

with subsection 1(1)(j) of the *REDA*, is an energy resource enactment. And since the Approval was made without holding a hearing, it is an appealable decision under section 36(a) of the *REDA*.

While the Callans assert their rights to harvest and carry out their aboriginal way of life in relation to the trapline, there is no information in the grounds for the regulatory appeal request that demonstrates how the Callans trapping, harvesting and other activities are or may be affected by the approved oilfield waste landfill. No information is provided regarding any specific locations of trapping or other activities or assets that are on or near the proposed landfill. In the absence of such information, the Callans have failed to demonstrate that they are or may be impacted by the approved landfill.

The Callans' also assert that they have a right to be consulted about the landfill; however, the AER has no jurisdiction with respect to assessing the adequacy of Crown consultation associated with the rights of aboriginal peoples¹. The AER notes that the Aboriginal Consultation Office issued its consultation adequacy decision, relating to the issuance of the Miscellaneous Lease (MLL) under the *Public Lands Act* application, for this project on March 13, 2018.

Regarding the Callans' concerns about a lack of information, the AER notes that Conoco has complied with all AER notification and participant involvement requirements in respect of the approved landfill. Conoco's response to the regulatory appeal request describes how it addressed the Callans' concerns about lack of information on noise levels and the composition of waste at the landfill. The response details the specific efforts made to provide that information in response to the Callans' concerns. Regarding the request for wildlife impact studies, no Environmental Impact Assessment is required for the landfill and there are no other AER requirements to provide such studies. As indicated previously, Conoco must comply with all applicable environmental and regulatory requirements pertaining to wildlife and habitat protection.

The Callans did not file a reply submission to challenge any of Conoco's responses.

Conclusion

For the reasons above, the Callan's have not demonstrated that they are or may be directly and adversely affected by the AER's decision to approve the oilfield waste landfill, and are therefore not 'eligible persons' under the *REDA*. As the *REDA* indicates that only eligible persons can request a regulatory appeal, the Callan's request is not properly before the AER and is dismissed pursuant to

¹ Section 21 of the *Responsible Energy Development Act*, S.A. 2012, Chapter R-17.3.

section39(4)(c) of the *REDA*. Given this, it is not necessary to address Conoco's arguments that the request for regulatory appeal is frivolous, vexatious and without merit.

Sincerely,

<Original signed by> _____
Terence Ko, P. Eng.
Senior Advisor, Insitu Authorizations

October 30th, 2019 _____
Date

<Original signed by> _____
Elizabeth Grilo
Senior Advisor, Strategic Delivery

October 31, 2019 _____
Date

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October 30, 2019 _____
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