

BY E-MAIL ONLY

May 12, 2016

Andrew Scott, Consultation Coordinator  
**O’Chiese Consultation Office**

**APPLICATION(S) No. PLA160019-001, PIL160061-001 and LOC160169-001 from  
Penn West Petroleum Ltd.**

**STATEMENT OF CONCERN NO. 30134 and 30192**

Dear Andrew Scott:

You are receiving this letter because you filed a statement of concern about Application(s) No. PLA160019-001, PIL160061-001 and LOC160169. 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 approximately 40 km from the project locations.
- Although the proposed project is on lands OCFN identifies as its traditional lands, OCFN’s concerns are of a general nature, and the information provided by OCFN does not establish a sufficient connection between the application and impacts on its Treaty and Aboriginal rights.
- 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.

- The Aboriginal Consultation Office (ACO) advised that as OCFN did not provide any site specific comments or concerns regarding any potential impacts of the proposed project on OCFN's Treaty rights and traditional uses and that the concerns are better addressed outside of this project specific consultation that consultation is adequate for these projects.

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](http://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 (3): **(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