

BY MAIL AND E-MAIL

October 27, 2015

Andrew Scott

O'Chiese Consultation Office

**Applications No. 1839298 and 1836037 from Penn West Petroleum Ltd.
Statement of Concern No. 29934**

Dear Mr. Scott:

You are receiving this letter because you filed statements of concern on behalf of O'Chiese First Nation (OCFN) about Applications No. 1839298 and 1836037. The Alberta Energy Regulator (AER) has reviewed your statements of concern, 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 statements of concern.

In its review of your concerns, the AER considered the following:

- OCFN did not provide specific information, such as locations within or in proximity to the project lands where OCFN members use these lands that demonstrates how the proposed activities may interfere with the ability of OCFN's members to exercise Aboriginal and Treaty rights or how those activities may otherwise directly and adversely affect OCFN.
- The OCFN statement of concern was filed against the entire proposed pipeline project, a portion of which would be located on Crown land, while the rest of the pipelines would be located on privately owned lands. OCFN does not own any of the lands on which the project is proposed.
- The OCFN's reserve boundaries are located approximately 12 km west from the proposed activity.
- The concerns related to the Energy Ministerial Order 105/2014 are irrelevant to this energy enactment (*Pipeline Act*) application because the Ministerial Order only applies to specified enactment applications and the *Pipeline Act* is not a specified enactment.
- The AER has no other applications from Penn West related to these pipelines.

- OCFN has not demonstrated that it may be directly and adversely affected.

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

The AER has issued the applied-for licences and this is your notice of that decision. Copies of the licences are attached. Under the *Responsible Energy Development Act* 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 Julia MacPhee at _____ or e-mail _____

Sincerely,

<original signed by>

Shelley Youens
Director, Infrastructure Authorizations (Oil and Gas)

SY/jm

Attachments (2): Copies of the licences

cc: Rhonda Rogers, Penn West Petroleum Ltd.,
AER Drayton Valley Field Centre,
AER Aboriginal Relations,
Aboriginal Consultation Office