

August 4, 2021

By Email Only

Nicole Nicholls
Cold Lake First Nation

Statement of Concern No. 31813
Osum Production Corp.
Application No. 1929868

Dear Nicole Nicholls:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of Cold Lake First Nation (CLFN) about Application No. 1929868 regarding the Orion In Situ Project. The Alberta Energy Regulator (AER) has reviewed your SOC, along with the application, and all applicable requirements and other submissions or information about the application. The AER has decided that a hearing is not required to consider the concerns outlined in your SOC.

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

- You state that the Orion In Situ project is located within CLFN traditional territory (*Denne Ni Nenne*) and in close proximity to Reserve Lands. However, the fact that the project is located within CLFN traditional territory does not, without further factual connection, establish that CLFN may be directly and adversely impacted by this amendment. Further information is required to establish a sufficient degree of location or connection between the amendment application and the potential interference or impacts on the rights asserted.
- You also state that the project could have potentially adverse effects on the harvesting practices, well-being and rights of CLFN members who have traditionally occupied and used the project area for subsistence and traditional purposes. However, CLFN does not identify in sufficient detail how the application may directly and adversely affect CLFN members and the lands commonly used.
- Your concerns regarding potential impacts to traditional land use, harvesting rights are beyond the scope of this application as they are in relation to activities applied for under the *Public Lands Act* (PLA). This amendment application will not authorize Osum to proceed with any Crown land disturbance activities. If Osum should require additional Crown land for future development, it is

required to conduct the necessary notifications associated with any PLA applications. CLFN will have the opportunity, at that time to submit and identify any surface land concerns related to the project.

- The AER notes that the majority of this project is utilizing existing infrastructure and footprint, with the exception of Pad B, which is within the approved development area and was assessed in the local study area of the original application.
- The AER acknowledges your concerns in regard to environmental impacts. However, this application is specific to the *Oil Sands Conservation Act* (OSCA); it does not include changes to any existing approvals per the *Public Lands Act* (PLA) or the *Environmental Protection and Enhancement Act* (EPEA). Osum currently holds EPEA Approval No. 00141258-01-00 (as amended), for the construction, operation, and reclamation of the Orion Project. An amendment to the EPEA approval, including an updated Environmental Impact Assessment, is not required with this application.
- The concerns regarding Crown Consultation are outside the AER jurisdiction, and they should be addressed by the Aboriginal Consultation Office.

The AER has not yet made a decision on the Application and you will be notified when that decision is made. If a hearing on the application is to be held for another reason, a notice of hearing will be published.

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>.

If you have any questions, please contact SOC@aer.ca.

Sincerely,

<Original Signed by>

Andrew MacPherson
Director InSitu
Regulatory Applications
/ma

cc: Bruce Thornton, OSUM Oil Sands Corp.

CLFN

Felix Chaing, AER

SOC Inbox, AER

Field Operations East, AER

Aboriginal Consultation Office - FNC202004067