

The AER has not yet received all of the necessary applications from Montem Resources for its Tent Mountain Coal Mine project, and therefore we have not begun our review. In order for us to review the proposed project applications, Montem is required to submit applications under the *Coal Conservation Act*, *Environmental Protection and Enhancement Act*, *Water Act* and *Public Lands Act*. Montem is also required to submit an Environmental Impact Assessment (EIA) report. However, prior to preparing an EIA report, they are required to develop a proposed terms of reference, which sets the scope of the EIA report. The proposed terms of reference has been developed and was made available for public comment until April 5, 2021. It can be found on Montem's [Tent Mountain Coal Project](#) page or on the Government of Alberta's [Environmental Impact Assessments - Current Projects](#) page.

The AER will consider all the comments it receives about the proposed terms of reference and will issue the final terms of reference. Montem will then be required to submit an EIA report to the AER that meets the requirements set out in the final terms of reference. Once the AER receives the EIA report and project applications, it will share the information on its [Public Notice of Application](#) page to encourage public participation in the decision-making process. The EIA report and the project applications will undergo a comprehensive review by the AER, which may involve a public hearing to decide whether the project is in the public interest and whether it should be approved.

I hope this information helps to provide you with some context on what is required before we can review Montem's proposed project. I've included the answers to your questions, below.

**1. The letter address to Minister Wilkinson says the following: "We submit that the AER is precluded from, or incapable of, fairly and adequately assessing the effects of a given project on First Nations or Indigenous peoples or their constitutionally-protected Aboriginal and Treaty rights, including and especially the cumulative effects of those projects (and projects in a whole region) on those rights and interests." What is the AER's response to these concerns?**

**2. The letter also says: "an assessment of the environmental, cumulative and interprovincial and international effects of the Project would not be adequately carried out by the Government of Alberta or the AER, and potential adverse effects cannot be adequately managed through existing provincial legislative or regulatory mechanisms." Can the AER's review of the project address these effects?**

The AER's review process is comprehensive and ensures that energy development is done in a manner that is safe and environmentally responsible. Our review process involves considering each project's merits, including economic, social, environmental impacts. We also consider input from the Aboriginal Consultation Office about matters relating to indigenous consultation and actions that may be required to address potential adverse impacts on Treaty rights and traditional uses. Additional information about how we work with the ACO and our joint operating procedures can be found on the [Aboriginal Consultations](#) page of [aer.ca](#).

When a company is required to prepare an EIA report, they must include the following information:

- a detailed project description, including the nature and scale of specific activities involved, and the location and environmental setting for the project;
- baseline environmental, health, social, economic and cultural information, and potential impacts from the project, including impacts to traditional, medicinal and cultural activities of indigenous people;
- a cumulative effects assessment that considers other development in the area and the collective impact;

- plans to mitigate potential adverse impacts;
- residual impacts and management plans;
- monitoring programs; and
- emergency response plans.

The study area for an environmental impact assessment is not limited to the proposed project's footprint or restricted by provincial boundaries. The study area includes the project area as well as all lands surrounding the project area where there is a potential for environmental and socio-economic impacts. Where there are potential impacts to lands outside of Alberta, we will inform the affected jurisdiction about the project, including its location and Alberta's regulatory requirements for the project. We will also share the proposed terms of reference related to the project's EIA. In the case of Montem, their proposed project has the potential to have environmental impacts within BC. As such, we have informed BC's Environmental Assessment Office.

Once a company submits an EIA report, a team of AER experts reviews it to identify uncertainty or risk and to help determine if the project is in the public interest. The AER may also ask the company to provide additional information until we are confident that any gaps are filled and potential impacts are understood.

If the AER decides to approve a project application, we can apply conditions on the approval to ensure the company is taking steps to manage the risk to the environment, which may include requiring the company to develop management plans and monitoring programs. More information about environmental assessments can be found on the [Environmental Assessments](#) page of [aer.ca](#) or the [Environmental Assessment Process](#) page on [alberta.ca](#).

**3. The Tent Mountain mine project is planned to produce 4,925 tonnes of raw coal daily, 75 tonnes under the threshold to trigger a federal review. Would the project approval, if granted, ensure production did not exceed 5,000 tonnes daily?**

The AER grants approval based on annual coal production, not on daily production. Companies are required to submit a coal production report on a monthly and annual basis to the AER. If the AER finds that a company is not meeting the terms and conditions of their approval, including if they exceed the amount of coal they are allowed to produce, the AER may take enforcement action. Information about the actions we can take can be found on the [Compliance and Enforcement Tools](#) page on [aer.ca](#).

**4. Does the AER believe its assessment of the project is sufficient, or is a federal review also necessary?**

As mentioned above, the AER has not yet received all of the necessary project applications from Montem Resources, and therefore we have not begun our review on the application. However, our review process ensures that energy development is done in a manner that is safe and environmentally responsible.

Once received, Montem's EIA report and the project applications will undergo a comprehensive review by the AER, which may involve a public hearing to decide whether the project is in the public interest and whether it should be approved.

It is up to the Impact Assessment Agency of Canada to determine whether it wants to be involved in reviewing proposed energy development projects.