

BY E-MAIL AND MAIL

October 25, 2017

Eddison Lee-Johnson  
**Fort McKay Métis Community Association**

**SUNCOR ENERGY INC.**  
**APPLICATIONS NO. 1857270, 1857274, 1890348, AND 075-94**  
**STATEMENTS OF CONCERN NO. 30439 AND 30440**

Dear Eddison Lee-Johnson:

You are receiving this letter because you filed statements of concern (SOC) on behalf of Fort McKay Métis Community Association (FMMCA) concerning the subject applications filed by Suncor Energy Inc. (Suncor). The Alberta Energy Regulator (AER) is appreciative of FMMCA'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 FMMCA raised are reflected in the attached 20171025A, including:

- FMMCA raised concerns regarding engagement and opportunities to be involved in tailings management, and recommended an annual forum or workshop to be held to discuss tailings management. The AER's decision is in the *Stakeholder Engagement* section.
- FMMCA recommended conditions of approval that focused on shortening reclamation timelines. Further, FMMCA 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.
- FMMCA stated that the draft conditions on settlement monitoring and research and technology improvement were not forceful enough. The AER's decision is in the *DDA1/MD9 – Technology Selection* section.
- FMMCA indicated that it expected DDA2 to lack the necessary strength through thin lift drying. The AER's decision is in the *DDA2 – Technology Selection* section.

- FMMCA raised concern specifically associated with containment of treated tailings in a water-capped dedicated disposal area and with PASS technology's lack of demonstrated success. FMMCA recommended content it would like to see addressed as part of Suncor's research. DDA3 and PASS technology were discussed at ERP. The AER's decision is in the *DDA3 – PASS Technology – Technology Selection* section.
- FMMCA raised concern with the lack of a viable terrestrial option for DDA3. FMMCA recommended alternative submission timing for the terrestrial implementation plan. The AER's decision is in the *DDA3 – Terrestrial Closure Option – Technology Selection/Research* section.
- FMMCA expressed concern with the adequacy of RTR criteria and provided recommendations related to RTR criteria. The AER's decision is in the *RTR Criteria – Measurement and Averaging* section.
- FMMCA raised concerns with Ponds 5, 6, and 7 RTR criteria. 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.
- FMMCA 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.
- FMMCA recommended details be added to the site-wide dust management plan. The AER's decision is in the *Dust* section.
- FMMCA expressed concern 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.

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FMMCA 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*, and reclamation planning and activities.

The AER notes that at the ERP technical meeting Suncor made commitments to FMMCA in regards to the demonstration pit lake pilot test 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@er.ca](mailto:lailoni.boswell@er.ca).

Sincerely,

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*<original signed by>*

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