

BY E-MAIL ONLY

December 1, 2015

Bill McElhanney
Ackroyd LLP Barristers & Solicitors

**APPLICATIONS NO. OSE150007 AND OSE1500016
IMPERIAL OIL RESOURCES VENTURES LIMITED (IMPERIAL)
STATEMENT OF CONCERNS NO. 29919 AND 29958**

Dear Mr. McElhanney:

You are receiving this letter because you filed a statement of concern on behalf of Fort McMurray #468 First Nation (FMFN) about the Applications. The Alberta Energy Regulator (AER) has reviewed your statements of concern, along with 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 statements of concern.

In its review of FMFN's concerns, the AER considered the following:

- Fort McMurray First Nation #468 reserve lands are approximately 50 Kilometers from the Aspen Lease boundary.
- The application area is within the boundary of the Lower Athabasca Regional Plan (LARP), which addresses acceptable land disturbance standards in relation to wildlife and management of cumulative impacts on a regional basis. The subject exploration activities are permitted under LARP.
- The AER is satisfied that proper and responsible completion of Imperial's oil sands exploration program, including the construction, operation and abandonment of infrastructure associated with the current applications, will result in minimal lasting disturbance or impact on the environment and natural resources.
- FMFN did not provide any concerns that pertain specifically to Imperial's 2015/2016 winter drilling program.

- FMFN has provided no “hard information” about locations where land within or affected by the OSE programs is used by FMFN or how its members may be affected.¹ The information provided is more general in nature and does not indicate if or how FMFN members may be directly and adversely affected by the application.

Based on the above and having regard for all of the information before the AER, you have not demonstrated that FMFN may be directly and adversely affected by the application.

The AER notes that FMFN states it could file additional information but is concerned about the confidentiality of that information. The AER has an established process for parties to request confidential treatment of information prior to filing such information, under section 49 of the *Alberta Energy Regulator Rules of Practice*. The AER expects parties, and certainly counsel, to be aware of the AER’s processes and requirements.

The AER has issued the applied-for approvals, this is your notice of that decision. Copies of the approvals 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 regarding the land use applications, contact Ashley Blackwood at _____ or e-mail _____.

Sincerely,

<Original signed by>

Elizabeth Grilo
Director, Land Use Authorizations

¹ *Dene Tha' First Nation v Alberta (Energy and Utilities Board)*, 2005 ABCA 68 at para 18.

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

EG/ab

Attachments (2): Notice of Decision OSE150007 and OSE150016

cc: Gail Motta, Imperial Oil Resources Ventures Limited
AER Aboriginal Relations
Aboriginal Consultation Office