

November 7, 2022

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By Email Only

Carmen Wells  
**Fort Chipewyan Métis Association Local 125****Statement of Concern No. 32094**  
**Syncrude Canada Ltd.**  
**Application No. 00466043-002**

Dear Carmen Wells:

You are receiving this letter because you filed a statement of concern (SOC) about Application No. **00466043-002**. The Alberta Energy Regulator (AER) has reviewed your SOC, along with the application, and all applicable requirements and other submissions or information about the application. The AER has decided that a hearing is not required to consider the concerns outlined in your SOC.

In our review of your concerns, we considered the following:

- Application No. 00466043-002 is in support of the Mildred Lake Program (MLX), and the associated Wetland Assessment and Impact Report was a condition of the AER's November 5, 2020, approval of *Water Act* Approval No. 00466043-00-00. The environmental impacts of the Dover River channel and outfall project were considered and reviewed prior to issuing the approval on November 5, 2020. Application 002-00466043 was specific in scope to conditions 3.13 through 3.15 in Approval 00466043-00-00, requiring the submission of the Wetland Assessment and Impact Report (WAIR). The review of this application focused on the WAIR relative to the Alberta Wetland Policy directives requirements.
- FCMA has not demonstrated that the proposed application would have any new or additional impacts on their rights or traditional land uses.
- FCMA expressed concerns about inadequate consultation. The AER has no jurisdiction to assess the adequacy of Crown consultation associated with the rights of aboriginal peoples; the Aboriginal Consultation Office (ACO) determines when consultation is required and adequate. Additionally,

Syncrude filed a pre-consultation assessment request for the proposed application on December 2, 2021, and was informed by the ACO that no consultation was required.

- Regarding your concerns about increased human activity in the project area are general in nature. However, Syncrude was asked to update the wetland scores in the WAIR to account for identified human uses of wetlands in the project area identified by FCMA. The updated WAIR which incorporated assumed human uses of wetlands, was submitted by Syncrude on April 14, 2022, and AER staff deemed it satisfactory.
- Regarding your concerns about the impact on wetlands, Syncrude indicated that multiple routes were considered based on engineering, infrastructure, and environmental constraints. Additionally, Syncrude provided the AER with a revised channel outfall that removes wetland disturbance at the northern end. This new route avoids disturbance of the identified A-value wetland (highest value of wetland under the Wetland Policy requiring additional considerations for avoidance and minimization of disturbance).
- Concerns about cultural resource impacts, weed management, vegetation, and cultural resources, reclamation were evaluated during the original MLX application (Decision 2019) and are not relevant to this application. The application's focus is on the Dover Channel area only. Syncrude has updated the WAIR Alberta Wetland Rapid Evaluation Tool- Actual (ABWRET-A) scores to account for the potential traditional use of wetlands.
- Concerns around indirect and cumulative effects assessments were considered in the application as per the WAIR directive.
- Regarding your concerns about reclamation and wetland compensation Syncrude has proposed in-lieu fee payments for direct wetland loss based on ABWRET-A scores using the wetland replacement fee schedule.
- Regarding your concerns about the WAIR being incomplete. AER technical staff have reviewed the WAIR and have deemed it complete and satisfactory.
- Concerns about funding are related to compensation which is outside the AER's jurisdiction.
- The concerns regarding noise, industrial fleet vehicles' emissions within the project area are general in nature, and there is insufficient information to determine a direct and adverse affect.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the application. The AER has issued the applied-for approval, and this is your notice of that decision. A copy of the approval is attached.

All AER-regulated parties must comply not only with the conditions of their authorizations but with all of the AER's regulatory requirements. To ensure industry compliance, the AER has developed its *Integrated Compliance Assurance Framework*, which embodies the three main components of all effective compliance assurance programs those being education, prevention, and enforcement. You can find out

more about how the AER verifies industry compliance and responds to noncompliance here:

<https://aer.ca/regulating-development/compliance/compliance-assurance-program>.

You may file a regulatory appeal on the AER's decision to issue the approval if you meet the criteria within section 36 of the *Responsible Energy Development Act*. Filing instructions and forms are located here: <https://www.aer.ca/regulating-development/project-application/regulatory-appeal-process>.

If you have any questions, please contact [SOC@aer.ca](mailto:SOC@aer.ca).

Sincerely,

<Original Signed by>

On behalf of  
Steven Van Lingen  
Director, Oil and Sands Mining & Coal  
Regulatory Applications  
/ma

Enclosure (1): Approval

cc: Jack Law, Syncrude Canada Ltd.  
Renato Chiarella, AER  
Field Operations East, AER  
ADR Inbox, AER  
Environmental Protection & Enhancement and Water, AER  
Aboriginal Consultation Office – FNC 202004504