

BY E-MAIL ONLY

June 1, 2016

Andrew Scott, Consultation Coordinator
O’Chiese Consultation Office

APPLICATION(S) No. A10016580, A10016579, A10016573, A10016563, A10016556, A10016552, A10016548, A10016544, A10016541, A10016537, A10016525, A10016517, A10016508, A10016500, A10016253, A10016239, A10016237, A10016232, A10016229, A10016222, A10016217, A10016154, A10016078, A10016072, A10016071, A10015452, A10015449, A10015450, A10015239, A10015234, A10015201, A10015198, A10014900, A10014792, A10014791 from Penn West Petroleum Ltd.

STATEMENT OF CONCERN NO. 29965

Dear Andrew Scott:

You are receiving this letter because you filed a statement of concern about Application(s) No. A10016580, A10016579, A10016573, A10016563, A10016556, A10016552, A10016548, A10016544, A10016541, A10016537, A10016525, A10016517, A10016508, A10016500, A10016253, A10016239, A10016237, A10016232, A10016229, A10016222, A10016217, A10016154, A10016078, A10016072, A10016071, A10015452, A10015449, A10015450, A10015239, A10015234, A10015201, A10015198, A10014900, A10014792, A10014791. The Alberta Energy Regulator (AER) has reviewed your statement of concern, along with the application, the applicable requirements, and other submissions or information about the application and has decided that a hearing is not required under an enactment or otherwise necessary to consider the concerns outlined in your statement of concern.

In its review of your concerns, the AER considered the following:

- The reserve lands of the O’Chiese First Nation (OCFN) are located between 3.5 km to 70 km from the project locations.
- The applications are for renewals of previously approved dispositions where there has been no change to the lands and include a signed affidavit (statutory declaration)

from the surveyor attesting to this. The renewal applications contain no changes to the dispositions.

- Penn West Petroleum Ltd. (Penn West) consulted the Aboriginal Consultation Office (ACO) with respect to their applications and the ACO determined that “No Consultation Required” or “Consultation is Complete” on all of the applications.
- Whether a decision of the AER may directly and adversely affect a party such as OCFN is to be considered by the AER in light of the evidence properly adduced before it. None of the information provided by OCFN identifies that its members actually conduct traditional use activities at any specific locations within or in proximity to the area on which the applications are located. OCFN’s concerns are of a general nature and the information provided by OCFN does not establish a sufficient degree of location or connection between the Applications and the potential interference or impacts on its asserted Treaty and Aboriginal rights. Accordingly, OCFN has not demonstrated that it may be directly and adversely affected.

inquiries 1-855-297-8311
24-hour
emergency 1-800-222-6514

The AER has issued the applied-for approvals and this is your notice of that decision. Copies of the approvals are attached. Under the *Responsible Energy Development Act* an eligible person may file a request for a regulatory appeal on an appealable decision. Eligible persons and appealable decisions are defined in section 36 of the *Responsible Energy Development Act* and section 3.1 of the *Responsible Energy Development Act General Regulation*. If you wish to file a request for regulatory appeal, you must submit your request in the form and manner and within the timeframe required by the AER. You can find filing requirements and forms on the AER website www.aer.ca under Applications & Notices: Appeals.

If you have any questions, contact Laura Van Der Veen.

Sincerely,

Tara Hosick
Acting Director, Land Use Authorizations

Enclosure (35): **(PLA Approvals)**

cc: Gregory Stone, Penn West Petroleum Ltd.
Authorizations Branch Support
AER Red Deer Field Centre
AER Drayton Valley Field Centre
AER Aboriginal Relations
Aboriginal Consultation Office