

BY EMAIL ONLY

June 12, 2019

Roni-Sue Moran
Fort McMurray #468 First Nation

CANADIAN NATURAL UPGRADING LIMITED

JACKPINE MINE EXPANSION PROJECT

EPEA APPLICATIONS NO. 005-00153125 AND 006-00153125

**WATER ACT APPLICATIONS NO. 012-00205433, 001-00329253, 005-00186157,
AND 001-00329252**

Dear Roni-Sue Moran:

You are receiving this letter because Fort McMurray #468 First Nation filed a statement of concern about the *Environmental and Protection and Enhancement Act* Applications No. 005-00153125 and 006-00153125 and *Water Act* Applications No. 012-00205433, 001-00329253, 005-00186157, and 001-00329252. The Alberta Energy Regulator (AER) has reviewed your statement of concern, along with the company's application, and all applicable requirements and other submissions or information about the applications. The AER has decided that a hearing is not required to consider the concerns outlined in your statement of concern.

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

- The Energy Resources Conservation Board and Canadian Environmental Assessment Agency held a joint hearing for the Jackpine Mine Expansion project (JPME), employing a Joint Review Panel to consider the *Oil Sands Conservation Act* application, which occurred in 2012 and a hearing decision report was published in July of 2013 (2013 ABAER 11).
- You participated in the hearing and the concerns raised in your SOC were considered as a part of that hearing.

- The decision report for the JPME hearing included 88 recommendations. Approximately 24 recommendations address *Environmental Protection and Enhancement Act* (EPEA) and *Water Act* (WA) aspects. These have been considered in the drafting of the approval conditions.
- CNUL has confirmed that it intends to meet all of the commitments made by Shell Canada Limited to you.

inquiries 1-855-297-8311
24-hour
emergency 1-800-222-6514

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the applications, as the matters to which the applications relate have been adequately dealt with or addressed through a hearing. The AER has issued the applied-for approvals and licences and this is your notice of that decision. A copy of the approvals and licences are attached.

You may file a regulatory appeal on the AER's decision to issue the approvals if you meet the criteria within section 36 of the *Responsible Energy Development Act* and section 3.1 of the *Responsible Energy Development Act General Regulation*. Filing instructions and forms are on our website under Regulatory Appeal Process.

If you have any questions, contact Nicole Nicholas at 403-297-4886 or nicole.nicholas@aer.ca.

Sincerely,

<Originally Signed By>

Rob Cruickshank
Director, Business Process

Enclosure (6): **2 Licences, 3 Approvals**

cc: Scott Wytrychowski, CNUL
AER SOC Assessor
AER Fort McMurray Field Centre
AER Indigenous Relations
Aboriginal Consultation Office