

October 26, 2022

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By Email Only

Nicole Nicholls  
**Cold Lake First Nations (CLFN)****Statement of Concern No. 32127  
Strathcona Resources Ltd. (Strathcona)  
Application No. 31535933**

Dear Nicole Nicholls:

You are receiving this letter because you filed a statement of concern (SOC) on behalf of CLFN about Application No. 31535933. 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 CLFN's concerns, we considered the following:

- Strathcona Resources Ltd. applied for a *Water Act* approval and approval for a Mineral Surface Lease to construct an observation well and a Licence of Occupation to access Class IV – Frozen/Dry conditions at 4-16-064-03W4M. The proposed project is located on Crown land, approximately 5.3 km from the west boundary of the CLFN's reserve lands and the project is located within land that the CLFN members consider to be part of their traditional territory
- The CLFN raised concerns regarding aboriginal rights and traditional land use activities. Specifically, CLFN states that after a desktop review it was determined that the project conflicts with CLFN land use and harvesting of resources, impacts culturally significant plants and culturally sensitive sites, disrupts CLFN continuity of land use and harvesting, and contributes to the cumulative, long-term degradation of CLFN rights and shrinks the total area available for CLFN to practice their Indigenous Rights.

- The information provided in the CLFN's SOC is general in nature and does not identify direct and adverse impacts that may result from the proposed project, including how its members rights or traditional land use activities may be negatively impacted.
- CLFN submits that within the proposed well site boundaries is prime ungulate habitat. However, a wildlife assessment overview was completed by Basin Environmental on November 20, 2021, and it was determined that no significant wildlife features were found in the area. Further, CLFN did not provide evidence to suggest that hunting had been traditionally carried out in the area, or at what frequency.
- The SOC also mentioned that it has concerns about land use and harvesting of resources, including culturally sensitive plants, however, CLFN does not provide information about how these land use activities are undertaken by CLFN members or provide information about where the activities are located or how the activities may be impacted by the proposed project.
- Regarding CLFN's concerns that the project contributes to the cumulative, long-term degradation of its members' rights and shrinks the total area available to CLFN to practice their Indigenous Rights, the Government of Alberta's environmental frameworks under its delineated Regional Plans are the appropriate mechanisms for identifying and managing regional cumulative effects of resource development activities.
- This application relates to lands that fall within the Lower Athabasca Regional Plan (LARP) region. Accordingly, the LARP is the appropriate mechanism through which to identify and manage the regional cumulative effects of resource development activities. The activities proposed in the area of the application are permitted under LARP.

Whether a decision of the AER may directly and adversely affect a statement of concern filer, such as CLFN, is to be considered by the AER in light of the evidence properly adduced before it.<sup>1</sup> Based on the above, the CLFN has not demonstrated that it may be directly and adversely affected by the application. As a result, 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 approval, and this is your notice of that decision. A copy of the approval 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

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

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 approval 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, InSitu  
Regulatory Applications

/mc

Attachments (1): Approval

cc: Len Moriarity, Strathcona Resources Ltd.  
Derek Rosso-Peck, AER  
SOC Inbox, AER  
Field Operations East, AER  
Public Lands Regional Office, AER  
Environmental Protection & Enhancement and Water, AER  
Aboriginal Consultation Office – FNC 202250866-001