

BY E-MAIL ONLY

February 25, 2019

Meghan Dalrymple  
**Athabasca Chipewyan First Nation**

**FORT HILLS ENERGY CORPORATION**  
**MINE AMENDMENT APPLICATION NO. 1881217**  
***ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT (EPEA)***  
**APPLICATION: 010-151469**  
**WATER ACT APPLICATIONS NO: 023-00151636, 010-00190012**  
**STATEMENT OF CONCERN NOS. 30767, 30768, 30769**

Dear Meghan Dalrymple:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of the Athabasca Chipewyan First Nation (ACFN) concerning the subject applications filed by Fort Hills Energy Corporation (Fort Hills).

The Alberta Energy Regulator (AER) has reviewed your SOC, along with the applications, the applicable requirements, and relevant materials constituting the record of the applications. The AER has decided that a hearing is not required to consider the concerns outlined in your statement of concern.

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

- The Fort Hills Oil Sands Project Mine (Fort Hills Mine) was approved following a public hearing in 2002 ([Decision 2002-089](#)).
- Fort Hills Mine is an existing mine site. The currently approved project area covers 18,001 hectares, and the project footprint will be increased to a total of 18,171 hectares. You expressed concerns with respect to the increased project footprint related to groundwater and Stanley Creek hydrology, particularly fish habitat. The *EPEA* approval requires Fort Hills to conduct monitoring, including groundwater and aquatic effects on fisheries, and assessment of impacts and mitigation to address related concerns.
- As to your concerns about the integrity and sustainability of the McClelland Lake Wetland Complex (MLWC), as per previous decisions, Fort Hills is required when requested to submit a water management plan based on recommendations from the MLWC sustainability committee. In addition, Fort Hills must submit an operational plan for sustainability of the MLWC by September 30, 2021.
- The AER does not anticipate any significant changes to previous assessments of project effects on wildlife, wildlife habitat, vegetation, emissions, air quality, or

noise. Further to these concerns, the conditions of approval are designed to mitigate previously identified concerns in these areas.

In its SOC and feedback, ACFN also raised concerns or provided recommendations that are part of the AER's decision on Fort Hills' TMP application 1881219, which are addressed in a separate letter and related decision report.

For matters related to policies and programs administered by the Government of Alberta, the AER intends to provide these concerns to the Government.

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

Based on the foregoing, the AER is of the opinion that the concerns outlined in ACFN's SOC have been addressed to the AER's satisfaction. Consequently, the AER has decided that a hearing is not required for the subject applications. The AER has issued the applied-for approvals, and this is your notice of those decisions. Copies of the approvals are attached.

All AER regulated parties must comply not only with the conditions of their authorizations, but with all of the AER's regulatory requirements. To ensure industry compliance the AER has developed its *Integrated Compliance Assurance Framework*, which embodies the three main components of all effective compliance assurance programs, those being education, prevention, and enforcement. Information about how the AER verifies industry compliance and responds to noncompliance may be found at: [www.aer.ca/regulating-development/compliance/compliance-assurance-program](http://www.aer.ca/regulating-development/compliance/compliance-assurance-program).

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/regulating-development/project-application/regulatory-appeal-process](http://www.aer.ca/regulating-development/project-application/regulatory-appeal-process).

If you have any questions regarding the application or decision report, please contact Fares Haddad (phone 403-297-5366, or email [Fares.Haddad@aer.ca](mailto:Fares.Haddad@aer.ca)). If you have questions regarding the statement of concern process, please contact Lonny Olsen (phone 403-297-3513 or e-mail [Lonny.Olsen@aer.ca](mailto:Lonny.Olsen@aer.ca)).

Sincerely,

<original signed by>

Paul Ferensowicz  
Senior Advisor, Operations

Enclosures (4): (OSCA approval, EPEA Approval, Water Act Approvals)

cc: Jason Heisler, Fort Hills  
AER SOC Assessor  
ACO  
AER Indigenous Engagement  
AER Fort McMurray Field Centre