

BY E-MAIL ONLY

May 27, 2016

Norine Saddleback, Consultation Coordinator

Samson Cree Nation

**APPLICATION Nos. OSCA 1784285, EPEA 008-1581 (Applications) from
Pengrowth Energy Corporation**

STATEMENT OF CONCERN NOs. OSCA: 29174, EPEA: 29178

Dear Ms. Norine Saddleback:

You are receiving this letter because you filed statements of concern about the Applications on behalf of the Samson Cree Nation (Samson). The Alberta Energy Regulator (AER) has reviewed Samson's statement of concern (SOC) dated August 8, 2014, along with the Applications, the applicable requirements, and other submissions or information about the Applications 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 Samson's concerns, the AER considered the following:

- Samson's lands are located about 225 km southwest of the proposed project.
- Whether a decision of the AER directly and adversely affects a party such as Samson is to be considered by the AER in light of the evidence before it. The mere fact that the proposed developments would be located within an area claimed by Samson as part of its traditional territory, does not, in and of itself, mean that the AER's decision on the Applications directly and adversely affect Samson.
- Samson's concerns raised in its SOC are of general nature and no information outlining specific locations where Samson members conduct activities in relation to the proposed project was provided. The information submitted by Samson does not establish a sufficient degree of location or connection between the Applications and the potential interference or impacts on its asserted Treaty and Aboriginal rights.

- Accordingly, Samson has not demonstrated that it may be directly and adversely affected by the Applications.
- To the extent that Samson raises concerns regarding consultation, section 21 of the *Responsible Energy Development Act* (REDA) provides that the AER has no jurisdiction to assess the adequacy of Crown consultation associated with the rights of aboriginal peoples as recognized and affirmed under Part II of the *Constitution Act, 1982*.

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

The AER has issued the applied-for approvals and this is your notice of that decision. A copy of the approvals is enclosed. Under the REDA an eligible person may file a request for a regulatory appeal on 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 Helen Huang at 403-297-5934 or e-mail helen.huang@er.ca.

Sincerely,

Andrew MacPherson
Director, In Situ Authorizations Branch

Enclosure (2): **(OSCA Approval No. 6410M, EPEA Approval No. 1581-02-02)**

cc: Steve De Maio, Pengrowth Energy Corporation
Authorizations Branch Support
AER Bonnyville Field Centre
AER Aboriginal Relations
Aboriginal Consultation Office
Helen Huang, AER