

BY E-MAIL ONLY

March 16, 2018

**MARGARET LUKER
LEAD REGULATORY AND CONSULTATION COORDINATOR
MIKISEW CREE FIRST NATION****RE: VALUE CREATION INC.
OIL SANDS CONSERVATION ACT APPLICATION NO. 1884499
WATER ACT APPLICATION NO. 001-00371074
ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT
APPLICATION NO. 003-00269702
STATEMENTS OF CONCERN NO. 30741, 30742, 30743**

Dear Margaret Luker:

You are receiving this letter because you filed a statement of concern on behalf of Mikisew Cree First Nation (MCFN), about Value Creation Inc.'s (VCI) above Applications. The Alberta Energy Regulator (AER) has reviewed MCFN's statement of concern and its further correspondence, 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 Applications.

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

- The AER has no jurisdiction to assess the adequacy of Crown consultation associated with the rights of aboriginal peoples. The Aboriginal Consultation Office (ACO) determines if consultation is required and adequate. MCFN's concerns about consultation are outside the AER's jurisdiction.
- The Advanced Productivity Optimization Pilot is the amendment for the TriStar Pilot and is limited to the area within the north half of Sec 29-087-08W4M.
- The amendment is located within the original project area of the approved OSCA Approval No. 12138A and no additional footprint disturbance is necessary.
- The project is for an increase in production and does not affect the original approved area as per OSCA Approval No. 12138A.

- The projects contribution to cumulative effects in the region has not changed from the original approved SAGD TriStar Pilot as a result of the applied for amendments.
- A Woodland Caribou Mitigation Plan and Monitoring Program have been developed and will be implemented as required by the EPEA Approval No. 269702-00-00 conditions.

Based on the above considerations, the AER has decided to issue the applied-for approvals and a Water Act licence; this is your notice of that decision. A copy of the approvals and a Water Act licence are attached.

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

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 _____ by email _____.

Sincerely,

Helene de Beer
Director, In Situ Authorizations

Attachments: Approvals (2), Licence (1)