

NEWS RELEASE

Natural Resources Conservation Board issues decision on Birch Mountain Quarry Project

Edmonton (June 14, 2005) - The Natural Resources Conservation Board (NRCB) has approved the Birch Mountain Resources Ltd. Muskeg Valley Quarry Project, subject to authorization from the Lieutenant Governor in Council.

The proposal is for a limestone quarry located approximately 60 kilometers north of Fort McMurray and six kilometers east of Fort MacKay, Alberta. At its peak, the quarry is estimated to reach or exceed the production of 7 million tonnes of limestone aggregate each year. Extraction, crushing and sorting is expected to average 5.5 million tonnes per year during the first eight years.

Limestone aggregate is used for road construction.

The board assessed the environmental, social and economic effects of the proposal and concluded that the proposed quarry is in the public interest. The approval requires the company to uphold commitments made in its proposal. It is also required to uphold conditions placed on the approval by the board that deal with air and water quality, reclamation and noise.

The board noted that the company conducted a multi-stage public consultation with all potentially affected parties and committed to conduct ongoing public consultation following approval.

The quarry project also requires approval under the *Environmental Protection and Enhancement Act*.

The Natural Resources Conservation Board is an independent, quasi-judicial body. It is committed to its role of ensuring the sustainable, equitable and responsible development of Alberta's natural resources - and ensuring that any development that occurs is in the public interest.

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Backgrounder attached

. The full text of the decision is available on the NRCB website at <http://www.nrcb.gov.ab.ca>

For more information please contact:

Jean Olynyk
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Backgrounder

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Conditions of approval

Conditions attached to the approval require the company to adhere to the commitments made in the application.

In addition, the approval stipulates that Birch Mountain:

- shall, to the satisfaction of Alberta Environment, design and implement a particulate air quality monitoring program to obtain data suitable for comparison with the Canada Wide Standard for PM_{2.5} (fine fraction particulate matter).
- shall, to the satisfaction of Alberta Environment, establish criteria for the release of water from the quarry settling pond sump. Birch Mountain shall provide water quality data to and obtain permission from Alberta Environment prior to any release.
- must, to the satisfaction of Alberta Environment, update its quarry reclamation plan every five years, rather than every 10, to incorporate the most up to date research regarding reclamation, re-vegetation, and rare plant mitigation for the region.
- must conduct rare plant surveys and provide the results of such work to Alberta Environment in advance of each mine phase.
- must:
 - adhere to the requirements of the Energy Utilities Board noise directive
 - adopt noise reduction measures such as mufflers, silencers and shielding, equipment and road maintenance, and traffic routing
 - implement a routine noise monitoring program throughout the life of the quarry in cooperation with, and on input from, local stakeholders and community residents
 - apply further mitigative measures if exceedances of permissible sound levels are detected by the monitoring at Trapper's Cabin.
- shall conduct additional modeling to predict sound levels that could reasonably be expected during the proposed third phase of quarrying.

The full text of the decision is available on the NRCB website at <http://www.nrcb.gov.ab.ca>.

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Questions and Answers

What kind of environmental impact assessment was conducted?

Birch Mountain prepared an environmental impact assessment (EIA) as required by the *Natural Resources Conservation Board Act* (NRCBA) and the *Alberta Environmental Protection and Enhancement Act* (AEPEA). The completed EIA formed part of the application.

The board looked closely at the environmental aspects of the proposal. It paid special attention to the issues of water flow, land reclamation, impact on native plants, air quality and noise.

The board's approval requires the company to uphold the commitments made in its proposal and sets out further conditions the company is required to adhere to. Among others, many of the conditions require ongoing monitoring and reporting to Alberta Environment.

Who was consulted with?

The *Natural Resources Conservation Board Act* requires companies to conduct public consultations with parties that may be affected by a proposed development.

Starting in 2002, Birch Mountain Resources Ltd. consulted with Fort McKay First Nation, Mikisew Cree First Nation, Athabasca Chipewyan First Nation, The Regional Municipality of Wood Buffalo, various individuals and corporations, the Canadian Environmental Assessment Agency, and a regional industry working group .

The Natural Resources Conservation Board provided public notice inviting response to the proposal. The Board did not receive any objections to the project.

What are the next steps?

The board has requested an Order in Council to obtain authorization from the Lieutenant Governor in Council for the project's approval to proceed.

The company must now obtain approval under the *Environmental Protection and Enhancement Act*.

Can the decision be appealed?

Decisions of the board made under the *Natural Resources Conservation Board Act* are binding. They may be appealed to the Alberta Court of Appeal only on a question of law or jurisdiction. The Court must first grant leave to appeal.

The full text of the decision is available on the NRCB website at <http://www.nrcb.gov.ab.ca>.

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