

Via Email

February 11, 2019

Canadian Natural Resources Limited
Attention: Arly Castillo

Dr. Vincent Mannion

Calgary Head Office
Suite 1000, 250 – 5 Street SW
Calgary, Alberta T2P 0R4
Canada

www.aer.ca

Dear Sir/Madam:

**RE: Request for Regulatory Appeal by Dr. Vincent Mannion
Canadian Natural Resources Limited (Canadian Natural)
Application Nos.: 1911314, 1911315, 1911316, 1911317;
Location: 10-16-061-08 W4M
Request for Regulatory Appeal No.:1916208**

The Alberta Energy Regulator (AER) has considered Dr. Mannion's request under section 38 of the Responsible Energy Development Act (*REDA*) for a regulatory appeal of the AER's decision to approve the construction and operation of five wells and a multi-well batter to be added to an existing well pad (the Project). The AER has reviewed Dr. Mannion's submissions and the submissions made by Canadian Natural.

For the reasons that follow, the AER has decided that Dr. Mannion has not met the eligibility requirements to request a regulatory appeal in this matter as he has not demonstrated that he is directly and adversely affected by the appealed from decisions as required by the Responsible Energy Development Act (*REDA*). Therefore, the request for a Regulatory Appeal is dismissed.

The applicable provision of *REDA* in regard to regulatory appeals, section 38, states:

38(1) an eligible person may request a regulatory appeal of an appealable decision by filing a request for regulatory appeal with the Regulator in accordance with the rules.
[emphasis added]

The term "eligible person" is defined in section 36(b)(ii) of *REDA* to include:

a person who is directly and adversely affected by a decision [made under an energy resource enactment]...

Reasons for Decision

Directly and Adversely Affected:

The factual part of the test set out by the Court of Appeal of Alberta in *Dene Tha' First Nation v. Alberta (Energy and Utilities Board)*¹ provides guidance on what indicates that a person may be directly and

¹ 1 Dene Tha' First Nation v Alberta (Energy and Utilities Board), 2005 ABCA 68.

adversely affected. The AER must consider whether there is a “degree of location or connection” between the work proposed and the person, and whether that connection is sufficient to demonstrate the person may be directly adversely affected by the proposed activity.

To summarize, in his request for a regulatory appeal, Dr. Mannion asserts that the decision to dismiss his statement of concern was flawed in that it did not explore alternative pad sites but accepted CNRL’s evaluation of lands. He further submits that all possible sites should be explored to find a solution suitable to all stakeholders. In particular, access to another site from Highway 660 rather than RR 483 was not explored.

In response, CNRL asserts that Dr. Mannion’s request for regulatory appeal is without merit. Dr. Mannion was previously found by the AER not to be directly and adversely affected and raises issues that were already considered and decided upon in the initial applications.

The AER has decided that the information provided in the regulatory appeal request does not demonstrate the degree of location or connection between the Project and a potential for direct and adverse impacts on Dr. Mannion to establish that he is an eligible person under s. 38 of *REDA*.

The onus is on Dr. Mannion to provide evidence that he is directly and adversely affected by the Project. However, Dr. Mannion’s request for regulatory appeal provides no such evidence only general assertions regarding a failure to evaluate an alternative pad placement to demonstrate why he believes he may be directly and adversely affected by the Project.

Given the foregoing, the AER finds that Dr. Mannion is not directly and adversely affected by the decision to issue the Licenses and therefore not an “eligible person” under section 36(b)(ii) of the *REDA*. Accordingly, the AER dismisses Dr. Mannion’s request for regulatory appeal.

Sincerely,

<original signed by>

Charles Tamblyn,
Director, Science & Evaluation

<original signed by>

Jason Brunet,
Director, Science & Evaluation