

Via Email

May 16, 2018

Bernard Chartrand
(VIA MAIL)

Husky Oil Operations Limited

Attention: Jill Kaufmann

Dear Sir and Madam:

**RE: Request for Regulatory Appeal by Bernard Chartrand
Husky Oil Operations Limited (Husky)
Reclamation Certificate No.: 103730
Location/s: 16-05-62-04W4M
Request for Regulatory Appeal No.: 1904037**

The Alberta Energy Regulator (AER) has considered the submissions filed in connection with the above matter and has determined that a hearing of the regulatory appeal should be held as the legislative tests have been met. In his request for regulatory appeal, Mr. Chartrand raises concerns with site's soil productivity and issuance by the AER of reclamation certificate no. 103730 dated October 3, 2017.

In its letter dated December 18, 2017 the AER advised that, by operation of section 91(1)(i) of the *Environmental Protection and Enhancement Act (EPEA)* and section 36 of the *Responsible Energy Development Act*, the tests for appealable decision and eligible person appeared to have been met in this case. Further, *EPEA* grants an occupant of lands subject to a reclamation certificate that is in receipt of a copy of the reclamation certificate an automatic right of regulatory appeal. Therefore, to limit Mr. Chartrand's right of regulatory appeal in this case requires extraordinary and obvious circumstances mitigating against that right. The AER found that no such circumstances exist in this case.

Given the above, the AER will be asking the Chief Hearing Commissioner to appoint one or more hearing commissioners to conduct a hearing of the regulatory appeal.

Sincerely,

<original signed by>

Patricia M. Johnston, Q.C., ICD.D.
Executive Vice President, Law and General Counsel

cc: Francco De Luca, Counsel for Reclamation Program Group