

Via Email

August 20, 2018

Dean Smith
Via Email and MailCanadian Natural Resources Limited
Attention: James Agate, Manager, ReclamationAlberta Energy Regulator
Reclamation Programs Group
Attention: Sean C. Sexton, Counsel

Dear Sirs and Madam:

**RE: Request for Regulatory Appeal by Dean Smith
Canadian Natural Resources Limited (CNRL)
Reclamation Certificate No. 00389417-00-00
Location: 09-55-04 W4M
Request for Regulatory Appeal No. 1909839**

The Alberta Energy Regulator (AER) has considered the submissions filed in regards to the above captioned matter and has determined that a hearing into the Regulatory Appeal will be held as the legislative tests have been met. In his request for regulatory appeal, Mr. Smith raises concerns regarding soil productivity and the issuance of the reclamation certificate.

By operation of sections 91(1)(i) of the *Environmental Protection and Enhancement Act (EPEA)* and section 36 of the *Responsible Energy Development Act*, the tests for appealable decision and eligible person have been met in this case. Further, the AER has determined there is no justification to dismiss the regulatory appeal request at this stage under section 39(4) of the *Responsible Energy Development Act*. In short, *EPEA* grants the owner of lands subject to a reclamation certificate that is in receipt of a copy of the reclamation certificate an automatic right of regulatory appeal barring extraordinary and obvious circumstances militating against that right. The AER found that no such circumstances exist in this case.

Given the above, the AER will be asking that the Chief Hearing Commissioner appoint a panel of hearing commissioners to conduct a hearing of the Regulatory Appeal.

Sincerely,

<original signed by>

Patricia Johnston, Q.C., ICD.D.
Executive Vice President, Law and General Counsel