

December 8, 2025

By email: (ministre-minister@ec.gc.ca)

House of Commons
Ottawa, Ontario
Canada, K1A 0A6

Attention: The Honourable Julie Dabrusin, Minister of Environment and Climate Change

Dear Minister Dabrusin

**RE: Benga Mining Limited ("Benga")
Grassy Mountain Coal Project ("Project")
CEAA Reference No. 80101
Request to Terminate the Impact Assessment of the Project**

Benga, now Northback,¹ hereby advises that it will not be carrying out the Project as it was proposed to the Canadian Environmental Impact Assessment Agency on November 10, 2015. Therefore, Northback requests the termination of the federal impact assessment of the Project pursuant to section 62 of the *Canadian Environmental Assessment Act, 2012* ("**CEAA 2012**").

This authority to terminate an impact assessment is also granted to the Minister pursuant to section 73 of the *Impact Assessment Act* ("**IAA**"). However, the federal assessment of the Project began under *CEAA 2012*. The *IAA* came into force in August 2019 and, pursuant to subsection 183(1) of the *IAA*, the impact assessment of the Project continued following the requirements of *CEAA 2012* as if *CEAA 2012* had not been repealed. In any event, both the *CEAA 2012* and the *IAA* provide the Minister with the authority to terminate the assessment of the Project because the Project will not be carried out.

BACKGROUND

Northback was the proponent of the Project, a proposed open-pit steelmaking coal mine in the Crowsnest Pass area of southwestern Alberta. To proceed, the Project required both federal and provincial assessments and approvals. Federally, the Project required an environmental assessment under *CEAA 2012* and the resulting preparation of a report for the Minister of Environment and Climate Change ("**Minister**"). The Minister was then required to decide under

¹ Benga is now Northback Holdings Corporation as a result of a corporate name change on July 1, 2023.

subsection 52(1) of *CEAA 2012*, after taking into account any mitigation measures the Minister considered appropriate, whether the Project was likely to cause significant adverse environmental effects. If so, the Minister was required under s. 52(2) of *CEAA 2012* to refer the matter of whether those effects are justified in the circumstances to the Governor in Council for a decision under subsection 52(4) of *CEAA 2012*.

The Project underwent an environmental assessment by a joint federal-provincial review panel ("**JRP**") tasked with discharging both federal and provincial environmental assessment responsibilities for the Project and preparing a report.² The JRP published a report on June 17, 2021. In its capacity as the provincial regulator, the JRP found that the Project was not in the public interest and denied the provincial applications for the Project.

On August 6, 2021, the Minister issued a Decision Statement, agreeing with the JRP's report and advising that the Project would have significant adverse environmental effects. The Minister also advised that the Project had been referred to the Governor in Council, as required by subsection 52(2) of the *CEAA 2012*, and that the Governor in Council had decided that the significant adverse environmental effects were not justified in the circumstances.

In Federal Court File No. T-1270-21, Northback sought judicial review of the Decisions communicated in the Minister's Decision Statement on August 6, 2021. Northback's judicial review application was consolidated with the judicial review applications of the Stoney Nakoda Nations, consisting of three First Nations, and the Piikani Nations (collectively, the "**First Nations**"). The First Nations supported the development of the Project and alleged that the Government of Canada failed to engage in meaningful consultation with the First Nations before denying the Project.

On February 12, 2024, the Federal Court granted the applications for judicial review of the First Nations. The Federal Court set aside the Minister's and Governor in Council's decisions and ordered the Minister reconsider the decision after further consultation with the First Nations.³ Subsequently, the Minister and First Nations agreed to postpone the consultation while the First Nations sought greater certainty regarding the outcome of legal challenges to the provincial regulatory regime and the future of the Project.

CURRENT STATUS

² The *Impact Assessment Act*, SC 2019, c 28, s. 1, came into force in August 2019 and the Canadian Environmental Assessment Agency became the Impact Assessment Agency of Canada. However, given the environmental assessment began under *CEAA 2012*, the assessment continued following the requirements of *CEAA 2012*, as per subsection 183(1) of the *IAA*.

³ *Benga Mining Limited v Canada (Environment and Climate Change)*, [2024 FC 231](#).

As a result of the Federal Court's decision to set aside the Minister's and Governor in Council's decisions to deny the Project, the federal assessment of the Project remains ongoing. The Court-ordered consultation with the First Nations has not been undertaken by the Government of Canada.

PROJECT WILL NO LONGER BE CARRIED OUT

Northback will not be proceeding with the Project that was reviewed by the JRP and is currently subject to the ongoing federal assessment under *CEAA 2012*. Northback has publicly announced that it no longer intends on developing the Project as previously contemplated and will instead be pursuing a significantly revised mine project that:⁴

- will shrink the mine's footprint by around 40% compared to what was previously proposed;
- will reduce the output of steelmaking coal to 2.5 million tonnes each year, from the 4.5 million tonnes previously proposed; and
- will incorporate a new, multi-tier water management strategy to avoid potential selenium contamination and reduce water consumption.

In the JRP report, the most significant adverse environmental effect of the Project falling within federal jurisdiction was to westslope cutthroat trout ("WSCT") and their habitat in the Gold Creek watershed. WSCT are listed as threatened under the *Species at Risk Act* ("**SARA**") and in May 2019, the Government of Canada published an updated *Recovery Strategy and Action Plan for the Alberta Populations of Westslope Cutthroat Trout* (*Oncorhynchus clarkii lewisi*) in *Canada 2019* (the "**2019 Recovery Strategy**"). The Project that was reviewed by the JRP would have resulted in impacts to 758 m² of aquatic critical habitat in Gold Creek and 18,868 m² of riparian critical habitat in the Gold Creek watershed.⁵ Northback has determined that because it will be relocating major infrastructure outside of the Gold Creek watershed, Northback anticipates it will no longer require a *Fisheries Act* authorization or *SARA* permit associated with WSCT and the Gold Creek watershed. Accordingly, as it pertains to matters within federal jurisdiction, the Project as previously proposed will no longer be carried out and the federal assessment should be terminated.

⁴ Emma Graney, "Northback to submit new proposal to develop Alberta's Grassy Mountain coal mine", *The Globe and Mail* (23 September 2025), online: <<https://www.theglobeandmail.com/business/article-northback-grassy-mountain-project-crownsnest-coal-mine-alberta/>>.

⁵ JRP Report, 2021 ABAER 010 (June 17, 2021) at para. 1206.

On October 9, 2025, Northback filed a revised project summary with the provincial regulator, and the provincial regulator has confirmed that a provincial environmental impact assessment will be required for the revised Project. The revised Project will be located on substantially the same lands as the Project that was reviewed by the JRP, although within a smaller footprint. This smaller footprint results in significantly less effects within areas of federal jurisdiction because Northback no longer requires the federal *Fisheries Act* authorization or *SARA* permit associated with WSCT and the Gold Creek watershed. Northback is assessing what federal authorizations, if any, may be required for the revised Project but confirms that the authorizations initially sought for the Project in connection with activities near Gold Creek are no longer required.

CONCLUSION

Following the Federal Court's decision, the Minister's and Governor in Council's decisions no longer stand, and the federal assessment of the Project remains ongoing. Section 62 of *CEAA 2012* and section 73 of the *IAA* grant the Minister the authority to terminate the impact assessment of a designated project referred to a review panel if the proponent advises the Minister in writing that the designated project will not be carried out. As set out above, Northback does not intend to carry out the Project that was reviewed by the JRP, and no longer requires the federal *Fisheries Act* authorization or *SARA* permit associated with WSCT and the Gold Creek watershed. Therefore, we request that the Minister terminate the federal impact assessment of the Project.

Should you have any questions, please contact the undersigned.

Yours truly,

NORTHBACK HOLDINGS CORPORATION

<Original signed by>

Bradley Johnston, Chief Operating Officer

cc: Caireen Hanert, Gowling WLG, counsel for Piikani Nation
Brooke Barrett, Rae and Company, counsel for Stoney Nakoda Nations
Sean Carriere, Impact Assessment Agency
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