

BY E-MAIL ONLY

September 15, 2016

Priscilla Kennedy
Davis LLP

**APPLICATION NO. 1728831
BLACKPEARL RESOURCE INC.
STATEMENT OF CONCERN NO. 29207**

Dear Ms. Kennedy:

You are receiving this letter because you filed a statement of concern on behalf of Non-Status Fort McMurray/ Fort McKay Band about Application No. 1728831 filed under the *Oil Sands Conservation Act* (Application) by BlackPearl Resources Inc. (BlackPearl).

The Alberta Energy Regulator (AER) has reviewed your statement of concern, the Application, the applicable requirements, and other submissions or information about the Application and has decided that a hearing is not required under an enactment or otherwise necessary to consider the concerns outlined in your statement of concern.

In its review of Non-Status Fort McMurray/ Fort McKay Band's concerns, the AER considered the following:

- Non-Status Fort McMurray/ Fort McKay Band is not a recognized community of individuals with collective treaty or Aboriginal rights recognized and affirmed under section 35 of the Constitution Act, 1982. Regardless, even if Non-Status Fort McMurray/ Fort McKay Band holds the rights asserted, you have not provided sufficient information about your members uses of the lands where the project is located to establish how your members may be affected.
- The Application meets all regulatory requirements.
- Cumulative effects have been addressed in the Environmental Impact Assessment summary and the Lower Athabasca Regional Plan addresses management of cumulative impacts on the environment on a regional basis.

- Environmental related concerns raised by the Non-Status Fort McMurray/ Fort McKay Band have been adequately addressed by BlackPearl, are beyond the scope of the Application, and are addressed by conditions in the EPEA approval.
- On August 7, 2015, the Aboriginal Consultation Office of the Government of Alberta advised that consultation in respect of the proposed project was adequate.

This letter is notice of the AER's decision to approve the Application, subject only to authorization by the Lieutenant Governor in Council under subsection 10(3)(a) of the *Oil Sands Conservation Act*.

Under the *Responsible Energy Development Act* an eligible person may file a request for a regulatory appeal of an appealable decision. Eligible persons and appealable decisions are defined in section 36 of the *Responsible Energy Development Act* and section 3.1 of the *Responsible Energy Development Act General Regulation*. If you wish to file a request for regulatory appeal, you must submit your request in the form and manner and within the timeframe required by the AER. You can find filing requirements and forms on the AER website www.aer.ca under Applications & Notices: Appeals.

If you have any questions, contact Paulette Bugajski at _____ or email _____.

Sincerely,

Andrew MacPherson, P.Eng.
Director, In Situ, Authorizations

cc: Mike Carteri, BlackPearl Resource Inc.
Authorizations Branch Support
AER Grande Prairie Field Centre
AER Aboriginal Relations