

July 16, 2018

BY E-MAIL ONLY

Melina Scoville
Métis Nation of Alberta Local Council #1909 Lakeland

**IMPERIAL OIL RESOURCES LIMITED
APPLICATION NO. 1872083
KEARL OIL SANDS TAILINGS MANAGEMENT PLAN
STATEMENT OF CONCERN NO. 30499**

Dear Melina Scoville:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of the Métis Nation of Alberta Local Council #1909 Lakeland (ML 1909) concerning the subject application filed by Imperial Oil Resources Limited (Imperial). The Alberta Energy Regulator (AER) is appreciative of ML 1909's contributions during the review of the application, and the feedback provided regarding the draft approval conditions.

The AER has reviewed your SOC, along with the application, the applicable requirements, and relevant materials constituting the record of the application. The decision report on Imperial Kearl Mine's Tailings Management Plan (TMP) application addresses many of the concerns you raised, such as the following:

- ongoing engagement. ML 1909 raised the importance of including its members in the process of developing and monitoring the Kearl TMP. The AER's decision is in the Ongoing Stakeholder and Indigenous Community Engagement section of the decision report.
- potential negative effects on surface and groundwater, particularly on the Athabasca and Firebag Rivers, in the event of an upstream tailings breach or spill. The AER's decision is in the Environmental Effects and Implications and Surface Water and Groundwater sections of the decision report.

In its SOC, ML 1909 also raised concerns or provided recommendations that are not part of the AER's decision on Imperial's Kearl TMP application, and therefore are not reflected in the attached decision report or approval. For matters related to policies and programs administered by the Government of Alberta, the AER intends to provide these concerns to the Government of Alberta.

In particular, you raised concerns with impacts on traditional land use and resources, and the exercise of harvesting rights related to the approval and operation of the mine.

Imperial's Kearl TMP application is an amendment of an existing approval. The decision report addresses such topics as setting thresholds under *Directive 085*, RTR criteria, and providing updated plans and information on tailings technology and deposits. In short, the approval deals with how tailings are managed on the existing approved mine site footprint.

This is an existing mine site and no new lands outside of Imperial's lease will be used or impacted as a result of the Kearl TMP amendment. There are no changes to Imperial's Kearl Mine boundaries, nor is there any additional disturbance resulting from the Kearl TMP amendment.

Based on the foregoing, the AER is of the opinion that the concerns outlined in ML 1909's SOC have been addressed to the AER's satisfaction. Consequently, the AER has decided that a hearing is not required for the Imperial Kearl TMP.

As indicated in the decision report, the AER has issued the applied-for approval. This is your notice of that decision. A copy of the AER decision report, which includes the approval, is 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, <http://www.aer.ca/applications-and-notice/appeals>.

If you have any questions, contact Lonny Olsen, phone 403-297-3513 or e-mail Lonny.Olsen@aer.ca.

Sincerely,

<original signed by>

Paul Ferensowicz
Senior Advisor

Enclosures (1): (AER Decision Report)

cc: Jennifer Haverhals, Imperial
AER SOC Coordinator
ACO
AER Indigenous Engagement
AER Fort McMurray Field Centre

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