

**IN THE MATTER OF NORTHBACK HOLDINGS CORPORATION'S  
PROPOSED COAL EXPLORATION PROGRAM ON GRASSY MOUNTAIN**

**Applications No. 1948547, A10123772 and 00497386-001**

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**APPLICATION**

**OF**

**TIMBERWOLF WILDERNESS SOCIETY**

**September 21, 2023**

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## 1.0 INTRODUCTION

1. This Application is made by Timberwolf Wilderness Society (“Timberwolf”) with respect to Applications No. 1948547, A10123772 and 00497386-001 (collectively “the Northback Applications”) filed by Northback Holdings Corporation (“Northback”), formerly Benga Mining Limited (“Benga”), operating as Riversdale Resources, with the Alberta Energy Regulator (“AER”), in order to conduct a coal exploration program on the Grassy Mountain Deposit (“Grassy Mountain”), located north of Blairmore, Alberta.
2. Timberwolf is seeking a declaration from the AER that is statute barred from considering or approving the Northback Applications with respect to the Grassy Mountain Deposit by the terms of Ministerial Order 002/2022 (“the Order”).

## 2.0 GROUNDS FOR APPLICATION

3. On March 2, 2022, the then Minister of Energy, the Honorable Sonya Savage, issued Ministerial Order 002/2022 under the provisions of the *Responsible Energy Development Act* that directed the AER that no new exploration or commercial development activities related to coal will be permitted on Class 1, 2, 3 or 4 lands as defined in the 1976 *Coal Development Policy for Alberta*.

## 3.0 STATEMENT OF FACTS

4. On March 2, 2022, the then Minister of Energy, the Honorable Sonya Savage, issued Ministerial Order 002/2022<sup>1</sup> (“the Order”) under the provisions of the *Responsible Energy Development Act*.
5. The Order gave the following direction to the AER:

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<sup>1</sup> [https://kings-printer.alberta.ca/Documents/MinOrders/2022/Energy/2022\\_002\\_Energy.pdf](https://kings-printer.alberta.ca/Documents/MinOrders/2022/Energy/2022_002_Energy.pdf)

- 1) No exploration or commercial development activities related to coal will be permitted within Category 1 lands, in accordance with the 1976 Coal Policy.
  - 2) All approvals (as defined by REDA) for coal exploration on Category 2 in the Eastern Slopes shall continue to be suspended and no new applications will be accepted until such time as written notice is given by the Minister of Energy and/or Minister of Environment and Parks.
  - 3) With the exception of lands subject to an advanced coal project or an active approval for a coal mine, all approvals (as defined by REDA) for coal exploration or development on Category 3 and 4 lands in the Eastern Slopes shall be suspended and no new applications will be accepted until such time as written notice is given by the Minister of Energy and/or Minister of Environment and Parks.
6. The Northback Applications fall within Category 1, 2, 3, or 4 lands as defined in the 1976 *Coal Development Policy for Alberta*.
  7. The Northback Applications are not related to an advanced coal project or an active approval for a coal mine.
  8. The Northback Applications cannot be considered to be related to an advanced coal project since there is no “project for which the proponent has submitted a project summary to the AER for the purposes of determining whether an environmental impact assessment is required.”
  9. Northback’s predecessor Benga might have had such a project.
  10. Benga’s applications under the Coal Conservation Act were as follows:
    - (a) Application 1844520 under section 10 of the Coal Conservation Act for a mine permit and under section 11 for mine licences to construct, operate, and reclaim the open-

pit mine, north rock disposal area, central rock disposal area, and south rock disposal area associated with the project;

- (b) Application 1902073 that updates and amends Application 1844522, under section 23 of the Coal Conservation Act for an approval to construct and operate a new coal-processing plant. (JRP at 2 and at [3005]) Application 1902073 that updates and amends Application 1844522, under section 23 of the Coal Conservation Act for an approval to construct and operate a new coal-processing plant. (JRP at 2 and at [3005])

11. The conclusion of the Alberta Energy Regulator acting as part of the Joint Review Panel to consider Benga's applications was that;

Exercising our authority as the AER, we deny Benga's applications 1844520 and 1902073 under the Coal Conservation Act." "[3050]

12. With that decision Benga no longer had an advanced coal project and Northback as its successor cannot be said to have such a project.
13. The Northback Applications cannot be considered to be related to an active approval related to a coal mine. Northback can only have an active approval if it has a section 11 licence. Benga's application for such a licence was denied. Neither Benga nor Northback have a licence and therefore neither can be said to have an active approval.
14. On March 8, 2022, the AER issued Bulletin 12022-04<sup>2</sup> which stated:

"The order further directs us to suspend approvals, and to not accept new applications, for coal exploration and development on Category 3 and 4 lands, except those that are related to an advanced coal project or an active approval

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<sup>2</sup> <https://www.aer.ca/regulating-development/rules-and-directives/bulletins/bulletin-2022-04>

for a coal mine (defined below). This direction will also remain in place until written notice is given by the minister of Energy or the minister of Environment and Parks. {Emphasis Added]

15. To the best of Timberwolf's knowledge no written notice has been given by the minister of Energy or the minister of Environment and Parks changing this direction.

16. Accordingly, the AER cannot lawfully accept or consider the Northback Applications.

## 5.0 STATUTORY BASIS FOR APPLICATION

17. This Application is made as per the provisions of the *Responsible Energy Development Act* and Section 3(1) of the *Alberta Energy Regulator Rules of Practice*.

## 6.0 CONTACT DETAILS

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Submitted on September 21, 2023, on behalf of the Timberwolf Wilderness Society.

Respectfully

HAYDUKE & ASSOCIATES (2021) LTD.



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