

BY EMAIL ONLY

August 13, 2019

Sanil Sivarajan

**Fort McKay Métis Community Association (FMMCA)**

**SYNCRUDE CANADA LTD. (SYNCRUDE)**

**APPLICATIONS NO. 1905189, 0045-00000026, 011-00251073, 011-00048398, MSL973220**

**STATEMENT OF CONCERN NO. 31224**

Dear Sanil Sivarajan:

You are receiving this letter because you filed a statement of concern about Applications No. 1905189, 0045-00000026, 011-00251073, 011-00048398, and MSL973220. The Alberta Energy Regulator (AER) has reviewed your statement of concern, along with the company's applications, and all applicable requirements and other submissions or information about the applications. The AER has decided that a hearing is not required to consider the concerns outlined in your statement of concern.

In our review of your concerns, we considered the following:

- You did not provide sufficient detail on how the applications may directly and adversely affect the members of FMMCA.
- Specific locations for hunting, fishing, trapping, and gathering were not provided and your concerns are too vague to make a determination of where the activities are taking place, and how those locations and activities are affected.
- Your concerns in relation to funding a Traditional Land Use (TLU) study are in relation to compensation which is outside the jurisdiction of the AER.
- In regards to FMMCA's concerns around wildlife, Syncrude has committed to perform a wildlife sweep of the immediate area plus a 100 metre buffer prior to entry and construction. Furthermore, Syncrude has a wildlife mitigation plan, to mitigate for wildlife during construction and operation.

- In regards to FMMCA's concerns around fish habitat, Syncrude assessed Area 2 to be a low quality fish habitat. Syncrude will be extending its existing approved Fish and Wildlife Enhancement Plan, Waterfowl Protection Plan and relevant environmental monitoring programs to include the footprint of Area 2.
- In regards to FMMCA's concerns around the effect of this project on Stanley Creek, Syncrude has implemented protective measures to ensure the water quality in Stanley Creek will not be affected. One measure includes directing any flow to its tailings facilities to control surface run off.
- With respect to concerns around potential seepage from the dump into the groundwater below, historical monitoring has shown no measureable change from background water quality parameters over time.
- In regards to FMMCA's concerns around hydrology, Syncrude created a surface and groundwater model which showed that the changes in the hydrologic regime will have little net impact on Stanley Creek.
- In regards to FMMCA's concerns around hydrogeology, Syncrude has committed to include monitoring wells in its groundwater monitoring program.
- In regards to FMMCA's concerns around reclamation, Syncrude has created the Reclamation Engagement Focus Group (REFG) where indigenous communities in the area can participate to ensure inclusion of traditional knowledge during reclamation.
- Syncrude has addressed FMMCA's concerns to the satisfaction of the AER.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the applications. The AER has issued the applied-for approvals and licences and this is your notice of that decision. A copy of the approvals and licences are attached.

All AER- regulated parties must comply not only with the conditions of their authorizations, but with all of the AER's regulatory requirements. To ensure industry compliance the AER has developed its *Integrated Compliance Assurance Framework*, which embodies the three main components of all effective compliance assurance programs, those being education, prevention, and enforcement. You can find out more about how the AER verifies industry compliance and responds to noncompliance here: <https://aer.ca/regulating-development/compliance/compliance-assurance-program>.

You may file a request for a regulatory appeal on the AER's decision to issue the approvals and licences if you meet the criteria within section 36 of the *Responsible Energy Development Act*. Filing instructions and forms are on our website under Regulatory Appeal Process.

If you have any questions, contact Megan Carfantan at [Megan.Carfantan@aer.ca](mailto:Megan.Carfantan@aer.ca).

Sincerely,

<Original signed by>

Lane Peterson

Director, Oil and Gas Surface

Enclosure (5): **Licences/Approvals**

cc: Sylvia Skinner, Syncrude Canada Ltd.  
AER SOC Assessor  
AER Edmonton Field Centre  
AER Indigenous Relations  
Aboriginal Consultation Office