Alberta Energy Regulator

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September 16, 2026

By email only: petrina.fudge@igrc468.com

Petrina Fudge
Fort McMurray 468 First Nation

Statement of Concern No. 33098
Athabasca Oil Corporation (AOC)
Application No. 34052552
FNC 202651054

Dear Petrina Fudge,

You are receiving this letter because you filed a statement of concern (SOC) about Application No. 34052552. 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:

• The concerns regarding potential impacts to the watershed and wildlife within the project area are outside the scope of the subject *Public Lands Act* Application. These matters are addressed through separate regulatory approvals and conditions, including AOC's *Environmental Protection and Enhancement Act* (EPEA) approval 00241311, as amended, which establishes requirements for water management, environmental protection, and wildlife monitoring and mitigation within the project area.
• Additionally, AOC is required to follow all the wildlife impact conditions within the *Public Lands Act* approval, as outlined in the Government of Alberta (GOA) *Master Schedule of Standards and Conditions*.
• Your concern regarding removal of vegetation, specifically the burning of cleared timber is out of the AER jurisdiction. Burning of woody debris on Public Land is regulated under the *Forest and Prairie Protection Act*. The *Forest and Prairie Protection (Ministerial) Regulation* identifies specific measures that must be followed for burning operations of woody debris including safety considerations, fire fighting equipment and preparedness, and monitoring. Alberta Forestry and Parks require burn permits during the fire season (March 1 to October 31), and these may be suspended or cancelled during periods of high risk. Municipalities may also have their own rules, restrictions, or permit requirements.
• AOC will conduct any burning during winter season. It is standard practice to burn brush off peatlands, on exposed mineral soil during periods of adequate snow cover.
• Changes to muskeg, peat, and surface water drainage are addressed under the *Water Act* and the *Environmental Protection and Enhancement Act* (EPEA). In this case, the EPEA approval boundary was

established, and the Environmental Impact Assessment was completed before the Alberta Wetland Policy came into effect on July 4, 2016. As a result, in accordance with AER Bulletin 2017-19 and the Alberta Wetland Mitigation Directive, these impacts are managed under EPEA Approval No. 00241311-01-00, specifically Schedule VI Groundwater, Schedule VII Soil, and Schedule XI Wetlands and Water Bodies. The *Public Lands Act* approval also includes standards and conditions related to construction practices, soil, and watercourses or water bodies, as proposed in the Application.

- AOC will schedule project construction during frozen or dry ground conditions and outside of the approved restricted activity period to minimize impacts on sensitive species and peatlands. The AER accepted AOC requested variance to the caribou restricted activity period of March 31 to July 15, replacing the standard February 15 to July 15 period.
- FM468FN has not provided the AER with sufficient information to demonstrate how the Application will contribute to adverse cumulative impacts and the extent to which those cumulative impacts may impact on its members' traditional practices and exercise of Treaty rights. Further, the project area falls within the Lower Athabasca Regional Plan (LARP) which addresses the management of cumulative impacts on the environment on a regional basis. The activities proposed for the Application are permitted under LARP.
- FM468FN has not provided the AER with sufficient information to show how the Application may directly and adversely affect its members, asserted rights, or the lands and waters they commonly use. The project's location, within an area used for traditional activities, without further factual detail, does not establish a sufficient connection between the Application and the asserted impacts.
- The Application is located entirely within the previously approved Kai Kos Dehseh (KKD) Project area, which has already been subject to extensive environmental assessment, consultation, regulatory review, and approval.
- The concerns regarding Crown consultation are outside the AER's jurisdiction and should be directed to the Aboriginal Consultation Office (ACO). In addition, the ACO issued an Adequacy Decision on FNC 202651054, in which the ACO indicated consultation was Adequate on July 2, 2026.
- The concerns regarding increased emissions, and noise are general in nature as well as outside the scope of the subject Application. The proposed project has been applied for under the *Public Lands Act* and will only authorize the construction and rights in relation to the surface activity associated with a Mineral Surface Lease (MSL). These matters are addressed through separate regulatory approvals and conditions, including AOC's EPEA approval 00241311, as amended, which establishes emission and noise requirements within the project area.
- FM468FN may submit an operational complaint to the Energy and Environmental Response line at 1-800-222-6514 should any operational issues arise.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the Application and the AER has issued the applied-for approvals, and this is your notice of that decision. Copies of the approvals are 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 approvals 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>

Rushang Joshi
Director, In Situ, Environmental Sciences & Reclamation

/bg

Attachments (2): Approvals

cc: Bobbi-Jo Reain, AOC
Kelton Percival, AER
SOC Inbox, AER
Field Operations, Northeast, AER
Aboriginal Consultation Office - FNC202651054