

BY EMAIL ONLY

October 10, 2018

Orest Kotelko  
Canadian Natural Resources Limited

**RE: LADY CARMEN TRUCKING (LADY CARMEN) TO 2083056 ALBERTA  
LTD. (2083056 ALBERTA)  
APPLICATION NO. 1910152  
STATEMENT OF CONCERN NO. 31229**

Dear Mr. Kotelko:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of Canadian Natural Resources Limited (CNRL) in response to Application No. 1910152 (Application).

The Alberta Energy Regulator (AER) has reviewed the SOC, the Application, applicable requirements, and other submissions or information about the Application. The AER has decided a hearing is not required and is not necessary to consider the concerns outlined in the SOC.

The AER notes CNRL's concerns relate to the ability of the proposed transferee to address the end of life obligations associated with assets that are subject to the Application.

The AER shares CNRL's concerns regarding the ability of the industry as a whole to address end of life of obligations. This very concern prompted the AER to, among other things, issue *Bulletin 2016-21: Revision and Clarification on Alberta Energy Regulator's Measures to Limit Environmental Impacts Pending Regulatory Changes to Address the Redwater Decision (Bulletin 2016-21)* and amend *Directive 067: Eligibility Requirements for Acquiring and Holding Energy Licences and Approvals*. Further, the AER continues to work with the Government of Alberta in this regard.

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

- The single brine well involved in this transfer application does not fall under the Licence Liability Rating (LLR) program on account that its intended use is for salt production and there is no oil or gas production from the well. The well is excluded from the Orphan Fund Levy and potential delegation to the Orphan Well Association.
- The AER notes CNRL's submission regarding its proportionate liabilities in relation to the orphan fund. It bears noting that CNRL's end of life liabilities (which are directly related to its share of orphan levies) are a direct result of its own large inventory of inactive wells. Put another way, if CNRL wishes to reduce its exposure to paying increased orphan levies, it can do so by reducing its own inactive well inventory.
- CNRL's concerns relate to the underlying methodology used by the LMR program to calculate assets and end of life liabilities. The LMR program is applied broadly and equally to all AER licensees. These are policy concerns that relate to the LMR program as a whole and do not demonstrate a direct and adverse impact to CNRL caused by the AER approving the Application.
- The AER understands that these policy concerns have already been raised by CNRL as part of the Government of Alberta's liability management review. The AER believes that is the appropriate mechanism for CNRL to raise its concerns.
- In this instance, AER finds that CNRL's submission concerns as outlined are not relevant to the brine well licence involved in this application and any of the well's potential future liabilities.
- Approval of the Application for the brine well will not create an LMR rating for 2083056 Alberta. Further, 2083056 Alberta has submitted a written plan in support of a request for discretion under *Bulletin 2016-21* (Plan). The Plan was accepted and articulates commitments to manage its end of life obligations of the license site. 2083056 Alberta's progress under the Plan will be monitored by AER staff.

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Based on the above, the AER has concluded it is not necessary to hold a hearing before making its decision on the Application.

The AER is satisfied the transferee has taken, or has plans to take, adequate steps to address and fund end of liabilities associated with its AER licensed assets. The AER also believes it has taken steps to appropriately mitigate the risks contemplated when it issued *Bulletin 2016-21*. As such, the AER has approved the Application with conditions and this is your notice of that decision. A copy of the transfer approval decision is 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 Bonni Pierce at 403-297-4206 or e-mail [Bonni.Pierce@aer.ca](mailto:Bonni.Pierce@aer.ca).

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Sincerely,

*<Original signed by>*

Trevor Gosselin  
Director, Oil, Gas, & Pipeline, Closure & Liability

Enclosure (1): **(Approval Transfer)**

cc: Matthew Bennett, Lady Carmen Trucking Ltd.  
Craig Finn, NSC Minerals Ltd.  
Marnie Wildeman, AER Application Processor  
AER Medicine Hat Field Centre  
AER SOC Coordinator