

BY E-MAIL ONLY

June 21, 2018

**RYAN MCQUILTER
ALEXIS NAKOTA SIOUX NATION****RE: PERSTA RESOURCES INC.
APPLICATION NO. 1890300
PUBLIC LANDS ACT APPLICATIONS NO. 160571 and 160592
STATEMENT OF CONCERNS NO. 30447 and 30455**

Dear Ryan McQuilter:

You are receiving this letter because you act on behalf of Alexis Nakota Sioux Nation (ANSN), which filed statements of concern about Persta Resources Inc. (Persta) Application No. 1890300 and Public Lands Act Applications No. 160571 and 160592. The Alberta Energy Regulator (AER) has reviewed ANSN'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 concerns outlined in your statement of concern.

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

- ANSN's Alexis Elk River No. 233 Reserve is approximately 25.7 km south and Alexis Cardinal River No. 234 Reserve is approximately 41.8 km southwest of the proposed pipeline.
- The proposed pipeline route follows existing linear right of ways, including roads and pipelines or utilizes exiting linear clearings such as seismic lines.
- ANSN's concerns raised in its SOCs and in its discussions with Persta are of a general nature. The ANSN submitted that the proposed project will interfere with the exercise of its members' treaty and aboriginal rights on the proposed project's right of way area, including their rights to hunt, trap and gather. ANSN provided maps to Persta which contain circled areas labelled as ANSN cultural kill sites, gathering areas, camp areas, creek crossings and beaver dams. The maps do not provide sufficient detail to reference them to exact locations.

- ANSN also expressed concerns with inadequate consultation. 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. The ACO advised on September 22, 2016 and October 6, 2016 that consultation was adequate pending the outcome of the AER's process.
- As provided in the *Joint Operating Procedures* for First Nations Consultation on Energy Resource Activities, the application supplements on First Nations consultation in relation to PLA160592 and PLA160571 were submitted by Persta. In its ACO reports (FNC201607975 and FNC201600549), the ACO recommended that Persta's response to the concerns raised by ANSN were suitable avoidance or mitigation measures to address potential adverse impacts identified in the consultation process. The AER accepts as appropriate the avoidance or mitigation measures proposed by Persta and expects them to be implemented.

Based on the above, as ANSN's objections raised in its statements of concern have been addressed to the satisfaction of the AER, there is no need to hold a hearing into the proposed project.

The AER has issued the applied-for approval and pipeline licences; this is your notice of that decision. Copies of the approval and pipeline 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 [redacted] by email [redacted].

Sincerely,

<original signed by>

Lane Peterson
Director, Pipeline Authorizations

Attachments: Public Lands Approvals
Pipeline Licences

cc:

Meridian LandServices (90) Ltd., Cherith Hoadley,
Persta Resources Inc., Binyou Dai,
AER Drayton Valley Field Centre,
Darcy Allen, ASE Regional Manager,
ADR Mailbox, AER,
AER Indigenous Engagement,
Aboriginal Consultation Office,

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