

Via Email

**April 30, 2021**

Elan Coal Ltd.

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Canada

[www.aer.ca](http://www.aer.ca)

**Attention: Daniel Campbell**

**RE: Reconsideration and Suspension under Section 42 of the *Responsible Energy Development Act***

**Elan Project: CEP 170004, TFA183710, TFA 183823, TFA 184686**

**Elan South Project: CEP 190001, TFA 194728, TFA 203392 and Deep Drill Permit C 2019-4**

**Isolation South Project: CEP190005, TFA 202208, TFA202843, TDL 00465948, Deep Drill Permit C 2019-14**

**Isolation South Project: CEP 200002, TFA203400, TFA203545, TFA203567, TDL 00465249, Deep Drill Permit C 2020-5**

**Isolation South 2D Seismic: Geophysical Program GEO200003**

Dear Sir:

The Alberta Energy Regulator (AER) has received the following direction from the Minister of Energy, Ministerial Order 093/2021, Coal Exploration Direction, dated April 23, 2021, pursuant to section 67 of the *Responsible Energy Development Act* (the REDA):

1. To take steps to suspend or pause all approvals (as defined by REDA) for coal exploration, on Category 2 lands, until December 31, 2021, or such other date as the Minister of Energy may specify in writing to the AER.

The AER has issued to Elan Coal Ltd. a number of coal exploration program (CEP) dispositions, as well as associated deep drill permits, temporary field authorizations, temporary diversion licenses, and an approval for a geophysical program on coal Category 2 lands. A list of these active CEP dispositions and associated permits, authorizations, licenses and approvals issued to Elan Coal can be found in Appendix 1 (collectively, the Approvals). The Approvals permit activities which relate to coal exploration.

The AER has the authority to reconsider its decisions pursuant to section 42 of the REDA. That section states:

The Regulator may, in its sole discretion, reconsider a decision made by it and may confirm, vary, suspend or revoke the decision.

The AER will only exercise its discretion to reconsider under the most extraordinary circumstances where it is satisfied that there are exceptional and compelling grounds to do so. The AER has determined there are extraordinary circumstances present. Subsection 67(2) of the REDA provides that the AER shall, within the time period set out in a ministerial order, comply with the directions given under this section.

Given the circumstances as outlined above, the AER considers that there exist exceptional and compelling grounds, and the AER has decided to conduct a reconsideration of the Approvals, without a hearing.

### **Decision on Reconsideration**

Having reviewed and considered the ministerial direction, the AER is satisfied that it is clearly within the scope of subsections 67(1) (a) and (b) of the REDA. The pausing or suspension of all approvals for coal exploration on Category 2 lands is a clear priority of the Government of Alberta which the AER has been directed to follow in the carrying out of its powers, duties and functions in this area of its jurisdiction. The direction is also aimed at ensuring the AER's coal exploration work is consistent with the programs, policies and work of the Government of Alberta, namely the halting of exploration on Category 2 lands while the Government's public engagement process on coal exploration and development in Alberta is ongoing. Given that this is a valid exercise of the Minister's authority, the AER is required to comply with the direction as per subsection 67(2) of the REDA.

The AER has decided to suspend the Approvals. Effective immediately, activity previously authorized pursuant to the Approvals is hereby suspended.

The suspension of the Approvals is effective immediately and the suspension will remain in place until December 31, 2021.

Elan Coal Ltd. remains responsible for maintaining the safety and security of all the sites and associated activities authorized by the Approvals during the suspension.

Sincerely,

*<Original signed by>*

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Laurie Pushor  
President and CEO

cc: Rushang Joshi, AER  
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## Appendix 1: Approvals on Category 2 lands

Company	Project	Type of Disposition	Disposition Number	
Elan Coal Ltd.	Elan	Coal Exploration Program	CEP170004	
		Temporary Field Authorization	TFA183710	
		Temporary Field Authorization	TFA183823	
			Temporary Field Authorization	TFA184686
	Elan South		Coal Exploration Program	CEP190001
			Temporary Field Authorization	TFA194728
			Temporary Field Authorization	TFA203392
	Isolation South		Coal Exploration Program	CEP190005
			Temporary Field Authority	TFA202208
			Temporary Field Authority	TFA202843
			Temporary Diversion License	00465948
			Deep Drill permit	C 2019-14
	Isolation South		Coal Exploration Program	CEP200002
			Temporary Field Authority	TFA203400
			Temporary Field Authority	TFA203545
			Temporary Field Authority	TFA203567
			Temporary Diversion License	00465249
			Deep Drill permit	C 2020-5
	Isolation South 2D Seismic		Geophysical program	GEO200003