

January 17, 2022

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By Email Only

Sanil Sivarajan, Manager – Environmental & Regulatory Affairs
Fort McKay Métis Nation

Statements of Concern No. 32010, 32011
Syncrude Canada Ltd. (Syncrude)
Oil Sands Conservation Act (OSCA) Application No. 1933887, Environmental Protection and
Enhancement Act (EPEA) Application No. 057-0000026

Dear Mr. Sivarajan,

You are receiving this letter because you filed a statement of concern (SOC) on behalf of the Fort McKay Métis Nation (FMMN) regarding OSCA Application No. 1933887 and EPEA Application No. 057-0000026 (applications). The Alberta Energy Regulator (AER) has reviewed your SOC, along with the 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 SOC.

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

- FMMN expressed concerns about the location of the proposed amendment application. The AER notes that the applications relate to an amendment of an existing approval and will occur fully within an already approved and existing project surface footprint. The applications do not request the use of additional lands for the project.
- FMMN stated concerns around the exercise of their Aboriginal and harvesting rights. The AER notes that the FMMN members have not been able to exercise their treaty, Aboriginal, or Métis harvesting rights, or practice any traditional land uses at the project site since construction began on the Mildred Lake site in 1978.
- The concerns regarding Crown Consultation are outside the jurisdiction of the AER, and should be addressed to the Aboriginal Consultation Office. However, the AER notes that, among other requirements, Syncrude must abide by the conditions of OSCA Approval No. 8573Q, including

condition 15, which states that Syncrude “is required to conduct an annual form with stakeholders and indigenous communities as part of the engagement activities required.”

- FMMN stated it had concerns regarding geotechnical stability, reclamation landscape, reclamation hydrology, reclamation hydrogeology, water retention, ecological health, vegetation health, root stability, effect on medicinal plants, and effect on traditional spiritual plants. These concerns are general in nature, and there is insufficient evidence to demonstrate that the FMMN may be directly and adversely affected by the proposed amendments.

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 amended approvals, and this is your notice of that decision. Copies of the amended approvals 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 regulatory appeal on the AER’s decision to issue the approvals if you meet the criteria within section 36 of the *Responsible Energy Development Act*. Filing instructions and forms are located here: <https://www.aer.ca/regulating-development/project-application/regulatory-appeal-process>.

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

Sincerely,

<Original Signed By>

Steven Van Lingen
Director, Oil Sands Mining & Coal
Regulatory Applications
/sl

Attachments (2): Approvals

cc: Rochelle Young, Syncrude Canada Ltd.
Rod Godwaldt, AER

Rachel McMillan, AER
SOC Inbox, AER
Field Operations - Northeast, AER
Environmental Protection & Enhancement and Water, AER
Aboriginal Consultation Office - FNC202104621