

Proceeding 440

November 6, 2023

By email only

Lawson Lundell LLP

Attention: Shailaz Dhalla

Agr Energy Partners Ltd

Attention: Todd PlandowskiAER Enterprise Reclamation
Group (ERG)**Attention: Amanda Huxley****Hearing Commissioners' Office**

Suite 1000, 250 - 5 Street SW

Calgary, Alberta T2P 0R4

Canada

hearing.services@aer.ca**Re: Regulatory Appeal 1948503
Canadian Natural Resources Limited**

Dear Representatives:

I am writing to you on behalf of Parand Meysami (Presiding), Bea McNaughtan, and Brian Zaitlin, the Alberta Energy Regulator (AER) panel of hearing commissioners (the panel) presiding over proceeding 440.

On October 2, 2023, the AER issued a notice of hearing for a regulatory appeal of the AER's decision to cancel Reclamation Certificate 30002609.

The purpose of the regulatory appeal hearing is to determine whether the AER should confirm, vary, suspend, or revoke its decision to cancel the reclamation certificate.

Pursuant to section 1(j)(ii) of the *Alberta Energy Regulator Rules of Practice (Rules)*, the notice of hearing stated that Canadian Natural, and ERG are parties to the hearing. However, the parties were required to confirm their intention to participate in the hearing, and the nature and scope of their participation, in writing by October 16, 2023.

Participation**Submissions of the Parties**

The panel has received confirmation from Canadian Natural and ERG of their intentions to participate in the hearing on the regulatory appeal. The panel confirms that Canadian Natural and ERG may participate fully in this proceeding, including by way of making representations or submissions, questioning witnesses, and making arguments.

On October 16, 2023, a request to participate was received from Mr. Plandowski on behalf of Lane Lorenson. In the request Mr. Plandowski stated, Mr. Lorenson may be directly and adversely affected by

a decision of the AER on the regulatory appeal because he owns the land in question. The decision and discussion may have significant implications for Mr. Lorensen's land, the surrounding environment, and his livelihood.

Mr. Plandowski further stated that their participation is essential to ensuring Mr. Lorensen's interests and concerns are adequately represented in this matter, and they intend to actively engage in the proceeding by attending discussions and hearings and providing expert witnesses if necessary. They aim to contribute constructively to the resolution of this matter by providing relevant information, raising critical questions, and working towards a resolution.

On October 26, 2023, Canadian Natural stated it has no objection to Mr. Lorensen's participation in the hearing provided the extent of Mr. Lorensen's participation reflects the nature and scope of the issues and sub-issues determined by the AER in its August 31, 2023, decision, which Canadian Natural provided on October 31, 2023.

Panel's Decision on Participation

Mr. Lorensen owns the land subject of the cancelled reclamation certificate and the decision of the panel to confirm, vary, suspend, or revoke AER's decision to cancel the reclamation certificate may directly and adversely impact Mr. Lorensen and his property. Therefore, the panel permits Mr. Lorensen's full participation in the hearing. Full participation in the hearing includes filing written submissions according to the schedule to be set by the panel, speaking to those submissions at the hearing, being questioned by the panel and parties that are adverse in interest to Mr. Lorensen, cross-examining parties adverse in interest to Mr. Lorensen, and submitting final argument.

Hearing Issues

Canadian Natural asked Mr. Lorensen's participation in the hearing to reflect the nature and scope of the issues and sub-issues determined by the AER's August 31, 2023, decision. The AER's decision indicated the following issues:

- Did CNRL's reclamation of lands at 8-35-056-5-W4M meet the appropriate regulatory standard, and should ERG's decision to cancel the reclamation certificate be confirmed, varied, suspended, or revoked?
 - Whether there is new evidence that is relevant and material to the reclamation that was not available to the ERG decision-maker;
 - whether the passage of time has led to the spoilage of evidence; or
 - whether the landowner's actions affected reclamation

The panel would like to hear from all parties regarding the issues of the hearing. The panel invites the parties to provide comments about the issues that the panel should consider when setting the issues for the hearing.

Hearing Format and Location

AER hearings can be conducted in person, electronically, or in writing. The panel plans to hold the hearing in person possibly in St. Paul, Lloydminster, or another convenient location to be determined. If you prefer other hearing formats or locations, please provide your reasons for the panel's consideration.

Hearing Timing

The panel anticipates a three-day hearing for this proceeding. Currently, the AER has several hearings planned for the winter and spring of 2024. Therefore, availability to schedule additional hearings during this time is limited. The panel has identified July 9 - 11, 2024, as potential dates for the hearing.

If those dates are not suitable, provide your reasons and any dates you are not available in August and September.

Conclusion

In summary, the panel requests comments from the parties on each of the following hearing matters:

- issues,
- format,
- location, and
- date.

Please provide your submissions on the above to hearing.services@aer.ca, copying all other parties, by 4:00 pm on November 15, 2023. The parties may file a reply to others' submissions before 4:00 pm November 22, 2023.

Sincerely,

Tara Wheaton
Hearing Coordinator, Hearing Services

cc: Nathan Wellsman, Lawson Lundell LLP
Arly Castillo, Canadian Natural Resources Limited
Scott Poitras, AER counsel for the panel