

December 1, 2021

By Email Only

Mr. Craig Burns, Land Agent
BEAR Land Services

Statement of Concern No. 32004
Cenovus Energy Inc. (Previously Husky Oil Operations Ltd.)
Application No. 31252050

Location: NE 04-055-27-W4M

Dear Mr. Burns:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of Mr. Harold Christen about Application No. 31252050. 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:

- Detailed Site Assessments (DSAs) were conducted by Vertex Professional Services Ltd. (Vertex) on April 23, 2021, for soil and landscape, and on December 20, 2019 for vegetation; which concluded that the condition of the vegetation, landscape, and soil were comparable both onsite and offsite.
- The DSAs, with justification through alternative site assessments, indicated that all parameters of the *2010 Reclamation criteria for Wellsites and Associated Facilities for Cultivated Lands* (2010 Reclamation Criteria) were met.
- The Reclamation Criteria are applied “to evaluate whether a site has met equivalent land capability.” Given that the site meets the Reclamation Criteria, the AER is satisfied that the site has met equivalent land capability and the concerns have been addressed.

- Due to access restrictions, the DSAs utilized an alternative site assessment approach with the use of remote sensing and unmanned aerial vehicles imagery to determine that the site was comparable to surrounding controls. This data was deemed acceptable given the circumstance.
- Operators have a 25-year liability for surface reclamation issues (topography, vegetation, soil texture, drainage, etc.) and a lifetime liability for contamination. If future issues arise, please contact the nearest Field Centre.
- Regarding your concerns about the low area, AER staff reviewed the evidence provided by both parties, as well as the site inspection data, and concluded that the wellsite meets the landscape criteria set out by the 2010 Reclamation Criteria.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the application. The AER has issued the applied-for Reclamation Certificate and this is your notice of that decision. A copy of the Reclamation Certificate is 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 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.

Sincerely,

<original signed by>

Andrew MacPherson
Director, In Situ
Regulatory Applications
/sl

Attachment (1): Reclamation Certificate

cc: Penny Wizniuk, Vertex Professional Services Ltd
Brad Batten, Cenovus Energy Inc.
Stephanie Lindsay, Cenovus Energy Inc.
Harold Christen
SOC Inbox, AER
Drew Lockwood, AER
Field Operations - Central, AER