

September 7, 2023

By Email Only

Robert Lassiter

Statement of Concern No. 32159
Torxen Energy Ltd.
Application No. 32023092
Location: 13-26-23-19W4M

Dear Robert Lassiter,

You are receiving this letter because you filed a statement of concern (SOC) about Application No. 32023092. 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) of the site for landscape, soil, and vegetation was conducted on July 16, 2022. The DSA showed that the conditions of the landscape, soil, and vegetation parameters for the wellsite were comparable both on-site and off-site and met the *2010 Reclamation Criteria for Wellsites and Associated Facilities for Cultivated Lands* (Reclamation Criteria).
- AER site visits were conducted on May 15, 2023, and August 4, 2023, wherein AER staff confirmed that the landscape and vegetation parameters appeared to be comparable both on and off-site and met the Reclamation Criteria. Regarding your concern about water retention / enhancement of an existing, natural slough, the AER confirmed during the site visit that the slough is natural and any outstanding concerns regarding it are not the responsibility of the Operator. In addition, onsite crop conditions were measured and observed to be consistent with offsite measurements and were deemed satisfactory.
- 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 the filers concerns have been addressed.

- The AER notes that Operators have a 25-year liability period for surface reclamation issues (topography, vegetation, soil texture, drainage, etc.).

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
/ek

Attachment (1): Reclamation Certificate

cc: Mark Grant, Torxen Energy Ltd.
SOC Inbox, AER
Zachary McCargar, Reclamation Assessor, AER
Reclamation Inbox, AER
Field Operations, South, AER