

BY E-MAIL AND MAIL

October 25, 2017

Jack Flett
Athabasca Chipewyan First Nation

SUNCOR ENERGY INC.
APPLICATIONS NO. 1857270, 1857274, 1890348, AND 075-94
STATEMENTS OF CONCERN NO. 30410 AND 30411

Dear Jack Flett:

You are receiving this letter because you filed statements of concern (SOC) on behalf of Athabasca Chipewyan First Nation (ACFN) concerning the subject applications filed by Suncor Energy Inc. (Suncor). The Alberta Energy Regulator (AER) is appreciative of ACFN's contributions during the review of the applications, including your involvement in the Enhanced Review Process (ERP) technical meeting on July 17 and 18, 2017, and your feedback on the draft approval conditions.

The AER notes that many of the concerns ACFN raised are reflected in the attached 20171025A, including:

- ACFN raised concerns regarding engagement and opportunities to be involved in tailings management, noted a need for greater transparency and access to information, and recommended an annual forum or workshop to be held to discuss tailings management. The AER's decision is in the *Stakeholder Engagement* section.
- ACFN indicated that Suncor should explore alternative tailings treatment methods and give preference to tailings treatment methods that limit the use of undisturbed land as much as possible. The AER's decision is in the *General Technology Selection* section.
- ACFN sought clarity between tailings placement in DDA2 and DDA3. The AER's decision is in section *DDA2 – Technology Selection* section.
- ACFN expressed concerns with DDA3 and aquatic closure, and a lack of demonstrated success of PASS technology. The AER's decision is in section *DDA3 – PASS Technology – Technology Selection* section.

- ACFN raised concern with the lack of a viable terrestrial option for DDA3 and recommended modified wording on the draft conditions. The AER's decision is in section *DDA3 – Terrestrial Closure Option – Technology Selection/Research* section.
- ACFN raised concerns with Ponds 5, 6, and 7 RTR criteria. ACFN recommended modified wording on the draft conditions. The AER's decision is in the *Pond 5 – Sub-objective 1 RTR Criteria*, *Pond 6 – Sub-objective 1 RTR Criteria*, and *Pond 7 – Sub-objective 1 RTR Criteria* sections.
- ACFN raised seepage concerns (e.g., water quality degradation from groundwater escape) and engagement on Suncor's groundwater monitoring plan and regional monitoring. The AER's decision is in the *Sub-objective 2 RTR Criteria for all Deposits and Groundwater* sections.
- ACFN recommended modified wording to the draft conditions in regards to wetlands. The AER's decision is in the *Wetlands* section.
- ACFN expressed concerns about water quality and implicitly with respect to water release. The AER's decision is in the *Water Quality and Water Release in Upper Pit Lake and Millennium End Pit Lake* section.
- ACFN recommended additional monitoring, reporting, and enforcement around froth treatment tailings. The AER's decision is in the *Froth Treatment Tailings* section.
- ACFN expressed concern about the integrity of dams. The AER's decision is in the *Dam Decommissioning* section.

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ACFN raised concerns or provided recommendations that are not related to the AER's decision on Suncor's applications, and therefore may not be fully reflected in the attached 20171025A. These concerns or recommendations were with respect to policy, *Directive 085*, application requirements, dam safety, reclamation planning and activities, compliance and enforcement, and liability.

The AER notes that at the ERP technical meeting Suncor made commitments to ACFN in regards to dam safety, geotechnical monitoring, the demonstration pit lake pilot test, a groundwater monitoring plan, coke and storage, Pond 5 mitigation, site visits, and incorporation of feedback into Suncor's engagement with indigenous communities and stakeholders going forward.

Based on the foregoing, the AER is satisfied that the concerns outlined in your SOC, and brought forth during the ERP have been addressed to the satisfaction of the AER.

The AER has decided that a hearing is not required under an enactment or otherwise necessary to consider the concerns outlined in your SOC, and has issued the applied-for approvals. This is your notice of those decisions. A copy of the approvals and 20171025A 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, <http://www.aer.ca/applications-and-notice/appeals>.

If you have any questions, contact LaiLoni Boswell at 403-297-2450 or lailoni.boswell@aer.ca.

Sincerely,

<original signed by>

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Paul Ferensowicz
Senior Advisor, Operations

Enclosure (3): **20171025A**
OSCA Approval No. 8535N
EPEA Approval No. 94-02-18

cc: Jason Heisler, Suncor
Ken Bisgrove, Suncor
Stacey McArthur, Suncor
AER SOC Coordinator
AER Fort McMurray Field Centre
AER Indigenous Relations
Government of Alberta, Aboriginal Consultation Office