

August 16, 2022

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By Email Only

Justin Bourque
Willow Lake Metis Nation (WLMN)**Statement of Concern Nos. 32046, 32047 and 32058**
CNOOC Petroleum North America ULC
Application Nos. *Oil Sands Conservation Act (OSCA) 1934199, Environmental Protection and Enhancement Act (EPEA) 014-00137467 and Public Lands Act 31402884*

Dear Justin Bourque:

You are receiving this letter because you filed statements of concern (SOCs), about Application Nos. 1934199, 014-00137467 and 31402884. The Alberta Energy Regulator (AER) has reviewed your SOC's, 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's.

In our review of WLMN and Rollo Goodwin's concerns, we considered the following:

- WLMN & Rollo Goodwin raise concerns regarding Aboriginal rights and traditional land use activities; however, these concerns are general in nature. WLMN and Rollo Goodwin have not demonstrated that the proposed applications would have any new or additional impacts on their rights or traditional land uses.
- Regarding the concerns related to Rollo Goodwin's trapline trail, AER staff confirms that the trail only passes through the subsurface development area. There is no associated surface disturbance and no additional overlap with the Pad 19 footprint.
- WLMN's concerns about increased noise, odour and public access are operational matters that can be addressed by contacting the AER Energy and Environmental Emergency 24-Hour Response Line 1-800-222-6514 to file any complaints. In addition, CNOOC indicates that an updated noise impact assessment for the addition of new equipment associated with Pad 19 was completed and it was determined that predicted noise levels are within the acceptable levels

defined by *Directive 038: Noise Control*. Further, concerns around *Directive 038* not being developed with Indigenous land use in mind is related to policy and is outside the scope of this project.

- Regarding concerns related to wildlife and ecosystem, CNOOC has committed to conducting a wildlife crossing assessment to determine ideal locations for wildlife crossings along the new right of way. CNOOC currently has a wildlife mitigation and re-vegetation plan in place, as well as active monitoring programs for groundwater, soils, air emissions, wildlife and biodiversity, wetlands and reclamation. The monitoring programs will be used to verify the 2000 Environmental Impact Assessment predictions and will continuously adapt as monitoring results are evaluated. Additionally, AER wildlife technical staff have reviewed the applications and note the concerns have been addressed to the satisfaction of the AER.
- Regarding concerns around inadequate notification of the mineral surface lease (MSL) application, the AER notes that CNOOC has met the notification requirements for this application type.
- CNOOC must adhere to all Approval conditions, including new conditions and those set out in the original Commercial Scheme Approval No. 9485 and *Environmental Protection and Enhancement Act* Approval No. 137467.

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 this is your notice of that decision. A copy of the 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>

Andrew MacPherson
Director, In Situ
Regulatory Applications
/as

Attachment 3: Approvals

cc: Cal Nurmi, CNOOC
SOC Inbox, AER
Julie Lack, AER
Teresa Rempfer, AER
Derek Rosso-Peck, AER
Environmental Protection & Enhancement and Water, AER
Field Operations East, AER
Aboriginal Consultation Office