

December 14, 2022

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By Email Only

Melina Power
Lakeland Métis Community Association (LMCA)**Statement of Concern No. 32130**
Canadian Natural Resources Limited (CNRL)
Applications No. *Oil Sands Conservation Act (OSCA)* 1938538
***Environmental Protection and Enhancement Act (EPEA)* 006-00308463**

Dear Melina Power:

You are receiving this letter because you filed, on behalf of LMCA members, a statement of concern (SOC) about Applications No. 1938538 and 006-00308463. 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 LMCA's concerns, we considered the following:

- The LMCA is located in the Lac La Biche Area. The proposed project location is approximately 106 km N of LMCA.
- LMCA raised concerns regarding aboriginal rights and traditional land use activities including hunting, trapping, and fishing in the areas around Sunday Creek and within Christina Lake, Kirby Lake, Grist Lake and Winefred Lake, which are LMCA's specified areas of concern.
- Your SOC does not provide information about where members conduct their traditional land use activities or how the activities may be impacted by the proposed project. The concerns raised by LMCA are general in nature.

- CNRL has developed proposed mitigation measures that will be implemented to reduce project-related effects on fish and fish habitat. Further, CNRL has stated that the surface development for Pike 1 will maintain a minimum 300 m setback from Kirby Lake.
- Winefred Lake, Christina Lake, and Grist Lake are located approximately 8 km, 10 km and 18 km, respectively, from the proposed project footprint. Sunday Creek is approximately 4 km from the proposed project footprint and no crossings or disturbances of Sunday Creek are proposed in the Applications.
- Regarding concerns about Moose habitat, CNRL established a Moose and Caribou Assessment Area (MCAA) to evaluate the potential direct and indirect effects of the project development on the moose habitat. The MCAA includes the proposed project footprint plus a 5 km buffer for a total area of 22,483,70 ha. CNRL's evaluation determines that, with implementation of proposed mitigation measures, the effects of the proposed Trunkline on Moose habitat availability are expected to be low. Additionally, the application has been reviewed by an AER Wildlife Biologist who has deemed the application satisfactory.
- CNRL must adhere to all Approval conditions, including any new conditions and those set out in the original *OSCA* Scheme Approval No. 12301 and *EPEA* Approval No. 308463-00-00.
- LMCA's requests that the AER direct CNRL to develop an engagement plan, including timelines and funds for traditional knowledge and land use studies which are related to aboriginal consultation office (ACO) adequacy and compensation that are outside the AER's jurisdiction. Additionally, CNRL filed a pre-consultation assessment request for the proposed project on June 22, 2022, and was informed by the ACO that no consultation with LMCA was required.

Whether a decision of the AER may directly and adversely affect a statement of concern filer, such as LMCA, is to be considered by the AER in light of the evidence properly adduced before it.¹ LMCA has not demonstrated that it may be directly and adversely affected by the application. 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:

¹<https://aer.ca/regulating-development/compliance/compliance-assurance-program>.

¹ *O'Chiese First Nation v Alberta Energy Regulator*, 2015 ABCA 348, paragraph 43.

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](mailto:SOC@ aer.ca).

Sincerely,

<Original signed by>

Andrew MacPherson
Director, In Situ
Regulatory Applications
/as

Attachment (2): Approvals

cc: Marc Scimshaw, CNRL
SOC Inbox, AER
Felix Chiang, AER
James Chen, AER
Field Operations East, AER