

Via Email

January 26, 2016

Calgary Head Office  
Suite 1000, 250 – 5 Street SW  
Calgary, Alberta T2P 0R4  
Canada

Greg Clark

[www.aer.ca](http://www.aer.ca)

Dear Sir:

**RE: Request for Regulatory Appeal by Greg Clark (Mr. Clark)  
Tamarack Acquisition Corp. (Tamarack)  
Application No. 1830369  
Licence Nos.: 476423; 476424; 476425  
Location: 16-29-043-04W5M  
Request for Regulatory Appeal No. 1838464 (Regulatory Appeal)**

The Alberta Energy Regulator (AER) has considered your request under section 38 of the *Responsible Energy Development Act (REDA)* for a regulatory appeal of the AER's decision to approve Licence Nos. 476423, 476424 and 476425 (the decision). The AER has reviewed your submissions and the submission made by Tamarack.

For the reasons that follow, the AER has decided that you are not eligible to request a regulatory appeal in this matter. Therefore, the request for a regulatory appeal is dismissed.

The applicable provision of *REDA* in regard to regulatory appeals, section 38, states:

38(1) An eligible person may request a regulatory appeal of an appealable decision by filing a request for regulatory appeal with the Regulator in accordance with the rules. [emphasis added]

The term "eligible person" is defined in section 36(b)(ii) of *REDA* to include:

a person who is directly and adversely affected by a decision [made under an energy resource enactment]...

The issue for the AER in determining your eligibility to request a regulatory appeal is whether you are a person who is directly and adversely affected by the decision.

### Reasons for Decision

Your primary grounds for requesting a regulatory appeal are based on several concerns previously identified within your initial statement of concern (SOC). In particular, you are concerned with drilling activity in an area of protected Crown land. As stated in the AER's letter to you on August 6, 2015, there are no restrictions against oil and gas activity on this pad site location.

You also raise concerns with notification of the associated MSL application, and the initial Environmental Assessment. Public Notice of MSL142001 was posted on the AER's website on October 30, 2014, and the application was approved on November 12, 2014. You state that your initial correspondence with Tamarack occurred in mid-November 2014, but you did not submit a request for regulatory appeal for the MSL application.

As stated in the AER's August 6, 2015 letter to you, the MSL approval requires Tamarack to comply with the AER's *Integrated Standards and Guidelines* document for the Enhanced Approval Process. Tamarack is also required to comply with environmental requirements and mitigations for the licences.

Tamarack states that they have had many conversations via telephone and email with you in attempts to address and mitigate your concerns. This includes concerns you raise about your water wells. The AER also notes that your lands and residence are located approximately 0.69 kilometres and 0.97 kilometres, respectively, from the nearest well centre of the multi-well pad site. You have provided no new evidence of concerns that were not addressed through the SOC process.

For the foregoing reasons, the AER finds that you have not established that you are or may be directly and adversely affected by the decision, and you are therefore not an "eligible person" under *REDA*. As a result, your request for a regulatory appeal is dismissed.

Sincerely,



Greg Gilbertson,  
Senior Advisor



Stephen Smith,  
Senior Advisor



Doug Boyler, P.Eng.  
Chief Operations Engineer

cc: Tamarack - Randene Seeman