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### By Email Only

January 12, 2026

Remee Richard

Tourmaline Oil Corp

Attention: Bryan Kelm

### Dear Parties:

**RE: Request for Regulatory Appeal by Remee Richard  
Tourmaline Oil Corp (Tourmaline)  
Application Nos.: 33579838; 33579815; 33579767  
Licence Nos.: 0519416, 0519417, 0519419 (Well Licences)  
Location: 13-11-079-7W6 (Padsite)  
Request for Regulatory Appeal No.: 1959009**

The Alberta Energy Regulator (AER) has considered Remee Richard's (Mr. Richard) request under section 38 of the *Responsible Energy Development Act* (REDA) for a regulatory appeal of the AER's decision to issue the above noted Well Licences to Tourmaline on July 22, 2025 (Decision). The AER has reviewed Mr. Richard's submissions and the submissions made by Tourmaline.

For the reasons that follow, the AER has decided that Mr. Richard is not eligible to request a regulatory appeal of the Decision. Therefore, the request for a Regulatory Appeal is dismissed.

The applicable provision of REDA in regard to regulatory appeals, section 38, states:

38(1) An **eligible person** may request a regulatory appeal of an **appealable decision** by filing a request for regulatory appeal with the Regulator in **accordance with the rules**.

[emphasis added]

The term "eligible person" is defined in section 36(b)(ii) of REDA to include:

a person who is directly and adversely affected by a decision [made under an energy resource enactment]...

### Background

On July 22, 2025, Tourmaline applied to the AER under the provisions of the *Oil and Gas Conservation Act* (OGCA) to construct and operate three crude oil production wells with a maximum hydrogen sulphide (H<sub>2</sub>S) concentration of 15.9 mol/kmol to be located at 13-11-079-7W6, with an emergency planning zone (EPZ) calculated to be 250 metres. The AER issued the applied for approvals to Tourmaline on the same day they were applied for.

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On August 19, 2025, the AER received a request for regulatory appeal from Mr. Richard in relation to the issuance of the Well Licences to Tourmaline.

On August 28, 2025, the AER issued correspondence to Mr. Richard advising that his request was missing some of the information required to be provided as set out in section 30(3) of the *AER Rules of Practice* (Rules).

On September 2, 2025, Mr. Richard submitted the information required to complete his request for regulatory appeal.

## **Submissions from the Parties**

### ***Request for Regulatory Appeal***

Mr. Richard submits that he is concerned about the evacuation route in the event of an emergency resulting from a Hydrogen Sulphide (H<sub>2</sub>S) leak at the subject wells, and the associated pipeline to the existing site, located at 13-11-079-07W6, as the only available route of evacuation from Mr. Richard's residence, which is located on 791A Township Road, is to drive westward to the secondary highway 727. Mr. Richard submits that, if there is an emergency situation and his family's only route of evacuation at the highway intersection is blocked due to increased traffic from oil field activities, they would face significant safety risks as the road going east from their residence is dead ended between two deep creeks that are not passable. Mr. Richard submits that the intersection where Township Road 791A meets secondary Highway 727 is a very poor intersection with poor visibility. Mr. Richard also submits that he has had to evacuate his residence previously in 2021 due to an H<sub>2</sub>S leak at a different facility in the area and during that incident he was forced to drive towards the leak to egress. Mr. Richard submits that the project should be moved to a location where the surrounding residents are not restricted to one evacuation route.

### ***Tourmaline's Response***

Tourmaline's response submits that the initial acquisition of the surface lease for the Padsite was completed by Chevron in June 2025. Once Tourmaline acquired it, the Participant Involvement (PI) program was conducted by Tourmaline in accordance with the AER's *Directive 056 - Energy Development Applications and Schedule (Directive 056)*. Tourmaline submits that the EPZ for the Padsite was calculated to be 250 m, and that neither Mr. Richard's residence nor his access road was determined to be in the EPZ for the wells, so he was not included in the original notification for the subject Well Licences. Tourmaline submits that during the PI notification process for the associated pipeline, Mr. Richard's residence was determined to be in the EPZ for the proposed pipeline, and these conversations resulted in the revised licensed H<sub>2</sub>S and altering the route of the pipeline to alleviate Mr. Richard's concerns. Paramount submits that during the discussions with Mr. Richard around the associated pipeline, they did also discuss why Mr. Richard was not included in the notification process for the Well Licences, and some of his other concerns related to increased traffic in the area due to oilfield activities. In response to Mr. Richard's traffic concerns, Tourmaline submits that they have offered to increase their traffic management process including additional signage and traffic monitors.

### ***Mr. Richard's Reply***

Mr. Richard's reply submits that he has filed a statement of concern in relation to a subsequent Tourmaline pipeline application (Application No. 33655386) and oil satellite application (Application No. 1959139) in relation to the subject Padsite. Mr. Richard submits that even though his property and sole access route fall outside of the EPZ, the project still leaves him with a high-level of risk in the event of an emergency evacuation. Mr. Richard submits that he was required to evacuate in 2021 due to an H2S leak that occurred approximately one mile west of his residence, which he was also determined to be outside the EPZ of, and was still required to be evacuated for two days. Given that the subject Padsite is even closer to his home, Mr. Richard submits he is extremely concerned that the risks are greater. Mr. Richard submits that his property being outside of the EPZ does not mitigate the danger he could face in the event of an emergency situation. Mr. Richard submits that all residents and landowners in the area, regardless of being inside or outside of the EPZ, should be notified of all oilfield activities that could impact their safety. Mr. Richard questions that as a resident who may be impacted by the H2S at the site, how is he able to confirm what percentage of H2S is being used, and can the AER and Tourmaline guarantee that the site won't be licensed for a greater amount of H2S in the future. Mr. Richard submits that, as the only route of evacuation is westward to the highway, which could become unavailable in the event of an H2S leak, Mr. Richard also submits that there is a school bus route that uses this route regularly which could be stranded at the eastern end of the route in the event of an H2S leak. With respect to Tourmaline's suggestions to add additional signage to address his traffic concerns, Mr. Richard submits that signs are only effective if drivers follow them, and increased traffic from large vehicles turning at the intersection, which already has a poor line of sight, will only increase the risks in the area.

Mr. Richard submits that the AER should secure an additional safe evacuation route east from his property, and that residents living near oilfield projects should be able to access multiple safe evacuation routes. Mr. Richard submits that Tourmaline should relocate the Padsite to an area that poses less risk for the area residents and where more evacuation routes are available.

### **Reasons for Decision**

The AER notes that the subject request for regulatory appeal is for well licences no. 0519416, 0519417, and 051941 located on the Padsite at 13-11-079-7W6. This regulatory appeal request is not in relation to Tourmaline's pipeline application and oil satellite application mentioned in Mr. Richard's submissions.

There are three components to a regulatory appeal request under section 38:

- (a) the decision must be an appealable decision; (b) the requester must be an eligible person; and (c) the request must be filed in accordance with the rules.

### ***Appealable Decision***

The applicable REDA provision for the regulatory appeal request is section 36(a)(iv): a decision of the Regulator that was made under an energy resource enactment, if that decision was made without a hearing.

The Well Licenses were issued pursuant to the *OGCA*, without a hearing, and are therefore, appealable decisions.

### ***In Accordance with the Rules***

While Mr. Richard's request for regulatory appeal was initially missing some of the required information, as set out in section 30(3) of the *AER Rules of Practice* (Rules), the missing information was completed within the timeline requested by the AER and the request was filed within 30 days of the issuance of the Decision, and was therefore made in accordance with the Rules.

### ***Eligible Person***

For energy resource enactment decisions, under section 36(b)(ii) of REDA, an eligible person is a person who is directly and adversely affected by a decision made under an energy resource enactment without a hearing.

#### **Directly and Adversely Affected**

The AER's approach in cases such as this, where the development or activity in question has not yet occurred and therefore the actual impacts are not yet known, is to take the position that the phrases "is directly and adversely affected" or "is directly affected" do not require certain proof that the person will be affected. What is required is reliable information in the regulatory appeal request that demonstrates a reasonable potential or probability that the person asserting the impact will be affected.

Whether Mr. Richard is a person that may be directly and adversely affected by the decision to issue the well licenses is a principal question to be decided in relation to Mr. Richard's request for a regulatory appeal.

In *Dene Tha' First Nation v Alberta (Energy and Utilities Board)*,<sup>1</sup> the Court of Appeal of Alberta provided guidance on what a person must demonstrate in order to meet the factual part of the directly and adversely affected test. Although the decision concerns the test under subsection 26(2) of the former *Energy Resources Conservation Act*, the AER considers it to be reliable guidance in the question of what information is needed to show that a person may be directly and adversely affected/directly affected, i.e., on the factual question that arises under section 36(b) of the REDA:

[14] It was argued before us that more recent case law on prima facie infringement of aboriginal or treaty rights changed things. But the Board still needed some facts to go on. It is not compelled by this legislation to order intervention and a hearing whenever anyone anywhere in Alberta merely asserts a possible aboriginal or treaty right. Some degree of location or connection between the work proposed and the right asserted is reasonable. What degree is a question of fact for the Board. (Emphasis added).

Mr. Richard raises general concerns about the H2S content of the wells and submits that in the event of an emergency, his only evacuation route is to drive westward to the secondary highway 727, and the evacuation route might be unavailable during the emergency. Tourmaline submits that the EPZ for the Padsite was

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<sup>1</sup>Dene Tha' First Nation v Alberta (Energy and Utilities Board) 2005 ABCA 68.

calculated to be 250 m, and that neither Mr. Richard's residence nor his access road was determined to be in the EPZ for the wells. In response to Tourmaline's submission, Mr. Richard submitted that his property being outside of the EPZ does not mitigate the danger he could face in the event of an emergency situation.

Licensees, such as Tourmaline, are required by Directive 071 to use the ERCBH2S computer software to calculate EPZs. The AER has carefully selected the numbers or inputs used in the ERCBH2S calculations to ensure that the resulting EPZ meets emergency planning objectives. The EPZ calculations include multiple conservative assumptions. Uncertainty and variability in key parameters for calculating an EPZ are accounted for to ensure that the resulting EPZ errs on the side of public safety and an EPZ that may be larger than necessary. This affords a greater distance for initial response than would be needed in practice during a sour gas release.

Based on the submissions from Mr. Richard and Tourmaline, the AER is not persuaded that Mr. Richard's and his family's safety may be directly and adversely affected by the decision to issue the well licenses. Mr. Richard's residence and property are not within the 250 m EPZ for the wells located northeast of Mr. Richard's residence. Mr. Richard and his family have the ability to drive westward to Secondary highway 727, which is not within the well site's EPZ. Rather the highway is about 2km from the well site and Mr. Richard is not required to egress through the EPZ, if an evacuation may be necessary.

Mr. Richard submits that if there is an emergency situation and his only route of evacuation at the highway intersection is blocked due to increased traffic from oil field activities, he would face significant safety risks as the road going east from their residence is dead ended between two deep creeks that are not passable. He explains that the intersection where Township Road 791A meets Secondary Highway 727 is a very poor intersection with poor visibility. Increased traffic from large vehicles turning at this intersection will only exacerbate the risk in this area.

The AER notes that Tourmaline has offered to increase its traffic management process, including increased signage and traffic monitors to reduce the risk of increased traffic in the area. Furthermore, highways and roads are outside of the AER's jurisdiction. Mr. Richard may raise his traffic and road safety concerns with the County of Saddle Hills, who has jurisdiction over the highways and roads in his area.

## **Conclusion**

For the foregoing reasons, the AER finds that Mr. Richard has not demonstrated he may be directly and adversely affected by the well licences and therefore he is not "an eligible person" as required by section 38 and defined in section 36(b)(ii) of REDA. Accordingly, Mr. Richard has not met the requirements for a regulatory appeal, and the AER has decided to dismiss the request for regulatory appeal of the Well Licences.

Sincerely,

*<Original signed by>*

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**Elizabeth Grilo**

Senior Advisor, Regulatory

*<Original signed by>*

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**David Helmer**

Senior Advisor, Regulatory

*<Original signed by>*

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**Dustin Shauer**

Senior Advisor, Closure Policy

cc: Sylvia Ulrich, AER