Alberta Energy Regulator

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

www.aer.ca

January 15, 2024

By Email Only

Meagan Conroy
MLT Aikins LLP, on behalf of Elizabeth Metis Settlement (EMS)

Statement of Concern No. 32204
Cenovus Energy Inc. (Cenovus)
Applications Nos. 1941839 and 039-48522

Dear Meagan Conroy:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of the Elizabeth Metis Settlement (EMS) about Applications No. 1941839 and 039-48522. 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:

- EMS's Settlement lands are located approximately 160 km southeast of the proposed project,
- While EMS has rights to access traditional lands where members may exercise traditional harvesting and cultural activities, the SOC does not, without further factual connection, establish that members may be directly and adversely impacted by the applications.
- Other than identifying generally the Project area and adjacent lands and waters, including named and unnamed lakes, no specific details or locations were provided as to where EMS members carry out hunting, plant gathering, or fishing activities in relation to the proposed Project. Further information is required to establish a sufficient degree of location or connection between the applications and the potential interference or impacts on the rights and activities asserted.

- The AER acknowledges your concerns regarding public consultation and notification. Cenovus provided notification to all known stakeholders in the area as per the *Draft Directive 023: Oil Sands Project Application* requirements. The AER Public Notice of Application provides all stakeholders the ability to object to an application before the AER who may not have been directly notified by the applicant. Cenovus has met the AER's stakeholder engagement requirements for these applications.
- The AER acknowledges your concerns regarding Crown consultation; however, this is outside of the AER's jurisdiction and should be addressed by the Aboriginal Consultation Office (ACO). As noted in your SOC, the ACO issued a decision on June 14, 2022, that no consultation was required for FNC202251040.
- The AER acknowledges your concerns regarding the potential for future development; however, this is outside the scope of these applications. You will have the opportunity to submit an SOC on future development applications.

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 those decisions. Copies 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
/gf

Attachments (2): Approvals

cc: Brent Mitchell, Cenovus
Heather Slavinski, AER
James Chen, AER
Field Operations East, AER
SOC Inbox, AER
Environmental Protection & Enhancement and Water, AER
ADR Inbox, AER
Aboriginal Consultation Office – FNC 202251040