

By Email Only

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November 9, 2020

Meghan Dalrymple
Athabasca Chipewyan First Nation (ACFN)**Statement of Concern No. 31793**
Syncrude Canada Ltd. (Syncrude)
Applications No. 008-00263298, 001-00466043 (Water Act) and 053-00000026 (EPEA)

Dear Meghan Dalrymple:

You are receiving this letter because you filed a statement of concern (SOC) about Applications No. 008-00263298, 001-00466043 (Water Act) and 053-00000026 (EPEA). The Alberta Energy Regulator (AER) has reviewed your SOC, along with the applications, 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 SOC.

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

- ACFN's concerns around the appropriate placement of fisheries offset are in relation to a *Fisheries Act* Application, which is outside the jurisdiction of the AER and should be addressed with the Department of Fisheries and Oceans Canada
- In relation to Decision Report No. 2019 ABAER 006, and the recommendation contained in para.401 of that decision which states "that Syncrude work with DFO to investigate options for the additional local offset enhancement either at (1) the proposed diversion channel (interceptor ditch) or (2) at an area in the MacKay River watershed, to be selected based on input received from the Athabasca Chipewyan First Nation", the AER notes that: ACFN acknowledges the Dover River Channel and Outfall satisfy the recommendation; Syncrude has outlined communications and discussions with ACFN regarding the offsets; and, that the recommendation in the hearing decision was not an enforceable condition.
- ACFN expressed 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 determines if consultation is required and adequate.

- The concerns addressed by ACFN are general in nature and there is insufficient information to show how ACFN will be directly and adversely effected.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the applications. The AER has issued the applied-for approvals and this is your notice of those decisions. Copies of the approvals are 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 approvals 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>

Steve Van Lingen
Director, Oil Sand Mining & Coal
Regulatory Applications
/ml

Attachments (3): Approvals

cc: Jack Law, Syncrude Canada Ltd.
Rachel McMillan, AER
Ken Bullis, AER
SOC Inbox, AER
Bonnyville Field Centre, AER
ADR Inbox, AER
Environmental Protection & Enhancement and Water, AER
Aboriginal Consultation Office – FNC202004504