

BY E-MAIL ONLY

September 06, 2018

Athabasca Chipewyan First Nation (ACFN)
Attn: Meghan Dalrymple

Re: Syncrude Canada Limited
Applications No. EPEA 046-00000026 and OSCA 1904558
Statement of Concern No. 31032 and 31033

Dear Sir/Madam:

You are receiving this letter because you filed a statement of concern regarding applications no. *Environmental Protection and Enhancement Act (EPEA)* 046-00000026 and *Oil Sands Conservation Act (OSCA)* 1904558. The Alberta Energy Regulator (AER) has reviewed your statement of concern, along with the application, the applicable requirements, and other submissions or information about the applications. The AER has decided that your concerns outlined in your statement of concern have been adequately addressed by previous decisions.

In its review of your concerns, the AER considered the following:

- Section 6.2(2)(c) of the AER Rules of Practice provides that the Regulator may disregard a concern raised in a statement of concern if in the Regulator's opinion the concern has been adequately dealt with or addressed through a hearing or other proceeding under any other enactment or by a decision on another application.
- Your statement of concern (SOC) raise only general concerns with the effects of mining and reclamation practices that were already adequately addressed by the original decision to grant Syncrude the Aurora North Mine Approvals (EUB Approval 8250 and EPEA Approval No. 18942) in 1997 and the 2002 amendment to MSL973220.
- Your statement of concern fails to raise specific concerns about NE5 RMS in particular that have not been addressed by previous decisions.

- The area within MSL973220 was contemplated by the Aurora North Mine Approvals (Nos. 8250 and 18942) in 1997. Consequently, ACFN was well aware of Syncrude's intentions respecting Aurora North Mine. Further, ACFN had the opportunity to raise its concerns and to participate in the review of Syncrude's application for the Aurora North Mine.
- Clearance and disturbance of NE5 RMS was expressly considered and approved by the granting of the amendment of MSL973220 in 2002, as Syncrude was required, as part of its application, to confirm the commercial harvesting of timber with local timber operators. Syncrude also committed to follow the Aurora Mine Reclamation Plan following completion of its mine-related activity on the expanded MSL973220.
- The potential impacts to soils and vegetation were previously assessed as part of the review of the original oilsands mine application by Alberta Environment and the Decision No. 97-13 Panel. Reclamation and the stockpiling of conserved soils were either already approved or contemplated prior to these NE5 RMS applications.
- There are no discernible changes to the already assessed and approved risks or impacts of Aurora North arising from the approval of Syncrude's NE5 RMS. And there are no new or different environmental effects that have not already been assessed and approved.
- The fact that Syncrude is obliged to apply for specific approvals to store reclamation materials does not trigger the right of interested parties to revisit concerns that were or ought to have been raised in earlier proceedings or by earlier decisions. That is the purpose of Rule 6.2.
- You do not own the land on which the project is proposed. The Aurora North Mine is located on Crown land and any 'loss' of land has already occurred; the area to be occupied by NE5 RMS was taken up for mining or mining related purposes when it was contemplated in the 1997 Mine Approvals or certainly when it was added to MSL973220 in 2002. As a consequence, the land was no longer available to the ACFN when Syncrude applied for the NE5 RMS approvals.
- In summary, the objections raised in your SOC have been addressed to the AER's satisfaction.
- Syncrude Canada Ltd. is required to meet all environmental and regulatory guidelines and requirements.

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 emergency 1-800-222-6514

Based on the above, the AER is of the view that your concerns outlined in your statement of concern have been adequately addressed. Furthermore, the AER has decided a hearing is unnecessary for the purposes of rendering its decision on the applications. The AER has issued the applied-for approvals and this is your notice of those decisions. Copies of the approvals 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/regulating-development/project-application/decisions>.

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If you have any questions, contact Brittney Goudreau at 780-641-9038 or by e-mail Brittney.Goudreau@aer.ca.

Sincerely,

<Original Signed By>

Erik Kuleba
Director, Mining Authorizations

Attachment (2): **(Approvals)**

cc: Lisa Tssessaze, ACFN
Danku Murray, Syncrude Canada Ltd
AER SOC Coordinator
AER Bonnyville Field Centre
AER Indigenous Relations
Aboriginal Consultation Office