

February 8, 2023

[www.aer.ca](http://www.aer.ca)

By Email Only

Jason Jenner

**Statement of Concern No. 31929  
Canadian Natural Resources Limited (CNRL)  
Application No. 31011835  
100/01-31-057-06W4M**

Dear Jason Jenner:

You are receiving this letter because you filed a statement of concern (SOC) about Application No. 31011835. The Alberta Energy Regulator (AER) has reviewed your SOC, along with the application, and all applicable requirements and other submissions or information about the application. 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:

- A Detailed Site Assessment (DSA) was conducted on July 25, 2020, and September 25, 2020, which showed that the conditions of the landscape and soil were comparable both onsite and offsite. The DSA indicated that landscape and soil parameters of the *2010 Reclamation Criteria for Wellsites and Associated Facilities for Cultivated Lands* (Reclamation Criteria) were met.
- According to the *September 1997 Conservation and Reclamation Information Letter: Third Party Impact on Reclamation*: “.... situations may occur where third party actions beyond the reasonable control of the operator, adversely impacts the operator’s ability to attain or maintain equivalent land capability and to achieve compliance with current legislative requirements.” These impacts can include livestock grazing, hay bale storage or unauthorized vehicle access. Upon two site inspections on August 23, 2021, and October 27, 2022, AER staff identified third party impacts including manure build up which prevented vegetation and promoted weed growth, a layer of straw and tractor ruts.

- Regarding the concerns about vegetation and the contours of the lease with consideration of third party impacts, the Reclamation Criteria requires an evaluation of whether “a site has met equivalent land capability.” Given the findings made in the DSA and during the AER staff site visits, the AER is satisfied that the site has met equivalent land capability and that your concerns have been addressed.
- The AER acknowledges your concern about rocks being brought to surface from the lease road. AER staff was unable to see rocks brought to the surface upon inspection and deemed the concern adequately addressed. In addition, operators have a 25-year liability period for surface reclamation issues (topography, vegetation, soil texture, drainage etc.) and a lifetime liability for contamination.

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 Reclamation Certificate 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,  
Andrew MacPherson

<Original Signed By>

Director, In Situ  
Regulatory Applications  
/gf

Attachment (1): Reclamation Certificate

cc: Felix Lin, Canadian Natural Resources Limited  
Brad Dunkle, Reclamation Assessor, AER  
SOC Inbox, AER  
Field Operations East, AER  
ADR Inbox, AER  
Reclamation Inbox, AER