released into the air, or otherwise make their way into soils or surface water, and then be breathed in or eaten by animals. In order to err on the side of caution, the study assumed that potentially affected animals would be exposed to maximum potential adverse effects from the air for their entire life cycle, and that the Project would last 80 years instead of 25. The assessment concluded that predicted acute exposures to the substances through the air would not have an adverse effect on either avian or mammalian wildlife in the region. It was also concluded that predicted chronic exposures to the substances through the air would not have an adverse effect on mammalian wildlife in the region. Most predicted soil concentrations for these substances are not expected to have an adverse effect on wildlife populations in the study area. However, some metals identified during the screening indicated a possible concern under only one of the several screening guidelines, and resulted in more in-depth analysis. This analysis indicated that these metals will be within the typical range of levels across Alberta, and therefore comparison of predicted soil concentrations to background levels indicated that wildlife are not likely to be at any greater risk in the RSA than other populations across Canada. In all instances, the long-term surface water concentrations of the substances are not anticipated to adversely affect wildlife populations in the region. The results of the SLWRA indicate that the overall risks posed to wildlife health from the Project will be low. Therefore, no impacts to wildlife populations are expected based on estimated wildlife exposures to predicted maximum acute and chronic air concentrations and measured soil and surface water concentrations. The confidence in the prediction is high since highly conservative assumptions were applied in the SLWRA. CVRI will continue to work with government agencies, Aboriginal groups, and others to monitor and mitigate against potential effects to animal health in the region.</p>

MNA Region 4	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
12	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general effect on environmental quality in surrounding region	[Leader] inquired how far outside the project areas would be impacted	October 1, 2009	The Project area will not all be disturbed at one time. Within the permit area CVRI will apply for specific mine licenses covering 5 to 10 year mine blocks. These disturbances will be limited to the footprint that will be identified and this footprint must be contained within the permit boundary. Watercourse that flow through the Project have the potential to affect surrounding regional water quantity and quality. Downstream flows will be managed to adhere to instream flow guidelines (AENV 2011). In general, peak flows will be reduced and low flows will be increased. This attenuating effect may have some impact on fish habitat composition and could also benefit fish populations by reducing the intensity of high flow events that can adversely affect fish, particularly during the early life stages. No significant water quality changes are expected and water quality in the end pit lakes will likely be suitable for a aquatic life.
13	Potential Impact to Aboriginal Heritage	Historical Resources	requests for information on location and nature of recorded Historical Resources in the Project area	Member inquired about historical resources and the protection thereof.	October 23, 2008	CVRI's consultants undertook a detailed Historical Resources Impact Assessment of the Project area. None of the old Coal Branch towns is located within the currently proposed Project area or its likely disturbance limits, although heavily disturbed industrial remains associated with some of the actual historic mining operations are found in some areas. The development of the Project will remove some of these industrial workings, including the old underground workings. As with its previously proposed mining extensions, CVRI has worked closely with its consultants and the Historical Resources Management Branch to either avoid significant historical resources or to mitigate the impacts to them prior to development. Prior to disturbance, CVRI will be required to mitigate some sites in its proposed disturbance area through additional recording, mapping, photography, artifact collection, and excavation. Over the years, particularly in the distant past, mining and other types of development have had negative impacts on old Coal Branch towns, but the management system in place today ensures that important information is gathered regarding significant sites prior to any unavoidable impacts. CVRI has contributed to the development of knowledge regarding some of these areas, particularly some of the earliest Coal Branch towns that few, if any, have any living memory of. The management of all historical resources in Alberta is governed by the <i>Historical Resources Act</i> and administered by the Provincial Crown (Alberta Culture). Provincial authority to do so has been supported by past Supreme Court of Canada decisions, most notably <i>Kitkatla Band v. British Columbia</i> (2002 SCC 31). Although CVRI has shared some general information regarding its Historical Resources Impact Assessment studies with both Aboriginal groups and the public, regulations under the Act limit information sharing on the part of CVRI and its consultants in order to help protect extant significant sites and any associated information and artifacts. Any questions regarding historical resources should be directed to the Head, Archaeological Survey of Alberta, Historical Resources Management Branch, Alberta Culture.
				[Individual] stated that the Metis are usually concerned with the loss of the historic part of these communities	October 1, 2009	
				[Individual] stated "We want to work with the company to mitigate issues, its an ecologically significant place, [Leader] grew up in the Coal Branch and so did my mother."	November 10, 2009	
				[Individual] inquired if there were townsites in the area and expressed concern that things will not be the same, some thing would be nice so next generation can see history in Alberta	October 2, 2011	
				[Individual] requested a historically detailed map of the area	December 7, 2012	
14	Consultation	Consultation	Consultation	[Individual] inquired if CVRI would work with them on doing an open house	October 1, 2009	Through meetings with Aboriginal Group H leadership, meetings or open houses in Hinton, Robb, and Edson, and surveys sent to Aboriginal Group H membership, community members have had the opportunity to express their views on the Project and communicate any concerns to Aboriginal Group H leadership or to CVRI directly. The results of a mail out to community members in 2011 did not support the idea that additional community-specific open houses are needed. Although concerns have been expressed by leadership regarding general issues of environmental impact, protection, and stewardship, potential impacts to hunters and medicinal plant gatherers, and issues relating to employment and contracting opportunities, no site-specific concerns related directly to the Project and its potential effects on Rights and traditional uses has been raised by Aboriginal Group H membership. Membership has inquired about further information, specifically related to potential employment opportunities. As Aboriginal Group H leadership indicated in correspondence with CEAA on October 30, 2012, the remaining outstanding issue concerning them was the possible implementation of a traditional use study associated with their membership. CVRI has engaged in discussions with Aboriginal Group H membership regarding the potential scope and scale of such a study. CVRI is currently awaiting a proposal and cost estimate from Aboriginal Group H on a proposed traditional use study.
				[Individual] expressed interest in TUS studies and noted that they have a formalized TUS process	October 1, 2009	
				[Individual] expressed that the MNA Region 4 would like to work on a TLU study in multiple phases and surrounding the project area	November 10, 2009	
				[Individual] suggested a TLU study be done with revisiting and reviewing a proposal	February 23, 2011	
				Discussion and interest in TLU studies and how scope and scale of how it could be done	December 6, 2012	
				[Individual] emailed a response to the October 9 letter from CEAA on behalf of [Leader]. [Individual] agreed with the outline of issues and discussions posed in the letter, and indicated that one outstanding item was a verbal commitment from Coal Valley to undertake a traditional use study which has not occurred.	October 30, 2012	
				[Individual] expressed that if info becomes public, medicines wont work so some elders are very secretive about traditional knowledge	October 2, 2011	
				[Individual] expressed interest in CVRI helping with a mailout to all MNA Region 4 locals to give their feedback on the project and make sure all locals have a chance to provide concerns	November 10, 2009	
				[Individual] expressed they would like two local meetings to ensure Metis involvement 1. Hinton 2. Marlboro/Edson	November 10, 2009	
				[Individual] stated "Marlboro and Edson communities I'm more concerned about, you've talked to Hinton, more traditional in Marlboro not as often consulted"	February 23, 2011	
				[Individual] suggested hosting community meetings (Hinton, Edson, Marlboro) as there are still some traditional people there who might have input on project	February 23, 2011	
				[Individual] stated "our job is to help local communities engage, locals are corporate structure, we need to make sure all local people are involved, that was our concern with you talking to locals, Marlboro has two big groups which don't always represent each other, we need to access and benefit locals, not me;"	February 23, 2011	
				Interest expressed and support of a joint Open House for community members to attend	February 23, 2011	
				Two communities and specific members expressed more information on the project after mailout	December 6, 2012	
				[Representative] request for information regarding engagement opportunities to share with other representatives	July 17, 2013	

H	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
15	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	[Representatives] inquired about job opportunities	October 23, 2008	CVRI has a hiring policy open to anyone with suitable qualifications. This policy has been provided to Aboriginal groups. CVRI has offered to communicate job posting with Aboriginal employment officers.
				Community member inquired information based on CVM newsletter about the project, employment opportunities, and open houses etc.	September 1, 2011	
				Community member made comment as to having more Metis involvement in the project (environmental monitoring, reclamation, contracting)	October 23, 2008	
				[Individual] expressed that the Metis are looking for job opportunities and [Individual] expressed that "permanent jobs are especially hard to find."	November 10, 2009	
					February 23, 2011	
				Interest was expressed for job opportunities and [Individual] state she would like to encourage people	October 4, 2011	
16	Education Support	Socio-economic development	supporting children's education; increased employment for underemployed sector of Aboriginal society	[Individual] inquired if CVRI would hire high schoolers for summer opportunities	October 23, 2008	CVRI has a hiring policy open to anyone with suitable qualifications. This policy has been provided to Aboriginal groups. CVRI has offered to communicate job posting with Aboriginal employment officers.
17	Contracting Opportunities	Socio-economic development	development of Aboriginal owned business; increased employment for underemployed sector of Aboriginal society	[Individual] expressed that the Metis are interested in economic opportunities and would like to develop this as part of a relationship with CVRI	October 1, 2009	CVRI has a procurement policy open to any business which provides competitive services. This policy has been provided to Aboriginal groups. CVRI has offered to receive and review available Aboriginal business proposals.
				Interest was expressed in contracting opportunities and [Individual] stated that their are [Aboriginal Group] companies qualified to be involved in reclamation work	October 1, 2009	
				Interest was expressed for business and contracting opportunities	November 10, 2009	
				[Individual] expressed that they would like to identify possibilities for opportunities for contractors and might need capacity development to develop	February 23, 2011	
				[Individual] inquired of a list of contractor criteria from CVRI	February 23, 2011	
18	Cultural Program Support	Cultural Awareness and Survival	enhance intra- and inter-community awareness and cultural education	[Individual] stated that it would be good to set up meeting in Marlboro and support their community initiatives	November 10, 2009	Through meetings with Aboriginal Group H leadership, meetings or open houses in Hinton, Robb, and Edson, and surveys sent to Aboriginal Group H membership, community members have had the opportunity to express their views on the Project and communicate any concerns to Aboriginal Group H leadership or to CVRI directly. CVRI worked with Aboriginal Group H leadership on a mailout in 2011 to membership seeking input, and specifically to help gauge interest in an open house or other meeting specifically aimed at this community. To CVRI's knowledge, responses to the survey did not indicate a desire for such a meeting in the community. CVRI concludes that its efforts to disseminate information about the Project and to collect concerns from the Aboriginal Group H membership have been successful. CVRI has not been made aware of any Marlboro community initiatives for which assistance from CVRI is requested, but as with other Aboriginal groups, it is prepared to entertain such requests for assistance.
19	Long-term Agreements	MOU	-	[Individual] stated that she would be interested in an MOU with CVRI	October 1, 2009	The CVRI consultation relationship with Aboriginal Group H will remain active through the life of the Project to continue information sharing and adaptive management of future concerns.
				[Individual] expressed that the MNA Region 4 wanted to negotiate and work on an MOU	November 10, 2009	

PFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	General Traditional Use	General Traditional Use	It was stated that from the maps provided by Les LaFleur in the package that was sent to the First Nation, there appears that there may be some overlapping interests for trapping, hunting and fishing.	September 19, 2006	CVRI has engaged in consultation with PFN since 2006 on its proposed developments including the Project, and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. Through a series of meetings with Chief and Council and its representatives, field trips to project areas with elders, an open house in the community, and traditional use studies of the Project area, CVRI has gathered general input such as noted here about overall concerns regarding potential Project impacts to Treaty Rights and traditional uses of the area and potential environmental impacts. The results of the traditional use studies reported sites of importance in the general region, such as the Sundance and campsite areas referred to, but none within the Project area. CVRI offered to assist in an additional field visit to identify some of the salt-licks to which the Chief referred, that appear to be located north of the Project area, but these visits were never arranged. As discussed in some of the responses below and on other Aboriginal concern response tables, and as detailed in the Environmental Assessment, CVRI has a number of strategies in place to mitigate any Project effects on wildlife and the environment. To date, no Aboriginal Group has demonstrated that the development of the Project will have a particularly deleterious, non-mitigable effect on Rights to hunt, fish, and trap for food. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Rights and undertake traditional activities will not be curtailed in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK, including that contributed by PFN, to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Rights and traditional uses during the development of the Project. The purpose of discussions with individual Aboriginal groups is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, and that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, but that those restrictions will not be permanent. Consultation efforts with PFN resulted in a letter from PFN dated November 18, 2009 in which it indicates that consultation has been adequate, it has no further concerns, and provides endorsement is provided for the proposed CVRI projects, including the Project.
					2007	
				Hunting areas identified and waypoint recorded in 2007 TUS report: "Hunting and trapping area used by First Nations people, including the Paul First Nation" and "Pembina campground used by First Nations campsite along the river."	2007	
					September 30, 2011	
2	Potential Impact to Treaty or Aboriginal Rights	Hunting	direct impact/removal of hunting locations in Project area	Chief stated that elders had seen the area and have said that there is lots of moose there and that it is a good hunting area.	September 30, 2011	The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones through displacement. This would have a potential impact on the generalized right to hunt, fish, and trap in these areas during mine development. Most wildlife will likely be displaced to adjacent habitat patches. Ungulates will be temporarily displaced by active mining as they are unable to cross a pit disturbance. This displacement will be restricted to local use as there are no indications of long distance or major seasons migrations in the LSA. Large amounts of moderate quality moose habitat is available throughout the RSA for moose thereby moderating the effect of habitat change caused by mining. High quality moose habitat on the Project and other areas associated with mixed wood of the Lovett Ridge will be reclaimed with a closed forest regeneration forest of lesser habitat quality. The impacts of the Project development on moose in the region can be mitigated by: implementing reclamation techniques appropriate for moose, establishing a variety of vegetation types and promoting understory complexity in regenerated forests that includes willow species, aligning reclamation and other re-vegetation efforts to maintain and improve moose habitat, taking steps to ensure core security areas are provided for wildlife, implementing appropriate monitoring, cooperating with the province and other industry on access management and other relevant management issues. An examination of elk observations during Fish and Wildlife moose surveys in the area on the north side of the existing CEA study area indicates scattered elk in low numbers. There is not a substantive elk population in this area. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. It is expected that elk and deer will respond positively to the early stages of upland reclaimed and re-vegetated areas on the LSA particularly in the Robb West, Main and Central zones where there is extensive mixed wood and deciduous habitat adjacent the disturbance area. The impact of mining development will involve direct mortality through clearing and loss of habitat during mine development and changed composition in small mammal communities in the early stage of reclamation. Small mammals such as rabbits will be temporarily displaced by active mining as they are unable to cross a pit disturbance. Other forest dependent small mammals (red squirrel, snowshoe hare) will be expected to use the regenerated forest and its understory once it becomes established. Understorey development is a necessary component of snowshoe hare habitat. The density of small mammals in reclaimed grasslands has been shown to be similar to undisturbed habitats (Hingtgen and Clark 1984). After initial grassland establishment, the number of small mammal species is expected to be similar to those on undisturbed similar habitats. CVRI acknowledges that active mining in the Project area will have a direct impact on wildlife, including birds and amphibians, through short to medium-term removal of habitat, fragmentation of habitat, barriers to movement, and possibly direct mortality in some cases (e.g. vehicle collisions etc.). CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features. CR#14 and CR#7 of the Project application detail the proposed mitigation of these effects through the identification of wildlife as a primary end use of the lands, the maintenance of as much undisturbed habitat as possible in the Project area, the revegetation of soil stockpiles to maintain wildlife use, vegetation clearing outside of breeding seasons, buffers along riparian zones, contouring to reduce lines of sight, identification of natural seepages that will become salt/mineral licks after reclamation, hunting restrictions, measures to avoid direct mortality, and a reclamation program that will promote the structural integrity and biodiversity of the landscape to enhance future wildlife use. CVRI has committed to the use of Aboriginal traditional ecological knowledge to assist in land reclamation activities to achieve these goals. The studies conclude that when recommended mitigation and monitoring occur, appropriate biodiversity will re-establish in disturbed areas in the medium to long-term (25 to 50 years), and have no cumulative effect on the region.
			impact to hunting in Project area	In letter stated concern that has not been addressed: "Traditional food source loss: Paul First Nation's main staple is moose meat, rabbits, deer, etc. and their habitat in the project area no longer exists."	February 13, 2013	
			displacement of game animals from Project area	Concern raised during meeting where [Individual] noted that traffic and noise pollution are causing problems for hunting grounds.	September 30, 2011	
			direct impact/removal of salt/mineral licks (important to game animals) in Project area	Concern raised during meeting where it was noted that near the project area is moose-licks and the Chief hunts moose in this area. It was also noted that the Pembina River Campground (used by PFN) has limited moose-licks. [Individual] and Chief suggested that they want the elders to go out and mark these moose-licks as they are concerned of ensuring protection.	September 30, 2011	
3	Potential Impact to Treaty or Aboriginal Rights	Trapping	general trapping concern	One individual at the open house expressed concern of secondary effects regarding the Robb Trend. They believe that the opening of that area would result in the mining of the same coal seam all the way to all the way to the east, through PFN traplines to the east (outside the proposed permit area) in the Elk River area, and eventually all the way to the east to the reserve.	November 8, 2006	The Project development is planned for the west side of the Pembina River. At this time no disturbance will occur to the east of the river. A total of 22 Registered Fur Management Areas (RFMAs) overlap in whole or in part with the RSA. Fur harvest return information for the period 1985 to 2001 was obtained from ESRD for the RFMA. Fur returns for 17 different species were reported. This included red squirrel (13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp. (1,531), coyote (896), wolf (236), lynx (133), mink (128), fisher (50), red fox (47), black bear (18), badger (14), striped-skunk (7), wolverine (6), river otter (4) and raccoon (1). The average numbers of captures per year per trap line for VEC species were: lynx (0.42), marten (5.17), fisher (0.16), and wolf (0.71). RFMAs 1516, 2619 and 2256 will be directly affected by the proposed development of the Project permit area. Over a 16 year period, RFMA 1516 reported an average number of lynx (0.4/year), fisher (0.19), marten (5.4/year) captures and reported below average wolf captures (0/year). Over a 15 year period, RFMA 2256 reported above average marten (8.5/year), and fisher (0.13) captures and below average lynx (0.3/year) and wolf (0.1/year) captures. Over a 17 year period, RFMA 2619 reported below average capture rates for lynx (0.2/year), marten (1.2), fisher (0.12), and wolf (0.6). Caution must be used when interpreting this data. Capture rates can vary widely and may reflect trapper effort and fur prices as much as it does of animal abundance. Capture rates can also reflect the size of the RFMA. Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Contact and discussions have been held with people holding RFMA rights. Where required, agreements have been reached and compensation provided. Trapping is likely to continue in the RSA. Harvest levels are difficult to predict and are dependent largely on fur prices, RFMA tenure and levels of industrial activity. It is reasonable to assume that future trapping levels will occur at average levels from 1985 to 2001. As noted above, Project development will occur over time, and access to mine areas to undertake Treaty Rights to trap will be curtailed in active mining areas for a period of time. However, areas surrounding the Project will still be available to undertake Treaty trapping rights, and Project development and reclamation will be complete by approximately 2060, returning those lands for trapping uses.
				Trapping concerns raised by [representatives]	December 3, 2012	

PFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
4	Potential Impact to Treaty or Aboriginal Rights	Fishing	removal of fish resources/habitat in Project area	Fishing concerns raised by [representatives]	December 3, 2012	<p>As previously indicated, access to the Project area to undertake Treaty fishing rights will be curtailed during development, but that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be curtailed in the entire area upon Project approval and it will not be permanent. The Project is expected to have no effect on fish in the surrounding area, which will remain available for undertaking Treaty fishing rights. Activities associated with the Project that have potential to directly impact fish habitat and, consequently, fish populations will not extend into the RSA. The impacts to fish populations as a result of the mining and pit filling is expected to be minimal since it is assumed that downstream flows will be managed to adhere to instream flow guidelines (AENV 2011). In general, peak flows will be reduced and low flows will be increased. This attenuating effect may have some impact on fish habitat composition and could also benefit fish populations by reducing the intensity of high flow events that can adversely affect fish, particularly during the early life stages. Potential changes in surface water quality in the RSA were assessed as insignificant (Section E.11, CR# 11) and are not expected to significantly impact fish populations in the RSA. No additional access to water bodies in the RSA is expected to occur as a result of the Project. Measures to reduce or mitigate potential effects were identified using proven strategies and combined expertise of professionals. Potential local effects on the fisheries VEC's associated with direct habitat loss or alteration are expected to be fully mitigated with properly implemented mitigation strategies. No significant water quality changes are expected and water quality in the end pit lakes will likely be suitable for aquatic life. CR #2 (Section 5.4) of the Project application provides details of the numerous mitigation strategies proposed to protect fish resources, in the areas of surface water management and erosion control, haul road crossing construction, stream diversions, management of stream flows, public access restrictions, and habitat enhancement. Therefore, no cumulative effects on fisheries VECs associated with direct habitat loss or alteration are expected. Potential adverse effects relate primarily to direct physical habitat alteration/loss, changes in surface water hydrology and water quality issues. With mitigation there will be an insignificant impact on the fisheries VEC's. CVRI is currently working with the Department of Fisheries and Oceans Canada (DFO), Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations in creating a conceptual compensation plan to be able to uphold the principle of 'No Net Loss' to fish habitat. Any operational works that require a harmful alteration, disruption and destruction (HADD) of fish habitat will require to be applied for with DFO. The compensation plan will be referred to in establishing site specific compensation related to each working (crossing, diversion).</p> <p>As stated in the application, in order to monitor the effectiveness of the planned mitigation measures, CVRI will:</p> <ul style="list-style-type: none"> • monitor flows and TSS at all settling ponds; • conduct regular inspections of all drainage works; • expand the existing CVM aquatics monitoring program to include additional benthic macroinvertebrate sample sites; • implement a water quality monitoring program for the life of the Project designed to meet the requirements of the Project approval; • conduct long term monitoring of flow in each main creek to document critical low flow conditions during pit filling periods and to define the need for any bypass pumping to maintain in-stream flows; • monitor components of the compensation plan, (i.e., fish habitat enhancement structures) post-construction to assess the effectiveness of the compensation and to identify modifications that will be made (if necessary); • evaluate end pit lakes to assess fish use, biological productivity, water quality, and other physical properties (i.e. thermal regime); • implement TSS/turbidity monitoring during instream work if deemed necessary due to site conditions or timing of works; and • monitor downstream flows to ensure instream flow needs are met. <p>This monitoring information will be publically available within the CVRI – CVM Annual Report that is submitted to ESRD.</p>
5	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of medicinal plant species in Project area	Area addressed by elder and recorded waypoint in 2007 TUS report, the elder stated that they "conducted a ceremony near the site. These ceremonies are conducted at sites where sacred medicines will be devastated and forested areas will be removed..."	2007	CVRI acknowledges that the development of the Project will disturb a large area through direct impact, and remove many of the useable resources present. However, as described in response #1 the effects of the Project will not be permanent, and CVRI will incorporate Aboriginal TEK, including that contributed by PFN, to return the land to a more natural, useable state once mining activities have ceased. Representatives of PFN held another ceremony near the Project area on June 6, 2007 with invited representatives of CVRI to ask the Creator's forgiveness for the destruction associated with the Project. PFN produced a letter dated November 18, 2009 in which it indicates that consultation has been adequate, it has no further concerns, and provides endorsement for the proposed CVRI projects, including the Project.
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	reclamation	<p>Major concern voiced by several participants during the Field Tour was the fact that in the reclaimed areas, with the exception of trees, grass and moss, the other important plants did not seem to be re-appearing.</p> <p>Concern voiced by elder during the Open House that having visited the Coal Valley area and having seen the reclamation, she did have concerns that once mining was finished, the land would be restored, but she did not feel that everything that was there before would return.</p> <p>Letter to Lori stated "During the initial consultation with [Individual] and elders with CVRI, the proponent conducted a field visit to the reclaimed land site. PFN members ([Individual] and the elders) were NOT satisfied with the reclaimed site. The natural traditional medicinal plants were not present, the land was very artificial and could not be used to practice PFN's Aboriginal Treaty 6 rights."</p> <p>Item raised by [Individual] Jan.19, 2007 that PFN would like to be involved in reclamation issues and make sure everything will be done to standards of the Environmental Enhancement and Protection Act.</p> <p>Item raised by [Individual] during April 30, 2008 meeting "We want to be involved in reclamation".</p> <p>[Individual] stated "reclamation industry is here, we want to participate in that, there has been total neglect"</p>	<p>October 22, 2006</p> <p>November 8, 2006</p> <p>February 13, 2013</p> <p>January 19, 2007</p> <p>April 30, 2008</p> <p>April 10, 2012</p> <p>July 23, 2012</p>	<p>The reclaimed CVM area visited by the Elders in 2006 consisted of an end-pit lake and surrounding area that had been reclaimed and planted with trees, but that was at an early stage of regeneration. Contrary to some of the negative statements included here, and the overall rejection stated in a letter of February 13, 2013, the overall reaction was in fact a positive, hopeful one. Some of the elders did remark that many plants they hoped to see were not there, but other native plants were observed returning, and there seemed to be general satisfaction that the reclamation was moving in the right direction. Reclamation is not an event, but rather a process. It will certainly take another 50 years of forest regrowth in that area to provide a suitable habitat to support many of the plant species currently not observable there. However, CVRI is confident that these lands will return properly with the resources there previously and in the region suitable for the exercise of Treaty Rights to hunt, fish, and trap for food. This can in fact be seen at the old historic mining operations in the area, that witnessed no reclamation activities at their surface disturbances, and yet which many people pass through today unaware that they are walking through areas totally cleared of vegetation one hundred years ago. Although reclaimed areas such as that visited have not yet returned to a state suitable for the undertaking of all traditional activities that may have been practiced in the area, the reclamation efforts will see future generations able to undertake traditional activities as the important plants and animals return. The revegetation program proposed for the Project area will use experiences gained over the years at the CVM. Vegetation species will be selected to match site-specific conditions (slope position and exposure) that are consistent with the land use objectives; watershed, timber, wildlife, fisheries and aesthetics/recreation.</p> <p>Three seed mixes are currently being utilized at CVM; the standard mix was formulated for use in drier upland areas, the wetland mix is formulated for the revegetation of lower lying wetter sites and constructed wetlands and a native seed mix formulated to facilitate native succession. Traditional value plants will be identified in respect to their possible use as revegetation species. The revegetation program will plant the dominant tree species; either a conifer or deciduous species. Where reclamation stock is available suitable understorey species will be inter-planted with the tree seedlings. Initial grass/legume seeding will be undertaken during the first growing season following mine soil placement. Fertilizing will be completed in the same year (and may be repeated once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas.</p> <p>One of the most common concerns among Aboriginal elders was the impact to medicinal and food plants in the Project area (refer to Table E.12-1 and E.12-2; CR #12, Appendix B and D to G). A number of these plants are believed to be "rare" or "rare elsewhere," whereas others are more common. Often these plants cannot be transplanted due to specific conditions required. Transplanting may, in some cases, impact the potency or efficacy of the medicines. CVRI was asked to use traditional knowledge and native plant species in the reclamation process and will do so. CVRI will continue the consultation with the Aboriginal groups as information is brought forward regarding specific impacts to traditional uses as well as undertake further discussions with Aboriginal groups on specific impacts and mitigation measures. CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation.</p>
				Item raised by [Individual] during April 30, 2008 meeting stating that monitoring system is needed and that "people come from as far as New Mexico to pick plants."	April 30, 2008	<p>CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR # 13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecotone phases which support TEK vegetation will be accessible in the RSA following removal of ecotone phases by the Project Footprint in the LSA. It is assumed that ecotone phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following:</p> <ul style="list-style-type: none"> • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • implementing a re-vegetation program which aims at the re-establishment of ecotones common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecotones will, over time, again support TEK vegetation.

PFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	Environmental monitoring	Feb.13, 2013 letter which states as one of the concerns that has not been addressed "Ongoing monitoring program between PFN and CVRI during the development, operation and remediation of the project."	February 13, 2013	With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecosite phases within the LSA. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established. The following monitoring will continue within the Project area and throughout the mine site to ensure the continued stewardship of the environment: <ul style="list-style-type: none"> • groundwater; • surface water; • air; • noise; • wildlife/aquatics; • vegetation/wetlands; • reclamation; and • regulatory compliance.
8	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of ceremonial locations in Project area	Area addressed by elder and recorded waypoint in 2007 TUS report: "This is a cultural area, dating back in my experience, at least 4 generations. where Sundance and spiritual ceremonies were practiced, still today".	2007	The site recorded and discussed in the traditional use report is a Sundance location and associated camping areas and other types of sites used by a number of Aboriginal groups in the region. It is well-known to CVRI and other industrial proponents in the region, and to recreational users of the area. There have been several instances in the past of cabins or ceremonial structures being burned or otherwise vandalized by unknown parties. This location is of concern to several Aboriginal groups, and probably to other non-Aboriginal recreational users. However, this area is located well outside of the proposed Project area, and will see no impact from its development.
				[Individual] stated concern of impact to ceremonial locations Ex. [Individual] noted that a ceremonial sites was burned down at the Pembina Campground.	September 30, 2011	
9	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	direct impact/removal of other cultural sites (cabins, camps, gathering, teaching) in Project area	Area recorded with waypoint in 2007 TUS report and stated by elder: "Present day camp area, used by weekend hunting expeditions and cultural camps."	2007	The site recorded and discussed in the traditional use report is a Sundance location and associated camping areas and other types of sites used by a number of Aboriginal groups in the region. It is well-known to CVRI and other industrial proponents in the region, and to recreational users of the area. There have been several instances in the past of cabins or ceremonial structures being burned or otherwise vandalized by unknown parties. This location is of concern to several Aboriginal groups, and probably to other non-Aboriginal recreational users. However, this area is located well outside of the proposed Project area, and will see no impact from its development.
					September 30, 2011	
10	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to water quality in Project area	Concern raised by [representatives], concern raised in Feb. 13, 2013 letter to Lori Crozier (CEAA) as lift of items that have not been addressed "Information in regards to a Water study. What chemicals are being used in washing coal? Where is the water source? What are the volumes used and when? Will the water be introduced back into the environment and where? What chemicals if any, will be in the water at that time?"	December 3, 2012	CVRI has developed a Water Management Plan to contain all mine affected water. These mine affected waters are directed to impoundments where they are treated with an approved flocculent. Prior to release into the receiving watercourse all water must meet the Approval water quality guidelines. In an event of a registered storm event some short term exceedences are allowed (TSS). Surface water quality could be impacted by issues including: 1) soil erosion, sediments entering streams via surface runoff, increased sedimentation of surface waters; 2) leaching of nitrates into surface waters; 3) discharges of water from impoundments to natural watercourses; and effects on end-pit lakes on surface water quality. The general practice at the CVM is to discharge groundwater entering the Project mine areas to nearby surface water courses after being treated in settling ponds. It has been shown that the quality of groundwater in the two proposed mining areas are similar to groundwater chemistry in present and past mining areas in CVM and of acceptable quality for discharge to surface water bodies. There will be an insignificant impact on surface water quality caused by the discharge of groundwater from the pits. There are two issues with respect to how changes in groundwater chemistry may affect the quality of groundwater in the vicinity of the Project pits. These issues can be summarized as 1) changes resulting from the removal and placement of mine spoil, and 2) changes due to spills and leaks. Toe springs are a characteristic of spoil dumps that are external to the mine pit. Water chemistry of four springs at the toes of major mine spoil dumps in the CVM have been monitored since 2000. All parameters fall within acceptable ranges observed elsewhere in the area. The monitoring of toe springs at CVM has demonstrated that there are no significant impacts from spoil on water chemistry. Hydrocarbon fuels will be present in the Project mobile equipment, vehicles and in bulk storage. There is a potential for spills or leaks of these hydrocarbons. Spills from equipment and vehicles will be the result of accidents. In this situation, there will be rapid response and clean up. The probability that such an event could cause an impact on groundwater quality is remote. The impact is therefore insignificant. And finally, water quality studies of CVM's existing end-pit lakes provide a good indication of the overall potential of the Project to affect water quality through contamination during coal mining in the manner suggested in the stated concern. As one can see in Appendix 8 of the Project Application, these lakes cannot be considered polluted.
				Water pollution concerns raised by [representatives]	December 3, 2012	CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including: <ul style="list-style-type: none"> • continue monitoring programs already in place at the existing CVM (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); • document the effect of mine operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; • establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; • conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); • conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; • monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and • monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval. CVRI is currently working with DFO, Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations on completing a conceptual compensation plan for the entire project which identifies the watercourses that will be affected and what compensation will be required.
11	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to environmental quality in Project area	PFN TUS report collective concern "The responsibility of the First Nations people is to ensure adequate conditions for future generations and the obligation is to honour the ancestors for safeguarding and protecting the environment and the intrinsic balance of nature."	2007	CVRI has engaged in consultation with PFN since 2006 on its proposed developments including the Project and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. Through a series of meetings with Chief and Council and its representatives, field trips to project areas with elders, an open house in the community, and traditional use studies of the Project area, CVRI has gathered general inputs such as noted here about overall concerns regarding potential Project impacts to Treaty Rights and traditional uses of the area and potential environmental impacts. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Rights and undertake traditional activities will not be curtailed in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK, including that contributed by PFN, to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Rights and traditional uses during the development of the Project. CVRI understands the concerns of PFN elders and other community members who are concerned for the future of the area and the ability of their children to engage in traditional pursuits in the future. CVRI is confident that through its proposed environmental stewardship initiatives, mitigation measures, and reclamation activities that the Project lands will be available for the exercise of Treaty Rights and traditional uses in the future. The specific types of activities to which the land can be put to use will follow patterns seen in natural forest succession gradually following the end of reclamation. Consultation efforts with PFN resulted in a letter from PFN dated November 18, 2009 in which it indicates that consultation has been adequate, it has no further concerns, and provides endorsement is provided for the proposed CVRI projects, including the Project.
				Concern of scarring and consumption of the land raised by [representatives]	December 3, 2012	

PFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
12	Potential Impact to Treaty or Aboriginal Rights	Health	air quality effect on health	Feb. 13, 2013 letter where concern that has not been addressed stated "Air quality: How is the coal dust being managed within the site and for the surrounding areas. There have been incidents of coal dust pollution and methyl-mercury rain by Tomahawk. How will this be mitigated for community health concerns and wildlife health?"	February 13, 2013	The Project will result in atmospheric emissions from fossil fuel combustion sources, fugitive emissions from mine equipment, refurbished Plant, soil handling, coal movement and wheel entrainment. At the ROM stockpile at the Plant, dust emissions result from the unloading of raw coal dust from trucks and from wind erosion. At the clean coal pile, emission sources include wind erosion and dropping the excess clean coal from the conveyor outside of the stacking tube. The rest is accumulated in two closed silos and/or is loaded directly onto the train. CVRI does implement dust suppression to mitigate for coal and road dust sources. The coal that is placed and/or in the train cars has a fairly high moisture content to help in dust suppression. Train cars are not filled to levels that would be susceptible to wind erosion and if moisture content is low the coal piles can be sprayed with water to reduce wind erosion. CR#1 presents the results of air quality studies. Overall, residual air quality impacts relevant to the Project were considered to be insignificant for several reasons. Project contributions to predicted concentrations at the RSA MPOI and at local receptors were typically very small in an absolute sense. The addition of the Project did not result in exceedances of the CWS and AAQOs or odour thresholds. All Project air quality impacts are reversible and the ambient air quality is expected to revert to its original state after the Project ceases to operate.
			coal dust	During the Open House an individual expressed concern of the health effects of coal dust. Concern that coal trains currently pass through PFN and the health effects of those people who burned coal for years of heat, etc. in their houses.	November 8, 2006	Studies of Human Health impact (CR#5), including Aboriginal receptors utilizing a subsistence diet in the region, indicate no substantial Project-related health risks due to exposure to, inhalation, or ingestion of chemicals, toxins, carcinogens, or harmful non-carcinogens. No adverse health effects are expected for the region. CVRI will continue to implement monitoring of air, surface water, and ground water to help mitigate any potential effects. Given the distance of PFN from the Project area, potential impact to a member of that community through dietary intake cannot reasonably be expected to exceed the conditions as laid out for an Aboriginal receptor in the study of human health.
			general impacts to Aboriginal health quality in surrounding region	Concern raised by [representatives] including waste coal pollution, thermal pollution, sulfur dioxide, radioactivity, particulates, toxic emissions.	December 3, 2012	Through its consultation efforts, CVRI is aware that many Aboriginal groups are concerned about the effect of industrial development on wildlife health. They report cases of diseased animals that when butchered are found unfit for consumption, and many attribute this to industrial development. This has even led to research studies into animal health supported by several Treaty 6 First Nations. And of course, Alberta Fish & Wildlife (AESRD) studies numerous animal health issues including Chronic Wasting Disease (CWD), White-nose Syndrome, West Nile Virus, mammalian skin tumours, and numerous others. They have established programs to track, understand, and manage many of these. CVRI recommends that Aboriginal groups continue to press the Provincial Crown and other industrial players on the potential link between industrial activities and animal health. As for Project potential effects on animal health, a discussion of these is found in CR#5, Human Health, Appendix F: Screening Level Wildlife Risk Assessment (SLWRA). This assessment looked at any potentially harmful substances that could be associated with the Project such as air contaminants, heavy metals, polycyclic aromatic hydrocarbons, volatile organic compounds, and others that could be released into the air, or otherwise make their way into soils or surface water, and then be breathed in or eaten by animals. In order to err on the side of caution, the study assumed that potentially affected animals would be exposed to maximum potential adverse effects from the air for their entire life cycle, and that the Project would last 80 years instead of 25. The assessment concluded that predicted acute exposures to the substances through the air would not have an adverse effect on either avian or mammalian wildlife in the region. It was also concluded that predicted chronic exposures to the substances through the air would not have an adverse effect on mammalian wildlife in the region. Most predicted soil concentrations for these substances are not expected to have an adverse effect on wildlife populations in the study area. However, some metals identified during the screening indicated a possible concern under only one of the several screening guidelines, and resulted in more in-depth analysis. This analysis indicated that these metals will be within the typical range of levels across Alberta, and therefore comparison of predicted soil concentrations to background levels indicated that wildlife are not likely to be at any greater risk in the RSA than other populations across Canada. In all instances, the long-term surface water concentrations of the substances are not anticipated to adversely affect wildlife populations in the region. The results of the SLWRA indicate that the overall risks posed to wildlife health from the Project will be low. Therefore, no impacts to wildlife populations are expected based on estimated wildlife exposures to predicted maximum acute and chronic air concentrations and measured soil and surface water concentrations. The confidence in the prediction is high since highly conservative assumptions were applied in the SLWRA. CVRI will continue to work with government agencies, Aboriginal groups, and others to monitor and mitigate against potential effects to animal health in the region.
13	Potential Impact to Treaty or Aboriginal Rights	Hunting	loss of access to additional land for hunting in general region	Impact to hunting areas addressed in PFN TUS report with specific GPS coordinates of hunting locations.	2007	CVRI understands that hunters from PFN use the region to undertake their Treaty Right to hunt for food. However, PFN representatives have not reported the location of any specific hunting areas within the Project boundary to CVRI, nor indicated or demonstrated that the loss of any such location would have a particularly bad effect on either individual or collective rights to hunt for food. CVRI notes that courts have interpreted jurisprudence to indicate that the protection of a right does not guarantee its exercise in an "unspoiled wilderness" or in one particular location (Halfway River 1999: 140-141). CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Rights and undertake traditional activities will not be curtailed in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK, including that contributed by PFN, to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Rights and traditional uses during the development of the Project. During the time period of Robb Trend mining, older mine areas that have been reclaimed will be certified and returned to the Crown for general use, undoubtedly including the exercise of Treaty Rights like hunting for food. The overall cumulative effects of Crown taking up of land for other purposes as allowed under Treaty is an issue that is beyond the scope of the present consultation. PFN leadership needs to engage the Provincial and Federal Crowns in this regard. However, CVRI is of the opinion that the Project will not represent an onerous loss of land base in the region available for the exercise of Treaty Rights to hunt.
			loss of access to land available for traditional pursuits in Treaty 6 area	Loss of land concern raised by [representatives]	December 3, 2012	
			Concern raised by [representatives] of lack of proper assessment over loss from existing mine	December 3, 2012		
14	Consultation	Consultation	Consultation	Concern raised by [Individual] during meeting that TUS report was good but the community needs more.	April 14, 2011	CVRI has engaged in consultation with PFN since 2006 on its proposed developments including the Project and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. No period of "prior" or on-going consultation can be considered brief by any measure. Through a series of meetings with Chief and Council and its representatives, field trips to Project areas with elders, an open house in the community, and traditional use studies of the Project area, CVRI has gathered input about overall concerns regarding potential Project impacts to Treaty Rights and traditional uses of the area and potential environmental impacts. Capacity funding for these initiatives was provided by CVRI. As can be noted in the Project Application and in bi-monthly reporting to SAAB, along the way, all relevant environmental assessment reports, regulatory documents such as Terms of Reference, and regulatory filings have been shared with PFN. PFN has been presented with many opportunities to discuss these documents and their concerns with CVRI and Crown regulatory agencies. The results of the TUS's reported sites of importance in the general region, such as the Sundance and campsite areas referred to, but none within the Project area. These studies, meetings, and tours raised additional concerns regarding issues of environmental stewardship, impacts, and reclamations. CVRI offered to assist in an additional field visits or tours, but these visits were never arranged. CVRI is still open to such visits and tours as part of on-going consultation efforts. Past consultation efforts spent considerable time discussing an MOU or other agreement that might encapsulate some concerns such as employment and contracting opportunities, other economic opportunities, and educational or community support in part to mitigate PFN concerns with the development. A decision by PFN consultation representatives resulted in an alternative track. Past consultation efforts with PFN resulted in a letter from PFN dated November 18, 2009 in which it indicates that consultation has been adequate, it has no further concerns, and provides endorsement for the proposed CVRI projects, including the Project. CVRI has continued to engage with PFN on the Project as part of the current regulatory process. In 2012, a third party entered into the consultation process on behalf of PFN, with the intent to pursue an Impact Benefits Agreement between PFN, the third party, and CVRI, similar to some claimed to be in existence in British Columbia. CVRI has never once indicated that it is unwilling to enter into such an agreement with PFN, past history being clear supporting evidence of this. However, CVRI has indicated to the third party and PFN that the draft terms and conditions set before it were far too aggressive to merit serious consideration by the proponent. In addition to going far beyond the scope of potential impact to Treaty Rights and traditional uses from the proposed Project, the proposed terms entered into territory such as revenue royalties over which CVRI has no jurisdiction. As stated, CVRI has been and still is interested in reaching a long-term written agreement with PFN, but stresses that the Supreme Court of Canada has ruled and the Provincial consultation guidelines indicate that the consultation process does not have to end in agreement about all issues, nor does it require a written agreement. Contrary to some of the statements made by PFN representatives, the purposes of any such agreements are not to provide compensation for the use of the land and past and future disturbances. To date PFN representatives have countered with demands that go far beyond CVRI's legal or moral responsibilities. As the scope of that agreement as requested by PFN goes well beyond the Robb Trend and its potential impacts to Treaty Rights and traditional uses, it may not be possible to conclude such an agreement to both parties' satisfaction prior to Project approval or development.
				[Representative] requested a subsequent mine tour	April 10, 2012	
				Concern of lack of proper consultation raised by [Individual] during July 23, 2012 meeting.	July 23, 2012	
				Jan. 28, 2013 letter to Lori Crozier: "The PFN had, in good faith, entered into consultation with Coal Valley and had no completed consultation...however, Coal Valley has chosen to rely upon a brief period of prior consultation as sufficient to satisfy the requirement of consultation."	January 28, 2013	
				Feb. 13, 2013 letter to Lori Crozier stated "CVRI records do not include all of PFN aboriginal treaty right's that will be potentially infringed from the development of CVRI proposed project. All of PFN's aboriginal treaty rights that are brought forward must be addressed and accommodated."	February 13, 2013	
				concern of lack of economic opportunities raised by [representatives]	December 3, 2012	
				concern of lack of investment in education, employment and contracting raised by [representatives]	December 3, 2012	
concern of lack of capacity building raised by [representatives]	December 3, 2012					

PFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
				concern of lack of being supplied environmental reports for review raised by [representatives]	December 3, 2012	
				Concern of discussion of impact benefit agreement and lack of subsequent discussion of proposal	January 22, 2013	
				Letter Jan. 28, 2013 to Lori Crozier "We have initiated contact with Coal Valley in order to ensure that we received proper consultation and an appropriate benefits agreement was to be completed. This contact has resulted in a denial of any further consultation and a refusal to entertain a benefits agreement."	January 28, 2013	
				Representatives suggested interest in three meetings a year and a joint accountability committee for consultation with the community	June 21, 2013	
15	Compensation	Compensation	Compensation	Item raised during April 30, 2008 meeting by [Individual]: "What about direct investment".	April 30, 2008	<p>The Supreme Court of Canada considers compensation to be a specific form of accommodation. Accommodation does not mean compensation as it is often implied, rather it means steps taken to address concerns and reach some form of reconciliation of competing interests. In an extreme case, typically one involving Title infringement, where compensation as a form of accommodation is called for, the SCC has made it clear that it believes any responsibility in this regard lies with the Crown, not third parties (Haida 2004: 55). The issue of Aboriginal Title is a complex legal issue beyond the scope of the present Project application. The Provincial and Federal Crowns' position is that Aboriginal Title in Alberta was extinguished with the signing of the numbered treaties; CVRI is aware of no court ruling or Crown position contradicting this, or evidence suggesting that a credible prima facie claim to Aboriginal Title covering the Project area on the part of PFN could be made. The issue of establishing the infringement of Treaty Rights to hunt, fish, and trap and undertake traditional uses is also a complex issue going beyond the scope of the current discussion, ultimately requiring the application of the so-called "Sparrow Test" in cases of substantial disagreement over the justification of any infringement (see Rv. Sparrow). CVRI acknowledges that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. This has in fact resulted in the low threshold triggering a Duty to Consult, but adverse impact is a matter of degree (Mikisew 2005: 55). CVRI does recognize that the development of the Project can offer mutually beneficial opportunities in the forms of employment and contracting opportunities to potentially affected Aboriginal groups, and that CVRI can help provide community support to Aboriginal groups from time to time as a good "corporate citizen." It will continue to discuss ways in which PFN can potentially benefit from the development of natural resources in the region, but CVRI will not be offering compensation in the forms of payments or royalties to any Aboriginal group. Should PFN believe it is entitled to compensation in the form of lease or royalty fees, the Provincial and Federal Crowns should be contacted to discuss this issue. As noted above, CVRI is more than willing to continue discussions with PFN on an MOU with reasonable terms that offers mutual benefit to both parties.</p>
				Concern raised by [representatives]	July 23, 2012	
				Concern raised by [representatives]	December 3, 2012	
				Feb. 13, 2013 letter where concern that has not been addressed stated; "economic benefits to accommodate for the infringement of PFN's aboriginal and treaty rights by the proposed project."	February 13, 2013	
				Item raised in letter as concern that has not been addressed: "Social development funding to assist in the socio-economic impacts of the mine development, traffic increase and population increase with the surrounding areas of the project (PFN) members"	February 13, 2013	
16	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	It was stated that the PFN is working, as well, to ensure that social and economic opportunities are identified with various industrial developers within their traditional use areas. Employment and contracting opportunities are of particular interest with any new or expanding development	September 19, 2006	<p>Since 2006, CVRI has discussed the issue of employment opportunities and the potential incorporation of these into an MOU between the two parties. Some of the proposed terms include provisions aimed at improving employment opportunities for Aboriginal Group I members either directly or through support for contracting opportunities of Aboriginal owned businesses, and methodologies to encourage employment. CVRI support funding for training opportunities for industry related jobs has also been discussed. Discussions regarding an agreement between the parties may resume, thus any specific terms in this regard have not been agreed to. CVRI encourages members of the Aboriginal community to apply for jobs at the mine, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. CVRI recognizes that in the past there have been obstacles that have stood in the way of employment, and will continue discussions toward alleviating them. That being said, Coal Valley is a union shop, and CVRI will neither implement a general Aboriginal employment "quota" nor one directed specifically at Aboriginal Group I or any other potentially affected Aboriginal group. Other specific obstacles regarding employment with CVRI is its distance from PFN.</p>
				Interest in employment raised at Open House by community members.	November 8, 2006	
				[Individual] expressed interest in employment opportunities for community members.	April 14, 2011	
				During meeting [Chief] expressed want of allocation of long term job opportunities as worried about racism. [Individual] also brought up interest in job opportunities.	September 30, 2011	
				[Individual] expressed he would like to set up a meeting to discuss employment and contracting opportunities.	February 14, 2012	
				April 10, 2012 Meeting [Chief] stated he wanted to create employment, Chief stated "Lots of people interested in jobs at Coal Valley, young people, eager to learn." Meeting focused on emphasis of creating employment and training opportunities as problem for Nation.	April 10, 2012	
				Catherine sent an email regarding scheduling a round table meeting to discuss employment opportunities & "training to employment" options for short, medium and long term job prospects that qualified PFN members could apply or strive towards.	May 27, 2012	
				[Individual] stated he would like "business, education, and training opportunitiesto be a model community"	July 23, 2012	

PFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
				[Individual] discussed interest in employment opportunities for PFN community members.	December 3, 2012	
				Feb. 13, 2013 letter to Lori Crozier (CEAA) which states as one of the concerns that has not been addressed: "Training and Employment opportunities for the PFN members."	February 13, 2013	
				[Chief] expressed there is difficulty in getting work here as opposed to the oilsands because of qualifications, he stated "here there are too many obstacles, grade 12, unions, etc."	April 10, 2012	
				Representatives expressed interest in employment in reclamation and forestry	June 21, 2013	
17	Training Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	[Individual] raised that he would like to see recruiting of people and training for job skills.	September 30, 2011	Since 2006, CVRI has discussed the issue of training opportunities and the potential incorporation of these into an MOU between the two parties. Some of the proposed terms include provisions aimed at improving training opportunities for PFN members either directly or through support for contracting opportunities of Aboriginal owned businesses, and methodologies to encourage employment in industry related jobs. Discussions regarding an agreement between the parties may resume, thus any specific terms in this regard have not been agreed to. CVRI encourages members of the Aboriginal community to apply for jobs at the CVM, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We do have some trades apprentice positions at the CVM. There is on the job training for equipment operators. CVRI and Westmoreland are in the process of developing a corporate Aboriginal consultation plan. One of the items under a consideration is a scholarship or bursary program designed to help Aboriginal students fund continuing education and training. When and if such a program is developed, CVRI anticipates that PFN members would have access to it.
				Concern raised by [representatives] emphasizing that they can not talk to people about employment until they know there is training opportunities, there needs to be tools given to make change.	April 10, 2012	
				[Individual] stated he would like "business, education, and training opportunitiesto be a model community"	July 23, 2012	
				[Individual] discussed interest in training opportunities for jobs for PFN community members.	December 3, 2012	
				[Individual] raised that he would like to see recruiting of people and training for job skills.	September 30, 2011	
				[Chief] stated "for the last couple of years the government has been trying to enforce changes on access to social assistance, lots of members no longer qualify, was 300 people and now only 80, not enough employment to compensate, need to train people."	April 10, 2012	
				In meeting addressed that Chief was aiming to work with Coal Valley to develop training program for PFN.	April 10, 2012	
				Representatives expressed interest in training opportunities and incorporating into an agreement	June 21, 2013	
18	Education Support	Socio-economic development	supporting children's education; increased employment for underemployed sector of Aboriginal society	Item discussed with [representatives].	December 3, 2012	CVRI and Westmoreland are in the process of developing a corporate Aboriginal consultation plan. One of the items under a consideration is a scholarship or bursary program designed to help Aboriginal students fund continuing education. When and if such a program is developed, CVRI anticipates that PFN members would have access to it.
				[Individual] raised interest in scholarships during meeting and incorporating into MOU	April 30, 2008	
				Representatives raised interest in scholarships during meeting and incorporating into an agreement	June 21, 2013	
				Interest raised on numerous occasions by PFN representatives.	October 10, 2007	
				Interest in contracting opportunities raised in meeting	April 30, 2008	
				[Individual] raised interest in contracting opportunities for PFN	April 14, 2011	

PFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
			development of Aboriginal owned	[Individual] emailed to inquire about a meeting to discuss employment and contracting opportunities associated with the project,	February 14, 2012	
19	Opportunities	development	employment for underemployed sector of Aboriginal society	Interest was raised in contracting opportunities for PFN	April 10, 2012	CVRI has a procurement policy open to any business which provides competitive services. This policy has been provided to Aboriginal groups. CVRI has offered to receive and review available Aboriginal business proposals.
				Interest was raised in contracting opportunities for PFN	July 23, 2012	
				[Individual] raised interest in contracting opportunities for PFN	December 3, 2012	
				Interest was expressed by representatives in overall business and economic opportunities for the community	June 21, 2013	
20	Ceremonial Support	Cultural Awareness and Survival	enhance intra- and inter-community awareness and cultural education	Interest was expressed in funding for round dance	September 30, 2011	CVRI will continue to consider funding PFN community programs such as this through donations on an ad hoc basis. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program is one of the items under consideration. When and if such a program is developed, CVRI anticipates that PFN would have access to it.
				Interest was expressed in funding for annual PowWow and reception	August 13, 2013	
21	Cultural Program Support	Cultural Awareness and Survival	enhance intra- and inter-community awareness and cultural education	[Individual] raised interest in Coal Valley funding youth summer programs.	April 30, 2008	As noted, on several occasions representatives of CVRI and Aboriginal Group I have discussed funding initiatives for special educational initiatives involving youth. CVRI has been receptive to these discussions, but in all cases specific scopes and proposals as requested have not been delivered by PFN. CVRI will continue to consider funding PFN community programs such as this through donations on an ad hoc basis. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program is one of the items under consideration. When and if such a program is developed, CVRI anticipates that PFN would have access to it.
				Interest was raised in funding a film for PFN heritage for youth summer program	April 14, 2011	
				Item raised by PFN representatives regarding funding for youth programs	April 14, 2011	
				[Individual] asked if Coal Valley could help fund their youth camp	April 10, 2012	
				Representatives expressed interest in funding for general community assistance including education, health & wellness, language, cultural restoration, job skills and life skills training and incorporating into benefit agreement	August 13, 2013	
22	General Community Support	MOU	MOU	Following the open house, the PFN members will meet with the Chief and Council to identify overlapping traditional use interests and draft an MOU that will act as a terms of reference for further assessment by the PFN. The MOU will include definitions, guiding principles and data sharing requirements that both CVM and the PFN would agree to.	September 19, 2006	CVRI has engaged in consultation with PFN since 2006 on its proposed developments including the Project and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. Past consultation efforts spent considerable time discussing an MOU or other agreement that might encapsulate some concerns such as employment and contracting opportunities, other economic opportunities, and educational or community support in part to mitigate PFN concerns with the development. A decision by PFN consultation representatives resulted in an alternative track. Past consultation efforts with PFN resulted in a letter from PFN dated November 18, 2009 in which it indicates that consultation has been adequate, it has no further concerns, and provides endorsement for the proposed CVRI projects, including the Project. CVRI has continued to engage with PFN on the Project as part of the current regulatory process. In 2012, a third party entered into the consultation process on behalf of PFN, with the intent to pursue an Impact Benefits Agreement between PFN, the third party, and CVRI, similar to some claimed to be in existence in British Columbia. CVRI has never once indicated that it is unwilling to enter into such an agreement with PFN, past history being clear supporting evidence of this. However, CVRI has indicated to the third party and PFN that the draft terms and conditions set before it were far too aggressive to merit serious consideration by the proponent. In addition to going far beyond the scope of potential impact to Treaty Rights and traditional uses from the proposed Project, the proposed terms entered into territory such as revenue royalties over which CVRI has no jurisdiction. As stated, CVRI has been and still is interested in reaching a long-term written agreement with PFN, but stresses that the Supreme Court of Canada has ruled and the Provincial consultation guidelines indicate that the consultation process does not have to end in agreement about all issues, nor does it require a written agreement. Contrary to some of the statements made by PFN representatives, the purposes of any such agreements are not to provide compensation for the use of the land and past and future disturbances. To date PFN representatives have countered with demands that go far beyond CVRI's legal or moral responsibilities. As the scope of that agreement as requested by PFN goes well beyond the Project and its potential impacts to Treaty Rights and traditional uses, it may not be possible to conclude such an agreement to both parties' satisfaction prior to Project approval or development.
				Discussion of interest in MOU agreement with Coal Valley and PFN.	October 10, 2006	
				[Individual] notified Dan that the next steps would be interest in an MOU agreement with PFN	November 15, 2006	
				[Individual] discussed interest in an MOU agreement for PFN.	January 19, 2007	
				Interest raised by [Individual] where he stated he was interested in an MOU with a goal to better the community. [Chief] also expressed interest in MOU to secure job opportunities.	April 10, 2012	
				Interest expressed in a community agreement and ensuring of job opportunities	September 30, 2011	
				thorough in-depth discussion by [representatives] on July 23, 2012.	July 23, 2012	
				thorough in-depth discussion by [representatives] on Dec. 3, 2012.	December 3, 2012	

WLFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	General Traditional Use	General Traditional Use	<p>"The Whitefish Lake First Nation is a Treaty No. 6 First Nation ("WLFN"). Although WLFN's reserve lands are approximately 400 km from the Robb Trend Project (the "Project"), WLFN members make extensive use of the Project area, Local Study Area (the "LSA"), and Regional Study Area (the "RSA") (collectively referred to in this letter as the "Project Region") for Treaty hunting, gathering and fishing."; "An initial canvas of WLFN members by our Traditional Use Staff indicates that at least 31 WLFN hunters, and their friends and families, hunt, fish and camp in the Project region."; "WLFN is confident that a proper assessment of our member's use of the Project Region would document at least 100 WLFN members hunting, camping, fishing and engaging in other traditional land uses in the area."</p>	January 23, 2013	<p>Following review of the Statement of Concern submitted by WLFN, the Crown represented by the SREM Aboriginal Affairs Branch indicated that it would not require CVRI to consult with the group on the proposed Project. Despite this, CVRI met with representatives of WLFN and their legal counsel on April 2, 2013 to discuss their concerns related to the Project. Issues discussed included contracting opportunities for WLFN businesses, and a "compensation agreement" for use of the land given their hunting and fishing practices in the region. Steps forward were discussed including sharing of more detailed maps, sharing of example traditional use studies (completed), preparation of a proposed scope and scale for a traditional use study, and a site visit to the CVM. WLFN will be filing a statement of objection to the ERCB (now the AER), and a reply to the Crown regarding its determination that CVRI did not need to consult with WLFN regarding the Project. CVRI is currently considering the scope and scale of a proposed TUS submitted by WLFN. No Aboriginal group consulted to date has demonstrated that access restrictions to the Project area will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake the Rights to hunt, fish, and trap for food on Crown lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project. The purpose of discussions with individual Aboriginal groups is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, and that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, and that further consultation may result in the identification of mitigations or accommodations of potential impacts suitable to all parties.</p>
				<p>"WLFN members hunt elk, moose, deer, bear and other animals in the Project Region, as well as Bighorn Sheep to the west of the Project. WLFN also has a long tradition of the Project Region serving as an important hunting area for seasonal hunting trips to provide for community and cultural celebrations."</p>	January 23, 2013	<p>Bighorn Sheep are not typically found in the Project area or nearby, but has been observed as an accidental visitant to the CVM. Black bear are common in the area, and typically resilient to industrial activity. Please see below responses for information on elk, moose, and deer, and proposed wildlife mitigation strategies.</p>
			displacement of game animals from Project area	<p>"The EIA identifies several areas of impact to animals that are hunted by WLFN members. Adverse impacts on culturally important species will result from the Project due to: (1) habitat alteration, (2) sensory disturbance and effective habitat loss (3) habitat fragmentation, (4) direct mortality, and (5) barriers to movement. The direction of impact is universally negative, and these impacts explained in the EIA itself demonstrate how the Project will further directly and adversely affect WLFN's Treaty rights."</p>	January 23, 2013	<p>Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Tasks that were completed during the wildlife assessment include:</p> <ul style="list-style-type: none"> • identify relative abundance, concentration areas, distribution patterns, and habitat associations of ungulates by means of winter aerial surveys, snow track-counts, and a spring pellet-browse survey; • identify small mammal, avian and amphibian presence, relative abundance and habitat association by means of snow track-counts, trapping small mammals, owl surveys, spring bird survey, breeding bird survey, migration survey, and amphibian survey; • compile a list of vertebrate species (excluding fishes) and identify their status as per the Committee on Endangered Wildlife in Canada (COSEWIC), the Canadian Endangered Species Conservation Council (CESCC 2006) and the General Status of Alberta Wild Species (ASRD 2005); • prepare a habitat map to identify the quantity and quality of habitat present in the Project Development Areas; • update wildlife use of the existing CVM by means of aerial survey, systematic monthly ground surveys, spring pellet-group counts, breeding bird survey and amphibian survey; • identify Valued Environmental Components for assessing the potential impact of the proposed development on ungulates, small mammals, birds and amphibians; • discuss biodiversity at the LSA and RSA scale; • review Traditional Use Studies (TUS) prepared for CVRI from a wildlife perspective; • discuss climate change with respect to changes in the Boreal-Cordilleran ecoregion that may affect wildlife; and • evaluate the potential impacts of the Project within a temporal and spatial perspective that incorporates existing and future demands by other users and developments by conducting a quantitative cumulative effects assessment for elk. <p>In order to reduce potential impacts to wildlife within the Project area, the following mitigation measures will take place:</p> <ul style="list-style-type: none"> • incorporate select native trees and shrubs such as alder and willow into re-vegetation activities; • maximize downed woody debris (stumps) through direct placement of top-soil and associated slash and stumps; • maintain and connect to core areas as many residual forest patches as possible; • maintain a 30 metre buffer zone of undisturbed natural habitat along well developed riparian corridors, where available; • continue to maintain hunting and firearm restrictions on the reclaimed areas of the Project including after mining has ceased and until hiding cover on the mines is equivalent to that of natural closed forest cover types; and • maintain haul truck and regular vehicle speeds of <70 kph. <p>In order to evaluate and if need be adapt the mitigation measures, CVRI will also implement monitoring. Site wide monitoring will allow CVRI to determine the length of time it takes for wildlife to return to the landscape and what reclaimed landscape features are most desirable. All potential effects are noted to be reversible over the short-term or long-term depending on the type of effect.</p> <p>Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features.</p>
				<p>"WLFN is very concerned that these sweeping habitat loss and alteration resulting from the Project will negatively impact moose and elk populations, and many other animal populations, in the Project Region."</p>	January 23, 2013	<p>The development of the Project, particularly the development of the mine pits, soil and rock stockpiles, dumps, and roads, will definitely impact plants and animals in the disturbance zones through displacement. Most wildlife will likely be displaced to adjacent habitat patches. Ungulates will be temporarily displaced by active mining as they are unable to cross a pit disturbance. This displacement will be restricted to local use as there are no indications of long distance or major seasons migrations in the LSA. Large amounts of moderate quality moose habitat is available throughout the RSA for moose thereby moderating the effect of habitat change caused by mining. High quality moose habitat on the Project and other areas associated with mixed wood of the Lovett Ridge will be reclaimed with a closed forest regeneration forest of lesser habitat quality. The impacts of the Project development on moose in the region can be mitigated by: implementing reclamation techniques appropriate for moose, establishing a variety of vegetation types and promoting understory complexity in regenerated forests that includes willow species, aligning reclamation and other re-vegetation efforts to maintain and improve moose habitat, taking steps to ensure core security areas are provided for wildlife, implementing appropriate monitoring, cooperating with the province and other industry on access management and other relevant management issues. An examination of elk observations during Fish and Wildlife moose surveys in the area on the north side of the existing CEA study area indicates scattered elk in low numbers. There is not a substantive elk population in this area. Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. It is expected that elk and deer will respond positively to the early stages of upland reclaimed and re-vegetated areas on the LSA particularly in the Robb West, Main and Central zones where there is extensive mixed wood and deciduous habitat adjacent the disturbance area. The impact of mining development will involve direct mortality through clearing and loss of habitat during mine development and changed composition in small mammal communities in the early stage of reclamation. Small mammals will be temporarily displaced by active mining as they are unable to cross a pit disturbance. Other forest dependent small mammals (red squirrel, snowshoe hare) will be expected to use the regenerated forest and its understory once it becomes established. Understorey development is a necessary component of snowshoe hare habitat. The density of small mammals in reclaimed grasslands has been shown to be similar to undisturbed habitats (Hingtgen and Clark 1984). After initial grassland establishment, the number of small mammal species is expected to be similar to those on undisturbed similar habitats. Wolverine status is listed as transient/migrant and abundance as rare in the study region. The wolverine is listed as "may be at risk" under Provincial Status (2010) and as "special concern" Federally Listed under COSEWIC. The Red Fox status is listed as a permanent resident in the study region but with a scarce abundance. The Provincial Status (2011) for the fox population is listed as "secure". Muskrat and beaver have been observed using the reclaimed lakes on the CVM (Bighorn 1995:24). Many of the species on the CVM are birds associated with water habitats which would have been poorly represented in the pre-development ecosystem. While bird abundance and types of species may change as a result of mining activity it appears that the number of bird species will be similar or may increase as a result of adding new habitats e.g. upland grassland, shrubland, lake, pond and wetland development. The edge associated with the Project should enhance tree growth potential both natural and through reclamation planting as well as promoting maintenance of bird species occurrence during active mining. Reclaimed lakes and ponds on the CVM support breeding water birds, i.e., Canada Goose, Mallard, Bufflehead, Common Goldeneye, Barrow's Goldeneye, Killdeer, Greater Yellowlegs, Spotted Sandpiper; probably or possible breeding water birds i.e., Ring-necked Duck, Lesser Scaup, Solitary Sandpiper, summer visitants i.e. Common Loon, Osprey, and several species of waterfowl and shorebird migrants not seen elsewhere in the RSA, i.e., Semipalmated Sandpiper, Western Sandpiper, Least Sandpiper, Baird's Sandpiper, Short-billed Dowitcher. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features.</p>

WLFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
2	Potential Impact to Treaty or Aboriginal Right	Hunting		<p>"The EIA identified 7 "Species of Concern" species within the LSA, by either provincial or federal authorities, namely, grizzly bear, bobcat, lynx, fisher, long-tailed weasel, wolverine, and badger. With the exception of grizzlies, as discussed below, many of these species are hunted opportunistically by WLFN in the course of hunting moose, elk and sheep."</p>	January 23, 2013	<p>Grizzly bear and lynx are discussed in responses below. Wolverine status is listed as transient/migrant and abundance as rare in the study region. The bobcat, long-tail weasel, and badger are not likely inhabitants of the study area. According to CR #7, fishers are listed as Sensitive by the Alberta Fish and Wildlife Division (2010), and little is known of their ecology in the foothills of Alberta. They are an uncommon species in the RSA with occurrence linked to older mixedwood forests in the lower elevation eastern portions. This species is not commonly trapped in the RSA with harvest limited to eastern RFMAs. High and very high quality fisher habitat currently comprises about 6% of the Project mine permit area (LSA). Fisher tracks were observed in the Project permit area but at much lower (40 times) densities than marten. The greatest threats to regional fisher populations are habitat alteration at maternal denning sites and over-trapping. Over-trapping is unlikely to occur because fisher harvest is very low in the region and subject to quotas. The government can reduce quotas at any time if concerns over regional fisher occurrence or population density arise. A study of habitat alteration showed the predicted supply of high and very high quality fisher habitat over time considering effects of the Project and other planned and reasonably foreseeable land uses. The supply of high/very high fisher habitat increases steadily over time with increases of 273% and 444% for the Embarras and Lendrum BMUs from baseline to T50. Based on the above evidence, the combined effects of the Project and past, present and future land actions on fisher populations are rated as insignificant.</p> <p>A total of 22 Registered Fur Management Areas (RFMAs) overlap in whole or in part with the RSA. Fur harvest return information for the period 1985 to 2001 was obtained from ESRD for the RFMA. Fur returns for 17 different species were reported. This included red squirrel (13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp. (1,531), coyote (896), wolf (236), lynx (133), mink (128), fisher (50), red fox (47), black bear (18), badger (14), striped-skunk (7), wolverine (6), river otter (4) and raccoon (1). The average numbers of captures per year per trap line for VEC species were: lynx (0.42), marten (5.17), fisher (0.16), and wolf (0.71). RFMAs 1516, 2619 and 2256 will be directly affected by the proposed development of the Project permit area. Over a 16 year period, RFMA 1516 reported an average number of lynx (0.4/year), fisher (0.19), marten (5.4/year) captures and reported below average wolf captures (0/year). Over a 15 year period, RFMA 2256 reported above average marten (8.5/year), and fisher (0.13) captures and below average lynx (0.3/year) and wolf (0.1/year) captures. Over a 17 year period, RFMA 2619 reported below average capture rates for lynx (0.2/year), marten (1.2), fisher (0.12), and wolf (0.6). Caution must be used when interpreting this data. Capture rates can vary widely and may reflect trapper effort and fur prices as much as it does of animal abundance. Capture rates can also reflect the size of the RFMA. Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Trapping is likely to continue in the RSA. It is reasonable to assume that future trapping levels will occur at average levels from 1985 to 2001. As noted above, Project development will occur over time, and access to mine areas to undertake Treaty Rights to trap will be restricted in active mining areas for a period of time. However, areas surrounding the Project will still be available to undertake Treaty trapping rights, and Project development and reclamation will be complete by approximately 2060, returning those lands for trapping uses.</p> <p>In addition to mitigations mentioned above, proposed mitigation strategies to help protect these mammalian carnivore species include: 1) Monitor the effectiveness of measures designed to increase understory cover (downed woody debris, shrubs, tree density) on reclaimed mine lands for marten, fisher and lynx. Design a program that includes establishment of specific targets; 2) Monitor response of marten, fisher lynx to existing and planned mine land reclamation using winter tracking techniques; 3) Determine if habitats required for fisher maternal denning occur on or immediately adjacent to the Project and assess their levels of use by fisher; 4) Monitor the effectiveness of establishing and maintaining hiding cover for grizzly bears near Project edges and adjacent to main roads; 5) Measure and monitor human use levels of linear features during summer, winter and fall (hunting) seasons. Assign this as a primary task of the 'bear warden' position. Use this data to design road closure plans; 6) Monitor the effectiveness of voluntary and enforced road closures including gating; 7) Monitor and study specific use of the existing CVM and proposed Project by grizzly bears. Investigate the extent to which existing mines in the region serve as attractive forage sources for grizzlies, and study implications for subregional mortality. Consider non-intrusive methods including DNA hair snagging; 8) Continue long-term, multi-species winter monitoring of mammals (carnivores and prey) to regional habitat fragmentation using the tracking data conducted in 2007, 2009 and 2011 as a starting point.</p>
			displacement of lynx from Project area	<p>"The greatest threat to the lynx are over-trapping and broad scale effects on populations of their key prey. As a result of the Project, lynx movement will be limited on the mine site until the requisite shrub or forest cover re-establishes, which will not occur until at least 10-25 years post construction. WLFN has a direct interest in the protection of this culturally important species and the associated exercise of [Aboriginal Group]'s rights."</p>	January 23, 2013	<p>According to CR #7, the main potential causes of lynx mortality arising from the Project are: 1) vehicle collisions from coal haul; and, 2) fur harvest. Unlike cougars, lynx are not a big game species in Alberta. Therefore, increased legal hunting pressure due to improve human access will not likely occur. Trapping of lynx is quota-based and recent lynx harvest has not been excessive. Vehicle speeds are reduced on mines to <70 kph further reducing the likelihood of vehicle collisions. Overall, it is predicted that development of the Project is unlikely to cause an increase in direct lynx mortality. After the immediate maximum effect of construction, the losses of lynx habitat are predicted to be ameliorated over time by natural aging of existing forests and regeneration of forest on reclaimed lands. Succession of early post-seral clear cuts and Project reclamation to young forest with abundance hare populations are the main reasons for projected increases in quality lynx habitat. Planned timber harvest in the RSA will provide an optimal mix of regenerating forest and older forest that lynx need for forage and reproduction (denning). Surface coal mining will offer the same conditions if mitigation measures recommended are followed; and, habitat supply projections for lynx predict that supply of high and very high quality lynx habitat will significantly increase from baseline to T50 in the RSA (277% in Embarras BMU and 193% in Lendrum BMU) largely because of planned timber harvest, beetle salvage and surface coal mining.</p>
			displacement of grizzly bears from Project area	<p>"Another important species to WLFN is the grizzly bear, which our members used to hunt but no longer do...This animal is found throughout the LSA, and is at risk for direct mortality, specifically direct human-caused mortality...The existing Coal Valley Mine has already significantly changed landscape structure, composition and food production in the permit area for grizzly bears. It is anticipated the Project will have the same effects. These effects threaten the grizzly bear species. The grizzly bear will be displaced from the Project mine footprint and permit area during the active mining period. Displacement of the grizzly bear will be a direct result of construction noise and blasting. The mined lands will act as a barrier to grizzly bears, and will act as a serious barrier during active blasting and hauling. With the Project seriously compromising grizzly bear movement and habitat, it is clear that the Project will have a material effect on the grizzly bear. WLFN is concerned that the Project will demonstrably contribute to the extirpation of grizzly bears from this area of Alberta. Accordingly, as part of consultation on the Project, [Aboriginal Group] will be seeking a comprehensive plan from responsible federal and provincial ministries and Coal Valley to ensure that grizzly bears are able to survive and flourish in the Project Region."</p>	January 23, 2013	<p>Grizzly bears will likely be displaced from portions of the Project footprint and permit area during the active mining period. Displacement will result from construction noise and blasting. At some points shortly after reclamation grizzly bears will be attracted to the herbaceous forage and ungulates on the Project footprint as was observed on the Luscar, Gregg River and CVM reclaimed mine areas. The mined lands will not act as a serious barrier to grizzly bears, with the possible exception of during active blasting and hauling. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. The greatest threat to regional grizzly bear populations is human-caused mortality caused by legal and illegal hunting, self-defence kills by ungulate hunters, and vehicle/train collisions. Any land use that results in increased access or use of access by individuals carrying firearms is a threat to grizzly bear population persistence. Any roads with vehicle speeds greater than 70 kph also have potential to result in increased grizzly bear mortality. Sources of domestic garbage at the CVM are contained in appropriate secure containers and transported to the licensed landfill in Hinton as per the Approval conditions. Problem bear actions at mines in the Coal Branch region are of extremely limited occurrence. Grizzly bears actively select habitats and foods that provide them with the greatest possible net digestible energy (Hamer and Herrero 1983, Pritchard and Robbins 1989). Mining and subsequent reclamation of the existing CVM has significantly changed landscape structure, composition and food production in the permit area for grizzly bears. Mining and reclamation at the CVM has resulted in removal of tree canopies, leading to increases in availability of high energy herbaceous plant material (clover, thistles, legumes) and an increase in ungulates (elk, deer) responding to increased forage and edge habitat. There is strong evidence to suggest that ungulates and plants used for reclamation are sought and used extensively by grizzly bears occurring in the vicinity of the CVM area. Similar findings were observed in the existing Luscar and Gregg River mines (Stevens and Duval 2005; Kansas and Symbaluk 2011). Bears using the reclaimed Luscar and Gregg River mine lands were on average larger than bears in an adjacent un-mined Subalpine and the Gregg/Luscar permit block was considered to be an attractive habitat for grizzly bears and a source for enhanced cub production (Kansas 2005). If similar reclamation measures are used on the Project then impacts on grizzly bears from a habitat alteration perspective will likely be positive within 10 years post-construction. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. This assertion is based on the fact that carrying of firearms is not permitted within any CVM permit areas and traffic speed control is practiced. It is further supported by the fact that no grizzly bear mortalities have occurred on CVM permit areas in 40+ years in the Coal Branch region (Symbaluk 2008). This does not diminish the seriousness of cumulative effects on grizzly bear mortality in the RSA and broader Yellowhead region.</p>
			displacement of caribou from Project area	<p>"WLFN is also concerned about caribou. Although caribou is a traditional food source, our members now mostly refrain from hunting caribou due to dwindling populations brought about by resource development in caribou ranges. We note that the South Jasper Caribou Herd's range area is very close to the Project Region...The Caribou Plan also notes that caribou range areas are only 'approximate' so it is possible, given the proximity of the Project to the South Jasper Caribou Herd, that the Project might impact this herd."</p>	January 23, 2013	<p>During the wildlife studies presented in CR #14, no signs of caribou in the LSA or RSA were observed. The range of the South Jasper Caribou Herd is in fact not near the Project area, and no potential impacts are anticipated.</p>

WLFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
3	Potential Impact to Treaty or Aboriginal Right	Fishing	removal of fish resources/habitat in Project area	<p>"WLFN hunting trips to Project Region involve extended camping and members also often fish in the Athabasca, McLeod, Embarras and Erith Rivers."</p> <p>"WLFN also has concerns with respect to water hydrology and the impacts of the Project on the environment and fish and fish habitat due to increased emissions and other impacts on water bodies in the area used for traditional fishing purposes. Sediment and certain chemical contaminants that have chronic or lethal effects on aquatic biota will enter the aquatic ecosystem during mining. The EIA notes that changes to physical habitat components, flow regime, water quality and access are all factors that affect fish habitat potential. These effects will directly and adversely affect WLFN's Treaty fishing rights."</p>	January 23, 2013	<p>Rainbow Trout were the most common and widespread species within the LSA and RSA and were found in 38 of the 42 waterbodies sampled during baseline fisheries investigations. Bull Trout, Burbot, Lake Chub, Longnose Sucker, and Spoonhead Sculpin were encountered much less frequently than Rainbow Trout but were still found at a number of different locations. Other species, including Arctic Grayling, Brook Stickleback, Brook Trout, Longnose Dace, Mountain Whitefish, Northern Pike, Pearl Dace, Trout-perch, and White Sucker were rare and were only found in one or two waterbodies. Arctic Grayling are listed as Sensitive and is considered a Species of Special Concern in Alberta (ASRD 2010). Populations have decreased in the past few decades. Threats provincially include increased harvest pressure from improved road accessibility, blocked migration routes and altered stream flow resulting from improperly placed culverts in newly constructed roads. Brook Trout are listed as an exotic/alien species (ASRD 2010). They were introduced into Alberta in the early 1900's and are abundant in many foothills streams and isolated lakes. Bull Trout are listed as Sensitive and is considered a Species of Special Concern in Alberta (ASRD 2010). Over-harvesting has led to a decline in population and while angling regulations may lead to recovery, habitat degradation and competition from introduced species may contribute to further declines. Introduced stocks of Rainbow Trout in Alberta are Secure. However, the native Athabasca Rainbow Trout population has suffered introgression from introduced trout in the Athabasca drainage system. The native species is currently considered At Risk (ASRD 2010) but Alberta's Endangered Species Conservation Committee has recommended that Athabasca Rainbow Trout be listed as Threatened under the <i>Wildlife Act</i>. Rainbow Trout (At Risk status) were widespread in the Project and were often the only species found, or historically reported, in study streams. As such the majority of watercourses had a moderate diversity ranking.</p> <p>Aquatic resources issues related to construction, operation, and reclamation of the Project were generally linked to potential changes to physical habitat components, changes in flow regimes, changes in surface water quality, and changes in resource access. The impacts to fish populations and benthic invertebrates as a result of the mining and pit filling is expected to be minimal since it is assumed that downstream flows will be managed to adhere to instream flow guidelines (AENV 2011). In general, peak flows will be reduced and low flows will be increased. This attenuating effect may have some impact on fish habitat composition and could also benefit fish populations by reducing the intensity of high flow events that can adversely affect fish, particularly during the early life stages. No significant water quality changes are expected and water quality in the end pit lakes will likely be suitable for aquatic life. Measures to reduce or mitigate potential effects were identified using proven strategies and combined expertise of professionals. Potential local effects on the fisheries VEC's associated with direct habitat loss or alteration are expected to be fully mitigated with properly implemented mitigation strategies. CR#2 (Section 5.4) of the Project application provides details of the numerous mitigation strategies proposed to protect fish resources, in the areas of surface water management and erosion control, haul road crossing construction, stream diversions, management of stream flows, public access restrictions, and habitat enhancement. Therefore, no cumulative effects on fisheries VECs associated with direct habitat loss or alteration are expected. Potential adverse effects relate primarily to direct physical habitat alteration/loss, changes in surface water hydrology and water quality issues. With mitigation there will be an insignificant impact on the fisheries VEC's. CVRI is currently working with the Department of Fisheries and Oceans Canada (DFO), Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations in creating a conceptual compensation plan to be able to uphold the principle of 'No Net Loss' to fish habitat. Any operational works that require a harmful alteration, disruption and destruction (HADD) of fish habitat will require to be applied for with DFO. The compensation plan will be referred to in establishing site specific compensation related to each working (crossing, diversion).</p> <p>The responses above discuss some of the specifics of local fisheries and the low potential for impact to those resources and associated fishing rights. Potential changes in surface water quality in the RSA were assessed as insignificant (Section E.11, CR# 11) and are not expected to significantly impact fish populations in the RSA. No additional access to water bodies in the RSA is expected to occur as a result of the Project. CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including:</p> <ul style="list-style-type: none"> • continue monitoring programs already in place at the existing CVM (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); • document the effect of mine operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; • establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; • conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); • conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; • monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and • monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval. <p>The surface hydrology assessment presents proposed water management plans and addresses the potential impact of the Project on:</p> <ul style="list-style-type: none"> • the quantity of surface water flow and stream behaviour during high, average and low flow conditions; and • sediment concentrations in local and regional streams. <p>Various water management and sediment control measures will be implemented for the Project during operations, reclamation, and closure, including:</p> <ol style="list-style-type: none"> 1) Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPEA approval; 2) Release of water pollutants from the site such as oil and grease is controlled. With the installation of oil booms on the impoundments and immediate containment of oil in the event of a spill, there is little danger of these materials contaminating surface waters. Components of the water handling system will be designed according to the governmental specification and the systems will be operated in accordance with regulatory approval requirements; and Water from pit dewatering operations will be directed to settling impoundments for treatment prior to discharge of surface waters. In impoundments, pit water will mix with surface runoff. If necessary, flocculants will be used to enhance the rate of settlement of suspended solids. Impoundment discharges will be subject to conditions in the EPEA approval; 3) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; and 4) All mine-affected water will be treated prior to its release in to the receiving waters to reduce potential effects from loading of suspended sediments and potential effects of water quality variables typically associated with suspended sediments (e.g., total aluminum and total iron). [continued below]
				continued from above		<p>[continued from above] CVRI will pay particular attention to selenium (see below). The mine wastewater treatment program similar to the one currently in use at the CVM will be established to minimize downstream siltation and minimize downstream effects on surface water quality; 5) With respect to selenium, the CVM will continue an effective water quality monitoring program including a focus on selenium concentrations. The objective will be to observe water quality relative to baseline values to identify any changes over time. Should a significant increase in selenium levels be noted an investigation will be undertaken to identify possible sources and mitigation plans will be implemented; 6) Where necessary, interim erosion/sediment control measures will be utilized until long-term protection can be effectively implemented; 7) Minimization of the time interval between clearing/grubbing and subsequent earthworks, particularly at or in the vicinity of watercourses or in areas susceptible to erosion; 8) Slope grading and stabilization techniques will be adopted. Slopes will be contoured to produce moderate slope angles to reduce erosion risk. Other stabilization techniques used to control erosion include: ditching above the cutslope to channel surface runoff away from the cutslope, leaving buffer (vegetation) strips between the construction site and a watercourse, placing large rock rip rap to stabilize slopes; 9) Whenever possible, construction activities in close proximity to watercourses will be carried out during periods of relatively low surface runoff in late fall, winter and early spring (from October to April). A 30 m buffer (vegetation) strip will be left between construction sites and watercourses except at stream crossings and diversions; 10) Temporary measures to control erosion before a vegetation cover is reestablished, including: diversion ditches, drainage control, check dams, sediment ponds, sumps and mulches; 11) Installation of surface runoff collection and treatment systems to control groundwater seepage from road cuts and surface runoff from disturbed areas. Surface runoff will be directed to settling impoundments for removal of settleable solids; 12) The design and construction of all stream crossings will be done in compliance with the Alberta Code of Practice for Watercourse Crossings and associated guidelines. This means that all stream crossings constructed by the Project will meet regulatory requirements for protection of fish resources and aquatic habitat; this will also effectively mitigate against effects on surface water quality.</p> <p>Mining activities are expected to reduce high flows, and low flows are expected to either remain the same, slightly decrease or slightly increase. Annual runoff may have modest variations dependent on mining activities at the time (e.g. pit dewatering). Temporary water diversions will also contribute to some slight variations in flow quantity for short periods of time. Instream flows will be maintained by bypass pumping. Depending on the extent of the disturbance footprint within the watershed the significance to flow quantity may remain the same, increase or decrease depending on the mine progression and seasonal variability. Dewatering of the groundwater around or in the mine pits, to permit mining, increases surface flows. This is usually a minor flow component of the overall surface runoff rate from an area. The magnitude of the flows is small and regulated by pumps. If the sump or dewatering area is well laid out and separated from active mining, the effect on sediment loads can be negligible. Impoundments such as settling ponds or end pit ponds or lakes generally reduce downstream peak flows as a result of storage. Increases in low flows can result from a more gradual release of the water stored in the impoundment. Depending upon their size, pond evaporation losses may be significant at times but is near balanced with direct precipitation on an annual basis. Depending upon their size and efficiency, impoundments can reduce sediment loads significantly. End pit ponds will reduce flows when initially filling but can provide opportunities for enhancement. For open water bodies (lakes, ponds and to some extent wetlands), lake evaporation essentially replaces evapotranspiration in equation (1) above with groundwater having both an inflow and outflow component. After initial filling and stabilization of the groundwater level, such that the net regional groundwater recharge is the same as pre-mining, it may be assumed that groundwater inflow equals outflow on an average annual basis. It should be noted that even large differences in net groundwater inflow/outflow for the water bodies typically will have minor net surface flow impacts because of the small areas of the ponds relative to the basin sizes and the smaller groundwater flow component compared to the surface runoff component. Diversions will be sized and designed to convey peak flows safely considering the life of the diversion. As a result, water diversions do not impound water or cause losses due to infiltration (if lined) and, if returned to the same stream, will not affect the magnitude of downstream flows. All defined watercourse crossings will be designed, and constructed, to meet or exceed the regulatory requirements for approval under the provincial <i>Water Act</i> and the federal <i>Fisheries Act</i> and <i>Navigable Waters Protection Act</i>. If appropriately designed and constructed, these crossings will have negligible effect on flows or sediment loads to the streams.</p>

WLFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
4	Consultation	Consultation	Consultation Process	<p>"A preliminary review of the Project application documents by WLFN has raised very significant concerns about the Project. With regard to consultation it is clear that there simply has been no consultation with WLFN at all. There is no valid reason for the lack of consultation. The Project is within the Treaty No. 6 region. The Alberta Aboriginal Relations website provides list of the 18 Treaty No. 6 First Nations for the purpose of consultation, including WLFN. Yet there seems to be no indication, whatsoever, that Coal Valley made an effort to notify all of the Treaty No. 6 First Nations who possess rights in the Project Region. There is also nothing, it would seem, to indicate that Coal Valley asked AESRD which First Nations in the Treaty No. 6 region actively exercise Treaty rights in the Project Region.</p> <p>The traditional territory of the WLFN encompasses the Project Region and we have provided our traditional territory map to the ERCB, AESRD, and other Government of Alberta officials more times than we can recall, including as evidence in other regulatory processes."</p>	January 23, 2013	<p>Following review of the Statement of Concern submitted by WLFN, the Crown represented by the SREM Aboriginal Affairs Branch indicated that it would not require CVRI to consult with the group on the proposed Project. CVRI is not responsible for determining which Aboriginal groups need to be consulted with. The Crown is ultimately responsible for consultation given that the Duty to Consult is vested in the Honour of the Crown, not CVRI to whom only aspects of the consultation process have been delegated. CVRI discussed the list of potentially affected Aboriginal groups it was required to consult with during the development of the Aboriginal consultation program; WLFN is not included on that list. Therefore, discussion of the process of consultation and specific concerns with it are issues that needs to be raised with the Crown. One of the purposes for the inclusion of concerns such as this into this record is to help communicate on-going concerns with the consultation process to the Crown. Despite this, CVRI met with representatives of WLFN and their legal counsel on April 2, 2013 to discuss their concerns related to the Project. CVRI is currently considering the scope and scale of a proposed TUS submitted by WLFN.</p>
5	Potential Impact to Treaty or Aboriginal Right	Hunting	loss of access to land available for hunting in Treaty 6 area	<p>"In light of WLFN's extensive Treaty rights use of the Project Region, it is not surprising that over several decades our members have had frequent contact with AESRD field staff in the area. WLFN members have also registered many Bighorn Sheep kills with AESRD that were shot on hunting trips which emanated from hunting camps in the Project Region. Accordingly, had AESRD taken the time to confer with its field staff in the area, we have little doubt that WLFN Treaty rights use in the Project Region would not have been overlooked. On a general level, WLFN is concerned with the ever diminishing amount of Crown land in the Treaty No. 6 region. Increasingly our members must make special efforts to hunt, fish and trap in areas that are further and further from our community. This concern has been expressed in a very formal way to the Government of Alberta in other consultation processes. The Project will have direct and significant impacts on approximately 75 km (7500 ha) of Crown land. The right of the provincial Crown to take up lands for development under the Treaty is not limitless. Our Treaty rights to hunt, fish and trap cannot be rendered meaningless by development.</p>	January 23, 2013	<p>The Provincial and Federal Crowns are responsible for the administration of Crown lands with respect to the provisions entered into under Treaty 6 and modified by the <i>Natural Resources Transfer Act</i>. It is beyond the jurisdiction of CVRI to either quantify or comment on the overall effects of the Crown's "taking up of land" as allowed under the Treaty in the past century and a half across the Provinces of Alberta and Saskatchewan as it relates to WLFN or any other Aboriginal group. That being said, no Aboriginal group consulted to date has demonstrated that access restrictions to the Project area will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake the Rights to hunt, fish, and trap for food on Crown lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional pursuits will not be restricted in the entire area upon Project approval nor will it be permanent, as it will mine the Robb Trend in stages over a 25-year period as discussed above.</p>
6	Consultation	Consultation	Consultation Process	<p>"This fact [claimed WLFN traditional use of the Project area] is well known to, (or ought to be known to) Alberta Environment and Sustainable Resource Development ("ASRD"). Even so, neither the Government of Alberta nor the Project proponent, Coal Valley Resources Inc. ("Coal Valley"), have notified WLFN about the Project or made any other efforts to consult with WLFN about the potential impacts of the Project on our Treaty rights and related traditional land uses in the Project Region. WLFN only became aware of the Project while reviewing the "Summary of environmental assessment activity- current projects" section of AESRD's website to review information about a different resource project...We are deeply concerned about the impacts of this Project on WLFN's Treaty rights use in an area of Crown land that is a significant and preferred hunting ground for WLFN members. Accordingly, we call on Coal Valley, the Governments of Alberta and Canada, and the relevant regulatory bodies to take immediate action to address the fact that WLFN has been ignored with respect to the proposed Project, including if necessary, express confirmation that WLFN is permitted to file Statements of Concern or similar submissions regarding the Project despite the passage of any and deadlines for doing so."</p>	January 23, 2013	<p>Following review of the Statement of Concern submitted by WLFN, the Crown represented by the SREM Aboriginal Affairs Branch indicated that it would not require CVRI to consult with the group on the proposed Project. CVRI is not responsible for determining which Aboriginal groups need to be consulted with. The Crown is ultimately responsible for consultation given that the Duty to Consult is vested in the Honour of the Crown, not CVRI to whom only aspects of the consultation process have been delegated. CVRI discussed the list of potentially affected Aboriginal groups it was required to consult with during the development of the Aboriginal consultation program; WLFN is not included on that list. Therefore, discussion of the process of consultation and specific issues with it is an issue that needs to be raised with the Crown. One of the purposes for the inclusion of concerns such as this into this record is to help communicate on-going concerns with the consultation process to the Crown. Despite this, CVRI met with representatives of WLFN and their legal counsel on April 2, 2013 to discuss their concerns related to the Project. CVRI is currently considering the scope and scale of a proposed TUS submitted by WLFN.</p>
					February 21, 2013	

AWN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	General Traditional Use	General Traditional Use	Judging from the map information provided by CVM that a portion of AWN traditional use area includes the mine and proposed expansion areas, this should be confirmed with [individual]	October 3, 2006	Early on in its development of the Project, CVRI met with AWN to discuss any concerns that it may have with the Project. In a letter dated January 16, 2007, and an email and results of map review of March 8, 2011, AWN indicated that the Project falls outside of its traditional use territory and therefore has no further concerns with the Project. CVRI has continued and will continue to provide AWN with relevant Project information, and other information pertaining to CVRI operations.

Mountain Cree Camp	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	General Traditional Use	General Traditional Use	[Individual] expressed that the Mountain Cree Camp are not against development but want their area protected.	June 27, 2007	CVRI has been consulting with Mountain Cree Camp about the Project and potential impacts since 2006, and believes that its efforts on the delegated aspects of the consultation process can be considered well beyond reasonable in the assessment of adequacy. Through the years CVRI has heard group concerns regarding potential environmental impacts, particularly about potential impacts to water quality, and provided information regarding its proposed mitigations in this regard. These efforts included the collection of TEK data from the community regarding proposed CVRI extension areas including the Project, which CVRI will use to help plan reclamation strategies to return to land to a more useable state for the exercise of Treaty Rights and traditional uses following mining. CVRI will not be offering compensation in the forms of payments or royalties to any Aboriginal group for any direct effects of the Project or for any regional cumulative effects. On January 31, 2010, Mountain Cree Camp leadership entered into a written agreement, in part providing community approval for the development of the Project. This agreement is a recognition by both parties that potential project benefits to the community in the form of employment or community support represent adequate mitigation of the potential loss of this area for undertaking traditional pursuits for the duration of mining activities and prior to adequate reclamation. Through this agreement CVRI continues to consult with Mountain Cree Camp regarding its operations, and continues to work with the community on support initiatives including education and employment for the duration of the development of the Project as specified in the agreement.
				Mountain Cree Camp representatives expressed that they were concerned with the cumulative effects on water, berries, hunting and fishing	July 28, 2009	
				The TLU stated "Although they do not use the proposed Robb Trend Project area as actively as areas near the camp, they recognize the importance of the natural resources in the area, and that the project will impact those plants, animals, and other resources. The Mountain Cree Camp members do not wish to stop all development, but they urge CVRI to protect those resources as much as possible during the development of the area. The water, plants, and animals must be preserved for future generations and the benefit of all people."	July 2008 and August 2011	
				[Individual] expressed that CVRI should compensate the Mountain Cree Camp if there are cumulative effects on water, berries, hunting and fishing.	July 28, 2009	
2	Potential Impact to Treaty or Aboriginal Rights	Hunting	direct impact/removal of hunting locations in Project area	As stated in the TLU report "Another concern of the Mountain Cree Camp was the state of animal resources in the Robb Trend area. The Mountain Cree Camp members do not regularly hunt in this area, preferring to use areas closer to their Mountain Cree Camp. According to the knowledge holders the southern end of the Robb Trend would be a good area for hunting animals such as moose. They also commented on the high number of animal tracks found around the salt-licks observed in the area."	July 2008 and August 2011	CVRI acknowledges that active mining in the Project area will have a direct impact on wildlife, including birds and amphibians, through short to medium-term removal of habitat, fragmentation of habitat, barriers to movement, and possibly direct mortality in some cases (e.g. vehicle collisions etc.). This would have a potential impact on the generalized right to hunt, fish, and trap in these areas during mine development. CR#14 and CR#7 of the Project application detail the proposed mitigation of these effects through the identification of wildlife as a primary end use of the lands, the maintenance of as much undisturbed habitat as possible in the Project area, the revegetation of soil stockpiles to maintain wildlife use, vegetation clearing outside of breeding seasons, buffers along riparian zones, contouring to reduce lines of sight, identification of natural seepages that will become salt/mineral licks after reclamation, hunting restrictions, measures to avoid direct mortality, and a reclamation program that will promote the structural integrity and biodiversity of the landscape to enhance future wildlife use. Tasks that were completed during the wildlife assessment include: <ul style="list-style-type: none"> • identify relative abundance, concentration areas, distribution patterns, and habitat associations of ungulates by means of winter aerial surveys, snow track-counts, and a spring pellet-browse survey; • identify small mammal, avian and amphibian presence, relative abundance and habitat association by means of snow track-counts, trapping small mammals, owl surveys, spring bird survey, breeding bird survey, migration survey, and amphibian survey; • compile a list of vertebrate species (excluding fishes) and identify their status as per the Committee on Endangered Wildlife in Canada (COSEWIC), the Canadian Endangered Species Conservation Council (CESCC 2006) and the General Status of Alberta Wild Species (ASRD 2005); • prepare a habitat map to identify the quantity and quality of habitat present in the Project Development Areas; • update wildlife use of the existing CVM by means of aerial survey, systematic monthly ground surveys, spring pellet-group counts, breeding bird survey and amphibian survey; • identify Valued Environmental Components for assessing the potential impact of the proposed development on ungulates, small mammals, birds and amphibians; • discuss biodiversity at the LSA and RSA scale; • review Traditional Use Studies (TUS) prepared for CVRI from a wildlife perspective; • discuss climate change with respect to changes in the Boreal-Cordilleran ecoregion that may affect wildlife; and • evaluate the potential impacts of the Project within a temporal and spatial perspective that incorporates existing and future demands by other users and developments by conducting a quantitative cumulative effects assessment for elk. In order to reduce potential impacts to wildlife within the Project area, the following mitigation measures will take place: <ul style="list-style-type: none"> • incorporate select native trees and shrubs such as alder and willow into re-vegetation activities; • maximize downed woody debris (stumps) through direct placement of top-soil and associated slash and stumps; • maintain and connect to core areas as many residual forest patches as possible; • maintain a 30 metre buffer zone of undisturbed natural habitat along well developed riparian corridors, where available; • continue to maintain hunting and firearm restrictions on the reclaimed areas of the Project including after mining has ceased and until hiding cover on the mines is equivalent to that of natural closed forest cover types; and • maintain haul truck and regular vehicle speeds of <70 kph. In order to evaluate and if need be adapt the mitigation measures, CVRI will also implement monitoring. Site wide monitoring will allow CVRI to determine the length of time it takes for wildlife to return to the landscape and what reclaimed landscape features are most desirable. All potential effects are noted to be reversible over the short-term or long-term depending on the type of effect.
			As stated in the TLU report "The Mountain Cree Camp knowledge holders identified and were concerned about the future of several licks in the proposed development area."	July 2008 and August 2011		
3	Potential Impact to Treaty or Aboriginal Rights	Trapping	direct impact/removal of trapping locations in Project area	Mountain Cree Camp representatives expressed concern over trapping and trappers rights	February 2, 2009	A total of 22 Registered Fur Management Areas (RFMAs) overlap in whole or in part with the RSA. Fur harvest return information for the period 1985 to 2001 was obtained from ESRD for the RFMA. Fur returns for 17 different species were reported. This included red squirrel (13,348), muskrat (3,649), beaver (3,401), marten (1,796), weasel spp. (1,531), coyote (896), wolf (236), lynx (133), mink (128), fisher (50), red fox (47), black bear (18), badger (14), striped-skunk (7), wolverine (6), river otter (4) and raccoon (1). The average numbers of captures per year per trapline for VEC species were: lynx (0.42), marten (5.17), fisher (0.16), and wolf (0.71). RFMAs 1516, 2619 and 2256 will be directly affected by the proposed development of the Project permit area. Over a 16 year period, RFMA 1516 reported an average number of lynx (0.4/year), fisher (0.19), marten (5.4/year) captures and reported below average wolf captures (0/year). Over a 15 year period, RFMA 2256 reported above average marten (8.5/year), and fisher (0.13) captures and below average lynx (0.3/year) and wolf (0.1/year) captures. Over a 17 year period, RFMA 2619 reported below average capture rates for lynx (0.2/year), marten (1.2), fisher (0.12), and wolf (0.6). Caution must be used when interpreting this data. Capture rates can vary widely and may reflect trapper effort and fur prices as much as it does of animal abundance. Capture rates can also reflect the size of the RFMA. Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Contact and discussions have been held with people holding RFMA rights. Where required, agreements have been reached and compensation provided. Trapping is likely to continue in the RSA. Harvest levels are difficult to predict and are dependent largely on fur prices, RFMA tenure and levels of industrial activity. It is reasonable to assume that future trapping levels will occur at average levels from 1985 to 2001. As noted above, Project development will occur over time, and access to mine areas to undertake Treaty Rights to trap will be restricted in active mining areas for a period of time. However, areas surrounding the Project will still be available to undertake Treaty trapping rights, and Project development and reclamation will be complete by approximately 2060, returning those lands for trapping uses.
4	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of medicinal plant species in Project area	The Mountain Cree Camp representatives expressed that medicines "are a concern so that they don't lose them, some can't just be transplanted"	September 4, 2007	One of the most common concerns among Aboriginal elders or other users was the impact to medicinal and food plants in the Project area (refer to Table E.12-1 and E.12-2; CR #12, Appendix B and D to G). A number of these plants are thought to be "rare" or "rare elsewhere," whereas others are more common. Often these plants cannot be transplanted due to specific conditions required. Transplanting may, in some cases, impact the potency or efficacy of the medicines. CVRI was asked to use traditional knowledge and native plant species in the reclamation process and will do so. CR #13 (Vegetation) of the Project Application discusses many plants identified to CVRI as important to the Aboriginal community. Aboriginal consultation meetings and field visits conducted by CVRI with First Nations and Aboriginal representatives resulted in the identification of a list of vegetation species which are valued by the Aboriginal groups for their uses. The field surveys identified 88 TEK vegetation species which occur in the LSA (CR #13, Appendix 5). Of the TEK vegetation species documented during field surveys, 8 are typically used for critical medicinal purposes, 20 are used for food, and 60 are used for other purposes. None of the TEK vegetation species are on Alberta's 2011 Tracking and Watch List, used to identify species that are rare or otherwise special in some way. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecosite phases which support TEK vegetation will be accessible in the RSA following removal of ecosite phases by the Project Footprint in the LSA. It is assumed that ecosite phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following: <ul style="list-style-type: none"> • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • implementing a re-vegetation program which aims at the re-establishment of ecosites common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecosites will, over time, again support TEK vegetation. With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecosite phases within the LSA. CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established. CVRI will continue the consultation with the Aboriginal groups as information is brought forward regarding specific impacts to traditional uses as well as undertake further discussions with Aboriginal groups on specific impacts and mitigation measures. Negotiations with Aboriginal groups will also continue on a case by case basis for avoidance of specific plant species if possible. Not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur.
			removal of medicinal plant species in Project area	During the 2008 and 2011 Robb Trend TLU studies the Mountain Cree Camp identified several medicinal plant species in the Project area	July 2008 and August 2011	
			Potential ceremonial and important plants identified during field studies	July 2008 and August 2011		
			Mountain Cree Camp representatives stated that there is less and less access to resources all over, including berries, even for people from Robb and this is one of the area you can still get berries without competing with the bears	February 2, 2009		

Mountain Cree Camp	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
				Mountain Cree Camp representatives identified several food plant species in the Project area	July 2008 and August 2011	
5	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	reclamation	[Individual] expressed that the Mountain Cree Camp would be involved in reclamation	February 2, 2009	CVRI is committed to working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation.
6	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of other harvestable resources in Project area	Other traditional use resources were identified in the Project Area.	July 2008 and August 2011	Consultation efforts with Mountain Cree Camp have included the collection of TEK data from the community regarding proposed CVRI extension areas including the Project. During these studies, the community did not identify any sites specifically used by community members to exercise Treaty Rights and traditional uses in the Project area, but did identify many of the type of resources traditionally used by community members for various purposes. CVRI will use the traditional knowledge to help plan reclamation strategies to return to land to a more useable state for the exercise of Treaty Rights and traditional uses following mining.
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to water quality in Project area	[Individual] expressed that the biggest concern for the Mountain Cree Camp would be water quality	June 27, 2007	The CVM will be implementing a surface water management plan throughout the life of the Project. This plan includes the collection and treatment of mine affected water. All water affected by mining (sediment filled) will be treated in settling ponds prior to being released to the adjacent environment. Released water will comply with the approval conditions. No significant water quality changes are expected and water quality in the end pit lakes will likely be suitable for aquatic life. Potential changes in surface water quality in the RSA were assessed as insignificant (Section E.11, CR# 11). Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including: <ul style="list-style-type: none"> • continue monitoring programs already in place at the existing CVM (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); • document the effect of mine operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; • establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; • conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); • conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; • monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and • monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval. Through these measures and others CVM will continue to safeguard water quality in the region from potential impacts from the Project.
				Mountain Cree Camp representatives expressed concern over water quality	February 2, 2009	
				Mountain Cree Camp representatives discussed concern of water quality and cumulative effects on water	July 28, 2009	
				Based on the TLU studies "The knowledge holders were concerned with water quality in the area and how future development programs will impact these resources. They note that the streams by their Mountain Cree Camp are among some of the only good sources of water left."	July 2008 and August 2011	
8	Potential Impact to Treaty or Aboriginal Rights	Important Animals	displacement of bears from Project area	As stated in the TLU report "As with other aboriginal groups, the Mountain Cree Camp hold a particular place of reverence and respect for bears, and the impacts of this project and others on bear populations is a concern."	July 2008 and August 2011	Grizzly bears will likely be displaced from portions of the Project footprint and permit area during the active mining period. Displacement will result from construction noise and blasting. At some point shortly after reclamation grizzly bears will be attracted to the herbaceous forage and ungulates on the Project footprint as was observed on the Luscar, Gregg River and CVM reclaimed mine areas. The mined lands will not act as a serious barrier to grizzly bears, with the possible exception of during active blasting and hauling. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. The greatest threat to regional grizzly bear populations is human-caused mortality caused by legal and illegal hunting, self-defence kills by ungulate hunters, and vehicle/train collisions. Any land use that results in increased access or use of access by individuals carrying firearms is a threat to grizzly bear population persistence. Any roads with vehicle speeds greater than 70 kph also have potential to result in increased grizzly bear mortality. Sources of domestic garbage at the CVM are contained in appropriate secure containers and transported to the licensed landfill in Hinton as per the Approval conditions. Problem bear actions at mines in the Coal Branch region are of extremely limited occurrence. Grizzly bears actively select habitats and foods that provide them with the greatest possible net digestible energy (Hamer and Herrero 1983, Pritchard and Robbins 1989). Mining and subsequent reclamation of the existing CVM has significantly changed landscape structure, composition and food production in the permit area for grizzly bears. Mining and reclamation at the CVM has resulted in removal of tree canopies, leading to increases in availability of high energy herbaceous plant material (clover, thistles, legumes) and an increase in ungulates (elk, deer) responding to increased forage and edge habitat. There is strong evidence to suggest that ungulates and plants used for reclamation are sought and used extensively by grizzly bears occurring in the vicinity of the CVM area. Similar findings were observed in the existing Luscar and Gregg River mines (Stevens and Duval 2005; Kansas and Symbaluk 2011). Bears using the reclaimed Luscar and Gregg River mine lands were on average larger than bears in an adjacent un-mined Subalpine and the Gregg/Luscar permit block was considered to be an attractive habitat for grizzly bears and a source for enhanced cub production (Kansas 2005). If similar reclamation measures are used on the Project then impacts on grizzly bears from a habitat alteration perspective will likely be positive within 10 years post-construction. In the case of regional and cumulative grizzly bear mortality, the proposed Project is unlikely to add significantly to regional mortality. This assertion is based on the fact that carrying of firearms is not permitted within any CVM permit areas and traffic speed control is practiced. It is further supported by the fact that no grizzly bear mortalities have occurred on CVM permit areas in 40+ years in the Coal Branch region (Symbaluk 2008). This does not diminish the seriousness of cumulative effects on grizzly bear mortality in the RSA and broader Yellowhead region.
9	Potential Impact to Treaty or Aboriginal Rights	Health	blasting	Mountain Cree Camp representative stated "once in a while we hear a blast, how often do those go off? we even feel them sometimes"	February 2, 2009	Blasting will be conducted on weekday afternoons and the utilization of smaller more localized blasts will be implemented to reduce noise levels and the amount of explosive being used. Depending on the geological formation and the associated mine plan blasting can occur once a week.
10	Potential Impact to Treaty or Aboriginal Rights	Health	general impacts to animal health quality in surrounding region	[Individual] expressed that one of the biggest concerns for the Mountain Cree Camp would be sick game	June 27, 2007	Through its consultation efforts, CVRI is aware that many Aboriginal groups are concerned about the effect of industrial development on wildlife health. They report cases of diseased animals that when butchered are found unfit for consumption, and many attribute this to industrial development. This has even led to research studies into animal health supported by several Treaty 6 First Nations. And of course, Alberta Fish & Wildlife (AESRD) studies numerous animal health issues including Chronic Wasting Disease (CWD), White-nose Syndrome, West Nile Virus, mammalian skin tumours, and numerous others. They have established programs to track, understand, and manage many of these. CVRI recommends that Aboriginal groups continue to press the Provincial Crown and other industrial players on the potential link between industrial activities and animal health. As for Project potential effects on animal health, a discussion of these is found in CR#5, Human Health, Appendix F: Screening Level Wildlife Risk Assessment (SLWRA). This assessment looked at any potentially harmful substances that could be associated with the Project such as air contaminants, heavy metals, polycyclic aromatic hydrocarbons, volatile organic compounds, and others that could be released into the air, or otherwise make their way into soils or surface water, and then be breathed in or eaten by animals. In order to err on the side of caution, the study assumed that potentially affected animals would be exposed to maximum potential adverse effects from the air for their entire life cycle, and that the Project would last 80 years instead of 25. The assessment concluded that predicted acute exposures to the substances through the air would not have an adverse effect on either avian or mammalian wildlife in the region. It was also concluded that predicted chronic exposures to the substances through the air would not have an adverse effect on mammalian wildlife in the region. Most predicted soil concentrations for these substances are not expected to have an adverse effect on wildlife populations in the study area. However, some metals identified during the screening indicated a possible concern under only one of the several screening guidelines, and resulted in more in-depth analysis. This analysis indicated that these metals will be within the typical range of levels across Alberta, and therefore comparison of predicted soil concentrations to background levels indicated that wildlife are not likely to be at any greater risk in the RSA than other populations across Canada. In all instances, the long-term surface water concentrations of the substances are not anticipated to adversely affect wildlife populations in the region. The results of the SLWRA indicate that the overall risks posed to wildlife health from the Project will be low. Therefore, no impacts to wildlife populations are expected based on estimated wildlife exposures to predicted maximum acute and chronic air concentrations and measured soil and surface water concentrations. The confidence in the prediction is high since highly conservative assumptions were applied in the SLWRA. CVRI will continue to work with government agencies, Aboriginal groups, and others to monitor and mitigate against potential effects to animal health in the region.
11	Potential Impact to Treaty or Aboriginal Rights	Hunting	loss of access to additional land for hunting in general region	Mountain Cree Camp representatives expressed that there has been conflict in hunting areas in the past, and asked if there could be an agreement to harvest some wildlife and because it was a diminishing area there may be need to talk about compensation if area gets too small	February 2, 2009	CVRI will not be offering compensation in the forms of payments or royalties to any Aboriginal group for any direct effects of the Project or for any regional cumulative effects. On January 31, 2010, Mountain Cree Camp leadership entered into a written agreement, in part providing community approval for the development of the Project. This agreement is a recognition by both parties that potential project benefits to the community in the form of employment or community support represent adequate mitigation of the potential loss of this area for undertaking traditional pursuits for the duration of mining activities and prior to adequate reclamation. Through this agreement CVRI continues to consult with Mountain Cree Camp regarding its operations, and continues to work with the community on support initiatives including education and employment for the duration of the development of the Project as specified in the agreement. In addition, as noted above, not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur. Hunting within the mine permit boundary cannot occur as carrying firearms within the permit boundary is restricted for safety reasons.
				[Individual] expressed potential interest in TUS studies	October 3, 2006	
				Mountain Cree Camp expressed interest in conducting TUS studies to access plant use	September 4, 2007	

Mountain Cree Camp	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
12	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	Traditional Use Studies	Mountain Cree Camp expressed that although they didn't really use the CVRI expansion areas for hunting and plant collecting, there still could be plants there that they could use and would like to conduct TUS studies	September 10, 2007	CVRI has been consulting with Mountain Cree Camp about the Project and potential impacts since 2006. These efforts included the collection of TEK data through TUS's from the community regarding proposed CVRI extension areas including the Project, with capacity funding provided by CVRI. CVRI will use this information to help plan reclamation strategies to return to land to a more useable state for the exercise of Treaty Rights and traditional uses following mining.
				Interest expressed in additional TLU studies for changes to Robb Trend project footprint	April 27, 2011	
					June 6, 2011	
13	Potential Impact to Treaty or Aboriginal Right	Consultation	Consultation	[Individual] expressed that the Mountain Cree Camp would like independent consultation and this is supported by their new school	June 27, 2007	CVRI has engaged in consultation with Mountain Cree Camp on its proposed development projects including the Project since 2006. A written agreement is currently in place between the parties supporting continued engagement of mutual benefit and understanding to both parties. CVRI will continue to consult directly with Mountain Cree Camp on the Robb Trend, its operations, and other matters of importance to the community in the future, unless and until such time as Mountain Cree Camp indicates its desire to modify this situation.
				The Mountain Cree Camp expressed they would like their own independent TLU studies without ECN involvement	September 4, 2007	
				[Individual] stated that the Mountain Cree Camp would not like consultation through ECN and [Individual].	August 22, 2011	
				Mountain Cree Camp representatives discussed consultation on their own behalf independent of ECN	January 30, 2012	
				[Individual] discussed independent consultation from ECN for the Mountain Cree Camp	February 28, 2012	
				[Individual] reiterated the Mountain Cree Camp position that they will consult on their own behalf not through ECN	May 2, 2012	
				Mountain Cree Camp representatives discussed their concern of independence from [other Aboriginal Group]	October 4, 2012	
14	Employment Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	[Individual] inquired about job opportunities	October 3, 2006	CVRI has indicated to Mountain Cree Camp its willingness to hold some type of employment information session with the community. This event will help members understand how to seek employment at the CVM, what types of positions and skills are required, and may help motivate students in finishing their formal education and choosing their career paths. The parties have yet to determine an appropriate date for such an event, but will continue to discuss the issue. Currently, there are three members of Mountain Cree Camp who have jobs at the CVM.
				Interest expressed in jobs for community by Mountain Cree Camp representatives	February 2, 2009	
					July 28, 2009	
					November 27, 2012	
15	Training Opportunities	Socio-economic development	increased employment for underemployed sector of Aboriginal society	Interest expressed in training and generating income for their people	July 28, 2009	CVRI has a hiring policy open to anyone with suitable qualifications. This policy has been provided to Aboriginal groups. CVRI has offered to communicate job posting with Aboriginal employment officers.
					November 27, 2012	
16	Education Support	Socio-economic development	supporting children's education; increased employment for underemployed sector of Aboriginal society	Interest expressed in funding towards education	July 28, 2009	On January 31, 2010, Mountain Cree Camp leadership entered into a written agreement, in part providing community approval for the development of the Project. This agreement is a recognition by both parties that potential project benefits to the community in the form of employment or community support represent adequate mitigation of the potential loss of this area for undertaking traditional pursuits for the duration of mining activities and prior to adequate reclamation. Through this agreement CVRI continues to consult with Mountain Cree Camp regarding its operations, and continues to work with the community on support initiatives including education and employment for the duration of the development of the Project as specified in the agreement. Support for the community's school is an element included within the agreement. CVRI and Westmoreland are in the process of developing a corporate Aboriginal consultation plan. One of the items under a consideration is a scholarship or bursary program designed to help Aboriginal students fund continuing education.
				Discussion of interest in funding for school	October 29, 2009	
				Mountain Cree Camp representatives expressed interest in summer student positions	November 27, 2012	
17	Contracting Opportunities	Socio-economic development	development of Aboriginal owned business; increased employment for underemployed sector of Aboriginal society	Mountain Cree Camp representatives expressed interest in contracting opportunities	July 28, 2009	CVRI has a procurement policy open to any business which provides competitive services. This policy has been provided to Aboriginal groups. CVRI has offered to receive and review available Aboriginal business proposals.
				Mountain Cree Camp representatives inquired about CVRI helping with their society Ex. transportation as they have none in their area	February 2, 2009	
					February 2, 2009	
					February 2, 2009	

Mountain Cree Camp	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
18	General Community Support	Community Development	enhance Aboriginal social programs and services	funding for cultural camp	July 28, 2009	CVRI has helped the Mountain Cree Camp community in the past by delivering loads of wood for use in the community, and has recently provided funding to help with the purchase of equipment needed to help maintain the rink. CVRI is in discussions with other companies and Mountain Cree Camp regarding improving its water supply. As on a number of occasions in the past, CVRI will continue to support Mountain Cree Camp community programs through donations on an ad hoc basis. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program is one of the items under consideration.
				Interest expressed in funding for firewood	July 28, 2009	
				Request for additional loads of wood	October 9, 2009	
				Discussion of interest in funding for a van for and firewood	October 29, 2009	
				Discussion of interest in community support	October 4, 2012	

Stoney First Nation	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Information Sharing Agreement	Consultation	Consultation	Request for an agreement of intellectual property in order to share information regarding site specific concerns.	November 14, 2014	CVRI has not previously been required to consult with the Stoney First Nations regarding the Project, and has had no meaningful past engagement with nor communication of interest from them. CVRI is prepared to engage with Stoney First Nation in the coming months to discuss their concerns regarding the Project.
2	Potential Impact to Treaty or Aboriginal	Traditional Use	Impacts to Traditional Use Areas	On review of the project the Stoney state that it does impact their Treaty Rights and Traditional Uses in the proposed Project area.	November 14, 2014	

MFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impact to practicing Treaty Rights in project area	<p>"two of three generations of MFN members will not be able to exercise their Treaty Rights in this area with a very real possibility for even longer permanent disruption."</p> <p>Concern over environmental impacts and traditional use</p> <p>Concern over limited access to hunt, fish, and quad in area</p>	<p>December 11, 2014</p> <p>January 16, 2015</p> <p>January 16, 2015</p>	<p>No Aboriginal group consulted to date has demonstrated that access restrictions to the Project area will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake the Rights to hunt, fish, and trap for food on Crown lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project. The purpose of discussions with individual Aboriginal groups is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, and that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, and that further consultation may result in the identification of mitigations or accommodations of potential impacts suitable to all parties.</p>
2	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impacts to water quality in Project area	<p>"The very significant expansion being contemplated by the Project, especially its potential impacts on the watersheds of the Pembina River, Embarras River and the Erith Rivers is of significant concern to MFN."</p>	<p>December 11, 2014</p>	<p>CVRI has developed a Water Management Plan to contain all mine affected water. These mine affected waters are directed to impoundments where they are treated with an approved flocculent. Prior to release into the receiving watercourse all water must meet the Approval water quality guidelines. In an event of a registered storm event some short term exceedences are allowed (TSS). Surface water quality could be impacted by issues including: 1) soil erosion, sediments entering streams via surface runoff, increased sedimentation of surface waters; 2) leaching of nitrates into surface waters; 3) discharges of water from impoundments to natural watercourses; and effects on end-pit lakes on surface water quality. The general practice at the CVM is to discharge groundwater entering the Project areas to nearby surface water courses after being treated in settling ponds. It has been shown that the quality of groundwater in the two proposed mining areas are similar to groundwater chemistry in present and past mining areas in CVM and of acceptable quality for discharge to surface water bodies. There will be an insignificant impact on surface water quality caused by the discharge of groundwater from the pits. There are two issues with respect to how changes in groundwater chemistry may affect the quality of groundwater in the vicinity of the Project pits. These issues can be summarized as 1) changes resulting from the removal and placement of mine spoil, and 2) changes due to spills and leaks. Toe springs are a characteristic of spoil dumps that are external to the mine pit. Water chemistry of four springs at the toes of major mine spoil dumps in the CVM have been monitored since 2000. All parameters fall within acceptable ranges observed elsewhere in the area. The monitoring of toe springs at CVM has demonstrated that there are no significant impacts from spoil on water chemistry. Hydrocarbon fuels will be present in the Project mobile equipment, vehicles and in bulk storage. There is a potential for spills or leaks of these hydrocarbons. Spills from equipment and vehicles will be the result of accidents. In this situation, there will be rapid response and clean up. The probability that such an event could cause an impact on groundwater quality is remote. The impact is therefore insignificant. And finally, water quality studies of CVM's existing end-pit lakes provide a good indication of the overall potential of the Project to affect water quality through contamination during coal mining in the manner suggested in the stated concern. As one can see in Appendix 8 of the Project Application, these lakes cannot be considered polluted.</p> <p>CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including:</p> <ul style="list-style-type: none"> • continue monitoring programs already in place at the existing CVM (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); • document the effect of mine operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; • establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; • conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); • conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; • monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and • monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval. CVRI is currently working with DFO on completing a conceptual compensation plan for the entire Project which identifies the watercourses that will be affected and what compensation will be required.
3	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	impact to fishing	<p>"The project area is critical to MFN land users and are integral to MFN community, history and culture. MFN members actively engage in the exercise of aboriginal and treaty rights within these areas. They rely upon the resources harvested from these areas for the cultural, physical and spiritual sustenance of the community. Specifically, MFN members rely upon fish from the rivers that Project impacts and the wildlife and plants present in the locations where your company proposes to develop the Project."</p>	<p>December 11, 2014</p>	<p>Rainbow Trout were the most common and widespread species within the LSA and RSA and were found in 38 of the 42 waterbodies sampled during baseline fisheries investigations. Bull Trout, Burbot, Lake Chub, Longnose Sucker, and Spoonhead Sculpin were encountered much less frequently than Rainbow Trout but were still found at a number of different locations. Other species, including Arctic Grayling, Brook Stickleback, Brook Trout, Longnose Dace, Mountain Whitefish, Northern Pike, Pearl Dace, Trout-perch, and White Sucker were rare and were only found in one or two waterbodies. Arctic Grayling are listed as Sensitive and is considered a Species of Special Concern in Alberta (ASRD 2010). Populations have decreased in the past few decades. Threats provincially include increased harvest pressure from improved road accessibility, blocked migration routes and altered stream flow resulting from improperly placed culverts in newly constructed roads. Brook Trout are listed as an exotic/alien species (ASRD 2010). They were introduced into Alberta in the early 1900's and are abundant in many foothills streams and isolated lakes. Bull Trout are listed as Sensitive and is considered a Species of Special Concern in Alberta (ASRD 2010). Over-harvesting has led to a decline in population and while angling regulations may lead to recovery, habitat degradation and competition from introduced species may contribute to further declines. Introduced stocks of Rainbow Trout in Alberta are Secure. However, the native Athabaskan Rainbow Trout population has suffered introgression from introduced trout in the Athabaskan drainage system. The native species is currently considered At Risk (ASRD 2010) but Alberta's Endangered Species Conservation Committee has recommended that Athabasca Rainbow Trout be listed as Threatened under the <i>Wildlife Act</i>. Rainbow Trout (At Risk status) were widespread in the Project and were often the only species found, or historically reported, in study streams. As such the majority of watercourses had a moderate diversity ranking.</p> <p>Aquatic resources issues related to construction, operation, and reclamation of the Project were generally linked to potential changes to physical habitat components, changes in flow regimes, changes in surface water quality, and changes in resource access. The impacts to fish populations and benthic invertebrates as a result of the mining and pit filling is expected to be minimal since it is assumed that downstream flows will be managed to adhere to instream flow guidelines (AENV 2011). In general, peak flows will be reduced and low flows will be increased. This attenuating effect may have some impact on fish habitat composition and could also benefit fish populations by reducing the intensity of high flow events that can adversely affect fish, particularly during the early life stages. No significant water quality changes are expected and water quality in the end pit lakes will likely be suitable for aquatic life. Measures to reduce or mitigate potential effects were identified using proven strategies and combined expertise of professionals. Potential local effects on the fisheries VEC's associated with direct habitat loss or alteration are expected to be fully mitigated with properly implemented mitigation strategies. CR #2 (Section 5.4) of the Project application provides details of the numerous mitigation strategies proposed to protect fish resources, in the areas of surface water management and erosion control, haulroad crossing construction, stream diversions, management of stream flows, public access restrictions, and habitat enhancement. Therefore, no cumulative effects on fisheries VECs associated with direct habitat loss or alteration are expected. Potential adverse effects relate primarily to direct physical habitat alteration/loss, changes in surface water hydrology and water quality issues. With mitigation there will be an insignificant impact on the fisheries VEC's. CVRI is currently working with the Department of Fisheries and Oceans Canada (DFO), Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations in creating a conceptual compensation plan to be able to uphold the principle of 'No Net Loss' to fish habitat. This plan will be required to be approved and implemented prior to disturbance. Any operational works that require a harmful alteration, disruption and destruction (HADD) of fish habitat will require to be applied for with DFO. The compensation plan will be referred to in establishing site specific compensation related to each working (crossing, diversion).</p>
4	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	impact to Traditional Use Sites and Ceremonial sites	<p>"The Project is located near and traverses previously undisturbed, high value traditional use areas and areas of cultural significance to MFN."</p>	<p>December 11, 2014</p>	<p>MFN has not identified any specific traditional use areas of concern in the Project area to CVRI.</p>
				<p>Request for funding for "review and analysis of the Application and subsequent filings, the preparation of information requests, the preparation of responses to information requests, other hearing preparation and for information sessions with MFN staff, elders, land users, and other community members."</p>	<p>December 11, 2014</p>	<p>CEAA has provided capacity funding for MFN participation in the hearing process. CVRI is currently considering funding proposals from MFN regarding capacity for future engagement and TUS.</p>

MFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
5	Consultation	Consultation	Consultation Process	Interest expressed in conducting a site visit to the Project area	January 16, 2015	
				Interest in capacity funding to engage in consultation	January 16, 2015	
				Concern that the Project Application is not holistic and is not looking at cumulative effects	January 16, 2015	
6	Socio-economic development	increased employment for underemployed sector of Aboriginal society	Employment Opportunities	Interest in employment opportunities	January 16, 2015	CVRI encourages members of the Aboriginal community to apply for jobs at the CVM, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We do have some trades apprentice positions at the CVM. There is on the job training for equipment operators. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program for educational/training opportunities is one of the items under consideration. When and if such a program is developed, CVRI anticipates that Aboriginal Group N would have access to it.

HLFN	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
						WCC is waiting from direction from the ACO in regards to consultation with HLFN.

GML55	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
1	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impact to traditional use	<p>"Goes through Key Wildlife and Biodiversity Areas for ungulates, which coincide with our members hunting areas"</p> <p>"increased access could also result in increased competition for game and other resources our members harvest in the Project area as well as increased traffic and noise that could interfere with our use and enjoyment of the area."</p> <p>"The Project, alone or together with other industrial development that has been carried out in this region, would have a direct and adverse effect on GML55's Aboriginal rights and interests (including harvesting), and the general enjoyment of Métis traditional territory"</p> <p>"The Project either through direct disturbance or through sensory disturbances (noise, odour, visual) associated with clearing, construction and operations would impact hunting, gathering and camping activities by GML 55 members resulting in avoidance and loss of use of the area, perhaps permanently"</p> <p>Interest expressed in meeting to discuss project impact on Aboriginal rights and a process for identifying potential mitigations.</p>	<p>July 9, 2014</p> <p>July 9, 2014</p> <p>July 9, 2014</p> <p>July 9, 2014</p> <p>December 2, 2014</p>	<p>No Aboriginal group consulted to date has demonstrated that access restrictions to the Project area will have a specific, particularly deleterious, non-mitigable effect on individual or collective abilities to undertake the Rights to hunt, fish, and trap for food on Crown lands as protected under Treaty or undertake other traditional pursuits. CVRI does acknowledge that its Project will occupy Crown land otherwise available for the exercise of Treaty Rights and traditional uses for a period of time during mine development, operation, and reclamation. CVRI notes that access to proposed Project lands to pursue Treaty Rights and undertake traditional activities will not be restricted in the entire area upon Project approval and it will not be permanent, as it will mine the Project in stages over a 25-year period. The reclamation plans for the Project will incorporate Aboriginal TEK to return the land to a more natural, useable state once mining activities have ceased. Reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. A large proportion of the surrounding region, with similar plants, animals, and other resources, will remain accessible for the undertaking of Treaty Rights and traditional uses during the development of the Project. The purpose of discussions with individual Aboriginal groups is an acknowledgement by both parties that proposed mining activities will restrict access to areas for general traditional uses, and that that restriction may have a negative, unquantifiable impact on portions of the Aboriginal communities, and that further consultation may result in the identification of mitigations or accommodations of potential impacts suitable to all parties.</p> <p>CVRI is currently engaged with GML55 regarding its Project concerns and potential impacts to the community. CVRI is currently considering funding proposals to provide capacity for further dialogue on these issues.</p>
2	Potential Impact to Treaty or Aboriginal Right	Traditional Use	general impacts to environmental quality in Project area	<p>"The Project will impact key habitat areas and contribute to cumulative destruction of habitat for huckleberries, and for moose, deer and elk, which are important plant and game species relied upon by GML 55 members. This could occur through direct disturbance as well as through increased access into key ungulate areas for sports hunters and recreationalists"</p>	July 9, 2014	<p>Habitat loss will be short-term as reclamation will target replacing habitat features important in maintaining wildlife populations. Tasks that were completed during the wildlife assessment include:</p> <ul style="list-style-type: none"> • identify relative abundance, concentration areas, distribution patterns, and habitat associations of ungulates by means of winter aerial surveys, snow track-counts, and a spring pellet-browse survey; • identify small mammal, avian and amphibian presence, relative abundance and habitat association by means of snow track-counts, trapping small mammals, owl surveys, spring bird survey, breeding bird survey, migration survey, and amphibian survey; • compile a list of vertebrate species (excluding fishes) and identify their status as per the Committee on Endangered Wildlife in Canada (COSEWIC), the Canadian Endangered Species Conservation Council (CESCC 2006) and the General Status of Alberta Wild Species (ASRD 2005); • prepare a habitat map to identify the quantity and quality of habitat present in the Project Development Areas; • update wildlife use of the existing CVM by means of aerial survey, systematic monthly ground surveys, spring pellet-group counts, breeding bird survey and amphibian survey; • identify Valued Environmental Components for assessing the potential impact of the proposed development on ungulates, small mammals, birds and amphibians; • discuss biodiversity at the LSA and RSA scale; • review Traditional Use Studies (TUS) prepared for CVRI from a wildlife perspective; • discuss climate change with respect to changes in the Boreal-Cordilleran ecoregion that may affect wildlife; and • evaluate the potential impacts of the Project within a temporal and spatial perspective that incorporates existing and future demands by other users and developments by conducting a quantitative cumulative effects assessment for elk. <p>In order to reduce potential impacts to wildlife within the Project area, the following mitigation measures will take place:</p> <ul style="list-style-type: none"> • incorporate select native trees and shrubs such as alder and willow into re-vegetation activities; • maximize downed woody debris (stumps) through direct placement of top-soil and associated slash and stumps; • maintain and connect to core areas as many residual forest patches as possible; • maintain a 30 metre buffer zone of undisturbed natural habitat along well developed riparian corridors, where available; • continue to maintain hunting and firearm restrictions on the reclaimed areas of the Project including after mining has ceased and until hiding cover on the mines is equivalent to that of natural closed forest cover types.; and • maintain haul truck and regular vehicle speeds of <70 kph. <p>In order to evaluate and if need be adapt the mitigation measures, CVRI will also implement monitoring. Site wide monitoring will allow CVRI to determine the length of time it takes for wildlife to return to the landscape and what reclaimed landscape features are most desirable. All potential effects are noted to be reversible over the short-term or long-term depending on the type of effect.</p> <p>Ungulates and other wildlife respond positively to predictable human activity by a process of habituation which allows the animal to gradually accept new experiences in the absence of negative feedback. Elk, moose, mule deer, white-tailed deer and other wildlife on the CVM make use of the reclaimed landscapes in the presence of active mining. It can be expected that animals local to the LSA area will respond in the same positive manner as at the CVM. CVRI has also planned to undertake reclamation activities that specifically enhance wildlife use of the reclaimed area. Specifically provide diverse vegetation communities and complex arrangements of vegetation and landscape features.</p>
3	Potential Impact to Treaty or Aboriginal Rights	Hunting	access to hunting locations in Project area	<p>Concern that Project area "Goes through large game (elk, moose, deer) hunting areas that are currently used and important to our members."</p>	July 9, 2014	<p>The Project will affect wildlife and vegetation in the area but for short periods of time until reclamation activities can establish. It should be noted that the Project is completed over a number of years and not all the lands will be disturbed at one time. CVRI promotes progressive reclamation and when the opportunity exists the CVM will start to recontour and reclaim mined out lands as soon as possible. Mining is a temporary use of the land and reclamation activities aim to make this time as short as possible. Controlled public access may be permitted in or through those areas of the Mineral Surface Lease (MSL) where mining activities have been completed but are not actively occurring, which are distant from mining operations, and where wildlife values would not be jeopardized. Within active mining and reclamation operations, no public access will be permitted for safety reasons (for CVRI employees and the public). After reclamation activities have been completed and the vegetation cover is established and self-sustaining, limited access may be considered. Access may only be permitted through selected reclaimed areas on designated trails. This will accommodate those persons interested in gaining access to areas in behind the MSL. This system is similar to that currently in place on areas of the CVM (e.g., the trail to Silkstone and Lovett Lakes; access to Lovettville). Time limitations to trail use may apply, as determined through government and public consultations.</p> <p>Initial grass/legume seeding will be undertaken during the first growing season following minesoil placement. Fertilizing will be completed in the same year (and may be repeated once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas. As reclaimed lands receive reclamation certification, and the MSL is dropped, greater levels of human use on certain areas of the reclaimed landscape may be considered. The reintroduction of human activities will be deliberately planned so that environmental conditions on the reclaimed sites and wildlife patterns are considered. Land and access management at this phase would be the responsibility of the provincial land management agencies.</p>

GMLS5	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response
4	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	removal of food plant species in Project area	Goes through Key Huckleberry Areas, which coincide with our members gathering areas"	July 9, 2014	<p>Berries are not uncommon in the region. TEK vegetation Project effects at the LSA level do not necessarily lessen the accessibility of TEK vegetation for Aboriginal groups given that TEK vegetation is available in the RSA and region. The distribution of ecosite phases which support TEK vegetation will be accessible in the RSA following removal of ecosite phases by the Project Footprint in the LSA. It is assumed that ecosite phases within the LSA are similar in composition and distribution as those in the RSA; consequently, TEK vegetation will still be accessible in the RSA. Mitigation measures for TEK vegetation effects should include but will not be limited to the following:</p> <ul style="list-style-type: none"> • inviting Aboriginal groups to participate in designing mitigation measures which contribute to the sustainable management of TEK vegetation, and which compliment the re-vegetation measures proposed in the Application; • working with Aboriginal groups, who may be affected by the Project, to locate alternative areas where TEK vegetation is accessible during the life of the Project; and, • implementing a re-vegetation program which aims at the re-establishment of ecosites common to the pre-disturbed landscape. The re-establishment of pre-disturbance ecosites will, over time, again support TEK vegetation. <p>With the implementation of mitigation measures the Project is expected to have a limited spatial effect, and a moderate temporal effect. Potential Project effects are related to the attenuation of available TEK vegetation (vegetation used for medicinal, food and other uses) as a result of the removal of ecosite phases within the LSA. CVRI is committed on working with Aboriginal groups to design and implement re-vegetation programs that target and support TEK vegetation. Accordingly, it is anticipated that the Planned Project effects on TEK vegetation will be local in extent and over the long term, all areas used for harvesting TEK vegetation will be re-established. The re-vegetation program proposed for the Project area will use experiences gained over the years at the CVM. Vegetation species will be selected to match site-specific conditions (slope position and exposure) that are consistent with the land use objectives; watershed, timber, wildlife, fisheries and aesthetics/recreation. Three seed mixes are currently being utilized at CVM; the standard mix was formulated for use in drier upland areas, the wetland mix is formulated for the revegetation of lower lying wetter sites and constructed wetlands and a native seed mix formulated to facilitate native succession. Traditional value plants will be identified in respect to their possible use as revegetation species. The revegetation program will plant the dominant tree species; either a conifer or deciduous species. Where reclamation stock is available suitable understory species will be inter-planted with the tree seedlings. Initial grass/legume seeding will be undertaken during the first growing season following minesoil placement. Fertilizing will be completed in the same year (and may be repeated once more on some sites within the next five years). Planting or seeding of native herbaceous stock and planting of woody species (shrubs and trees) will be completed by the fourth growing season following coversoil replacement. Woody species planting will only be done when the ground cover has become fully established and has progressed beyond the initial heavy growth phase. Vegetation on the reclaimed landscape will continue to change after the reclamation activities have been completed. Some of the species in the initial seed mix will not persist, allowing other native species to ingress. Many native species will establish from roots or seed in the replaced soil, and other species will ingress from surrounding areas. As noted above, reclamation activities will occur as mining in each pit area is finished, with all revegetation occurring within 5 years, and certification of reclamation (i.e. finding that vegetation and habitat returning to a productive state as expected) in 15-20 years. Thus, the first lands mined in the Project should be returning for use as the last lands are being mined. Those last areas mined should have reclamation certification by approximately 2060; the earliest lands mined will have been returned for use prior to that time. Given the timelines of forest succession, precise timelines for the development of a "climax community" in reclaimed areas are difficult to predict, but this "successional reclamation" process (Polster, 1989) will continue for several decades. Not all of the Project area will be disturbed at one time. CVRI can work with local Aboriginal groups to identify periods of time in certain locations (undisturbed by mining and safe to access) in which berry picking and medicinal plant gathering can occur.</p>
5	Potential Impact to Treaty or Aboriginal Right	Traditional Use	general impacts to water quality in the Project area	<p>"there is the potential for spills and contamination and resulting risk to important waterways (and associated fisheries) and lands within which our members exercise harvesting rights. Our members, based on their lived experience with industrial contaminant spills that have occurred in our Area of Interest (such as the rail way disaster and spill into Wabamun Lake) are very concerned about the potential for spills or leaks and resulting contamination of lands and water that are important to their use of the land"</p> <p>The GM 55 community expressed that the project "Involves construction in waterways (and tributaries) associated with the Pembina River and McLeod River watersheds. Potentially impacted tributaries include, but area not limited to, Lovett River and Centre Creek (Pembina River watershed), and Embarras and Erith Rivers (McLeod River watershed). It is noted that the Pembina and McLeod rivers are themselves important tributaries of the Athabasca River. These various waterways are important to our use of the land and the harvesting of resources."</p>	July 9, 2014	<p>CVRI has developed a Water Management Plan to contain all mine affected water. These mine affected waters are directed to impoundments where they are treated with an approved flocculant. Prior to release into the receiving watercourse all water must meet the EPEA Approval water quality guidelines. In an event of a registered storm event some short term exceedences are allowed. This section provides numerous responses and proposed mitigations CVRI will implement to protect the water.</p> <p>Watercourses will be affected due to the development of the Project. Watercourses that require to be diverted will be reclaimed to similar conditions prior to disturbance. CVRI is currently working with DFO, Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations on completing a conceptual compensation plan for the entire Project which identifies the watercourses that will be affected and what compensation will be required. Groundwater sources may be affected for short periods of time but it is expected and has been documented in past mine areas that groundwater levels should return to baseline conditions. It has been demonstrated that significant drawdown of groundwater levels does not typically extend 100 m beyond a mine pit. Additionally, these declines in water table have been shown to be temporary. Seepage which develop on the landscape after mining may provide mineral licks for ungulates. These should be identified as permanent features in the final reclaimed landscape.</p> <p>Surface water quality could be impacted by issues including: 1) soil erosion, sediments entering streams via surface runoff, increased sedimentation of surface waters; 2) leaching of nitrates into surface waters; 3) discharges of water from impoundments to natural watercourses; and effects on end-pit lakes on surface water quality. Several of the responses above detail the mitigation measures to be used to avoid these problems. In addition, the general practice at the CVM is to discharge groundwater entering the Project areas to nearby surface water courses after being treated in settling ponds. It has been shown that the quality of groundwater in the two proposed mining areas are similar to groundwater chemistry in present and past mining areas in CVM and of acceptable quality for discharge to surface water bodies. There will be an insignificant impact on surface water quality caused by the discharge of groundwater from the pits. There are two issues with respect to how changes in groundwater chemistry may affect the quality of groundwater in the vicinity of the Project pits. These issues can be summarized as 1) changes resulting from the removal and placement of mine spoil, and 2) changes due to spills and leaks. Toe springs are a characteristic of spoil dumps that are external to the mine pit. Water chemistry of four springs at the toes of major mine spoil dumps in the CVM have been monitored since 2000. All parameters fall within acceptable ranges observed elsewhere in the area. The monitoring of toe springs at CVM has demonstrated that there are no significant impacts from spoil on water chemistry. Hydrocarbon fuels will be present in the Project mobile equipment, vehicles and in bulk storage. There is a potential for spills or leaks of these hydrocarbons. Spills from equipment and vehicles will be the result of accidents. In this situation, there will be rapid response and clean up. The probability that such an event could cause an impact on groundwater quality is remote. The impact is therefore insignificant. And finally, the response in #5 above provides information related to water quality studies of its existing end-pit lakes. These studies provide a good indication of the overall potential of the Project to affect water quality through contamination during coal mining in the manner suggested in the stated concern.</p> <p>CVRI will monitor watercourses within the watersheds to be affected by the Project. Within the Hydrology and Surface Water Quality reports in the Application, a number of monitoring programs are listed including:</p> <ul style="list-style-type: none"> • continue monitoring programs already in place at the existing CVM (i.e., flow and TSS at settling ponds, regular inspections of all drainage works, and upstream and downstream water quality sampling); • document the effect of CVM operations on long term flow regimes in order to document critical low flow conditions during pit filling periods and define the need for any bypass pumping to maintain in-stream flows; • establish flow monitoring stations 2-3 years in advance of commencement of Project operations in each watershed; • conduct periodic runoff and drainage control monitoring (adjust the capacity of or relocate sump systems and drainage works as mining proceeds); • conduct ongoing monitoring, operations, and maintenance as outlined in the water management plan with periodic reviews and adjustments; • monitor adjacent undisturbed areas to ensure surface runoff from disturbed areas does not occur; and • monitor surface water quality in natural watercourses, both upstream and downstream of Project activities as required in the EPEA approval. CVRI is currently working with DFO, Trout Unlimited Canada (TUC), ESRD and numerous other stakeholders including the general public and First Nations on completing a conceptual compensation plan for the entire project which identifies the watercourses that will be affected and what compensation will be required. <p>The incidence of spills occurring at the CVM is low and a comprehensive spill response plan is in place to prevent any adverse effects on the environment including groundwater sources. As mentioned in Section C.6.6.5 to C.6.6.9 of the application, CVRI maintains a Standard Practice and Procedure for Spill Response which includes training all staff members in spill response and clean up measures. Employees are accountable for ensuring that a high level of spill prevention is maintained by following good housekeeping and maintenance practices. In the event of a spill, the effectiveness of response operations are influenced by the time in which the spill is detected, controlled and contained. The initial spill response is designed to address the issues of paramount concern such as safety, environmental and property protection. After a spill is detected, the following actions are taken:</p> <ul style="list-style-type: none"> • ensure that the source(s) of the spill has been shut-off; • determine the level of hazard to personnel, property and the environment. If necessary, the Senior Foreman is called for assistance. The Senior Foreman may elect to handle cleanup operations with departmental personnel. If it appears that the spill could result in damage or harm to personnel, the environment or property, CVRI's Emergency Response Team will be called and respond for cleanup. If additional manpower and spill response expertise is required, it will be obtained through mutual aid support groups, spill cleanup contractors and/or consulting services; • start spill containment, recovery and cleanup operations with equipment on hand; and • initiate spill notification procedures. <p>Initial cleanup operations focus on containing the spilled product to prevent further contamination. The spill is contained to the smallest manageable area possible, reference will be made to the product Material Safety Data Sheet (MSDS) for proper treatment and cleanup procedures. Spilled material is recovered and sent to off-site licensed disposal facilities and or recycling stations as appropriate. Procedures followed in the onsite disposal or short term storage of contaminated material comply with regulatory requirements for disposal/storage. Spills are contained immediately and materials are used to soak the product up or the area is excavated not allowing for the spilled product to seep into the ground or groundwater sources. The CVM has a long-term groundwater monitoring program that monitors groundwater levels and chemistry in various areas of the CVM including the active mine areas, future mining areas, reclaimed areas and surrounding the plant, shop and maintenance facilities. Any potential spills would be detected from the numerous piezometers found within the CVM permit area.</p>
7	Potential Impact to Treaty or Aboriginal Rights	Traditional Use	general impact to environmental quality in surrounding region	"Will increase access roads and traffic associated with haulers used to transport coal"	July 9, 2014	CVM is an existing operation, the Project is not expected to increase traffic flow into the area, and it is not expected to allow increased access to the Project area or nearby areas by recreational users.
				One community representative requested a meeting to discuss community concerns regarding the Project	December 23, 2013	
				One community representatives expressed concern over lack of consultation on the Project given the communities history in the area.	March 19, 2014	

GML55	Concern Raised by Aboriginal Group	Potentially Affected Right or Use	Potential Effect	Stated Concern	Date Concern Raised	Proposed Proponent Mitigation, Accommodation, or Response	
8	Consultation	Consultation	Consultation Process, capacity funding and project EA	One community representative expressed interest in "oral history" of community in mine area	March 19, 2014	A number of the issues raised by GML 55 regarding the consultation process are directed at, and can only be addressed by, the Provincial Crown. CVRI is currently engaged with GML55 regarding its Project concerns and potential impacts to the community. CVRI is currently considering funding proposals to provide capacity for further dialogue on these issues.	
				Community representative provided interest in a consultation and TK sharing protocol agreement, ethnohistorical report, TUS study, consultation coordinator, community outreach and project management and spatial data management	March 28, 2014		
				Community representative expressed further interest in a TUS study for the community	April 15, 2014		
				Concern that GML 55 has not had an opportunity to complete a TLU study for the Project.	July 9, 2014		
				"GM 55 is very concerned about the lack of a clear process to assess and address impacts on its constitutionally protected rights, interests, culture and community well-being. We recognize Coal Valley's desire to hear about our "ethno-historical" connections in relation to the Project, and we would like to be able to provide this information. We note, however, that consultation should not be limited to ethnohistory as this is not sufficient for determine the impacts to our rights and interests."	July 9, 2014		
				The GM55 community expressed that the Project "is located in our Area of Interest, including but not limited to the 'Deemed Territory' map produced by the Government of Alberta and described earlier"	July 9, 2014		
				"Based on our initial cursory review of the Project, we believe that it is necessary to identify and assess, and give proper and full consideration the impacts to GML 55 members by this proposed activity. In our view, the Application cannot be deemed complete until such information has been developed and included."	July 9, 2014		
				"GML 55 members are concerned that industrial development is having negative and adverse impacts on lands that have been used by our Ancestors, and that continue to be used today, and that companies such as CVRI (now owned by Westmoreland Mines), among others, are not meaningfully engaging with our Local in order to understand and mitigate our rights, interests and concerns. "	July 9, 2014		
				Concern that funding has not been provided by CVM in order to provide information requested by Alberta	September 30, 2014		
				Interest in gathering their own information and moving ethnohistorical studies forward	January 28, 2015		
				Request for follow-up on discussions of funding for ethno-historical study	November 12, 2014, November 28, 2014, December 2, 2014, January 26, 2015, January 28, 2014, January 29, 2014		
				Interest in funding for consultation, legal fees, ethnohistory study, proposed TLU work, funding for spatial data management	January 28, 2015		
				Interest in meeting with counsel to discuss funding agreement	January 28, 2015		
				Interest in meeting with legal counsel to discuss interim capacity funding agreement	January 28, 2015, January 29, 2015		
				Concern over past consultation and lack of communication	January 28, 2015		CVRI has never been required to consult with GML 55 regarding the Project, instead relying upon MNA Region 4 to represent Métis interests in the region. During the short period in which GML 55 has pursued engagement with CVRI on the Project, issues with other CVRI operations have resulted in delays with both Project regulatory process and proposed development timelines. Engagement with GML 55 should occur on a more timely basis in the future.
				Concern over lack of response for 10 months with CVRI and no relationship and that consultant notes are biased	January 28, 2015		
				Interest expressed in obtaining Project shape files	November 12, 2014 and November 28, 2014		Project shapefiles have been provided to GML 55
Interest in obtaining copies of the Project application	January 26, 2015	The Project application and SIR responses have been provided to GML 55					
Interest in receiving MFSP information	January 28, 2015	The AER's MFSP has been provided to GML 55					
Concern over holes in EIA	January 28, 2015	The EIA has been deemed complete, indicating that the required information is located in appropriate sections of the Project application or in responses to Supplementary Information Requests. CVRI is preparing additional information on the Project in response to a Supplemental Information Request from CEAA, and will provide that information when available.					
Socio-economic development	increased employment for underemployed sector of Aboriginal society	interest in job opportunities for community members	Interest raised in Aboriginal hiring	January 28, 2015	CVRI encourages members of the Aboriginal community to apply for jobs at the CVM, both for trade and general labour positions, and has taken some steps to assist or accommodate Aboriginal circumstances in their employment. We do have some trades apprentice positions at the CVM. There is on the job training for equipment operators. As part of the development of a corporate Aboriginal consultation plan at CVRI and Westmoreland, the formalization of such a funding program for educational/training opportunities is one of the items under consideration. When and if such a program is developed, CVRI anticipates that Aboriginal Group P would have access to it.		