

March 6, 2024

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By Email Only

Meaghan Conroy
MLT Aikins LLP**Statement of Concern No. 32244
NorthRiver Midstream Inc. (NorthRiver)
Application No. 00496085-001**

Dear Meaghan Conroy:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of Sucker Creek First Nation (SCFN) about Application No. 00496085-001. 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:

- The proposed project location is on private land, approximately 200 km west of Enilda Alberta, where the SCFN reserve lands are located.
- The project is located within the SCFN traditional territories where members exercise traditional land use (TLU) activities. The information provided demonstrates that SCFN members' opportunity to utilize this area will not be changed by the AER's decision on the subject application.
- Additionally, NorthRiver currently holds EPEA Code of Practice Registration No. 00010914-01-00. The activities related to the current application will be located on the same lands that are subject to the Registration. Currently, members of SCFN cannot access these lands to practice TLU activities and no additional lands are required for this application.

- Regarding concerns around 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, NorthRiver filed a pre-consultation assessment request for the proposed application on November 29, 2022, and was informed by the ACO on December 14, 2022, that no consultation was required.
- Concerns related to emergency planning are beyond the scope of the current application, which is for approval under the *Environmental Protection and Enhancement Act* (EPEA). There is no new ground disturbance associated with this type of application. *Directive 056: Energy Development Applications and Schedules* (D056) or *Directive 071: Emergency Preparedness and Response* are not applicable to this EPEA application and are the subject of separate processes. The AER notes that NorthRiver submitted a facility application in accordance with *D056* (Application No. 1949251) on November 21, 2023. That application contained information regarding emergency planning. The AER confirms that NorthRiver followed the applicable participant involvement requirements and notified SCFN of the proposed project on November 6, 2023. The AER did not receive a SOC from SCFN regarding the facility application.
- The area of the project contains existing sour facilities. The emergency planning zones associated with those facilities extend to the location of this project.

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.

Sincerely,

<Original Signed By>

Lane Peterson
Director, Oil & Gas Surface
Regulator Applications
/as

cc: Aimee Giesbrecht, NorthRiver Midstream Inc.
SOC Inbox, AER
Ayan Sarker, AER
Field Operations Northwest, AER