

BY E-MAIL ONLY

December 16, 2015

Bill McElhanney

Ackroyd LLP on behalf of Fort McMurray #468

**APPLICATION No. OSE 150015 from Husky Oil Operations Limited (Husky)
STATEMENT OF CONCERN NO. 29959**

Dear Mr. McElhanney:

You are receiving this letter because you filed a statement of concern on behalf of Fort McMurray #468 First Nation (FMFN) about Application No. OSE 150015. The Alberta Energy Regulator (AER) has reviewed FMFN's 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 FMFN's concerns, the AER considered the following:

- FMFN lands are located about 180km from the proposed project.
- The application meets all applicable regulatory requirements.
- The SOC filed by FMFN lacks detail or any specifics including in regard to FMFN member's use of the lands and does not explain how FMFN may be impacted by the project.
- The AER does not have jurisdiction with regard to the Crown's consultation with FMFN.
- FMFN's suggestion that more information could be provided and that confidentiality would be required does not change the recommendation. Decisions are made on the information provided, not on information that might be provided in the future. Further, counsel for FMFN should be aware of the AER's process for requesting confidential treatment of information prior to filing such information.

- Any impacts from future applications would be assessed at the time of those applications, and notice of application would be published on the AER website with a deadline for parties to file a statement of concern with the AER.

The AER has issued the applied-for authorization and this is your notice of that decision. A copy of the authorization is 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.

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

Sincerely,

<*original signed by*>

Elizabeth Grilo
Director, Land Use Authorizations

Attachments 1: Notice of Decision-OSE 150015

cc: Amanda White, Husky Oil Operations Ltd.
Authorizations Branch Support
AER Slave Lake Field Centre
AER Aboriginal Relations
Aboriginal Consultation Office