Alberta Energy Regulator

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By email only

Whitecap Resources Inc.

Attention: Chelsea Oberton

Alberta Energy Regulator – Regulatory Applications Branch

Attention: Alison Doebele, Counsel
Dana Poscente, Counsel

Dear Parties:

RE: Request for Regulatory Appeal by Whitecap Resources Inc. (Whitecap)
Alberta Energy Regulator – Regulatory Applications Branch (Regulatory Applications)
Rejection of Whitecap's RTF Application No. 34018497 on May 8, 2026
Application No.: 34018497
Location: 09-18-062-02W6
Request for Regulatory Appeal No.: 1961530

The Alberta Energy Regulator (AER) has considered Whitecap's request under section 38 of the *Responsible Energy Development Act* (REDA) for a regulatory appeal (Appeal Request) of the decision to reject Whitecap's Application No. 34018497 on May 8, 2026 (Rejection Decision). The AER has considered Whitecap's submissions and the submissions made by Regulatory Applications.

While the AER has decided that Whitecap is eligible to request a regulatory appeal of the Rejection Decision, the AER dismisses Whitecap's Appeal Request because it is without merit and not properly before the AER.

Background

On April 21, 2026, Whitecap applied to the AER under the provisions of the *Public Lands Act* for a new AER Temporary Field Authorization (RTF) for the purpose of an industrial work camp (Application). Whitecap's Application indicates that the intention of the applied-for RTF was to replace an RTF which authorized an existing work camp and expired May 4, 2026, such that the existing camp will continue to be used.

On May 8, 2026, Regulatory Applications issued its Rejection Decision notifying Whitecap that its Application was rejected under section 11 of the *Public Lands Administration Regulation* (PLAR) as the eligibility requirements had not been met. Specifically, the Rejection Decision states that the Application seeks an RTF

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that would extend the duration of an existing work camp beyond the applicable timeframe permitted for such a work camp under the *Public Lands Administration Regulation Table A2* (PLAR Table A2).

On May 20, 2026, Whitecap submitted its Appeal Request with respect to the Rejection Decision.

Regulatory Applications filed its submission in response to the Appeal Request on June 17, 2026, and Whitecap provided no further information or submissions in reply.

Parties' Submissions

Appeal Request

Whitecap states that it is in the process of applying for a department miscellaneous lease (DML) for the site of the work camp. However, Whitecap submits that due to the lengthy approval process, it will not receive "an agreement" for an undetermined timeframe. Whitecap submits that, in the interim and to minimize disturbance and environmental footprint, it would like to turn the existing temporary campsite into a permanent campsite. Whitecap requests "approval for the RTF for one additional one year" to allow Whitecap to proceed with its operations in the short term until a DML is in place.

Regulatory Applications' Response

In its response, Regulatory Applications submits that Whitecap appears to be an "eligible person" to request a regulatory appeal and that the Rejection Decision is an "appealable decision" under section 36 of REDA. However, Regulatory Applications submits that the AER does not have the authority to grant Whitecap's requested form of relief, so the Appeal Request should be dismissed under section 39 of REDA on the basis that it is without merit and/or not properly before the AER.

Regulatory Applications submits that the AER only has authority to approve certain work camps under the *Public Lands Act* and PLAR. Such work camps must be temporary in nature (one year or less), use an area of 1 hectare or less, and discharge not more than 25 cubic metres of sewage per day. Regulatory Applications submits that Whitecap should seek its requested relief from Alberta Environment and Protected Areas (AEPA) as the regulatory body with the authority to approve work camps required for more than one year under the *Public Lands Act* and PLAR (e.g., consider applying for an early entry temporary field authorization from AEPA, while Whitecap's application for a DML is being considered by AEPA).

Regulatory Framework

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]

An "appealable decision" is defined to include an AER decision in respect of which a person would otherwise be entitled to submit a notice of appeal under section 121 of the *Public Lands Act*, if that decision was made

without a hearing (REDA, section 36(a)(iii)). The term "eligible person" is defined in section 36(b) of REDA to include a person entitled to submit a notice of appeal under section 121 of the *Public Lands Act*.

Section 121(1) of the *Public Lands Act* provides that a notice of appeal of a "prescribed decision" may be submitted by a "prescribed person" in accordance with the regulations. In turn, the PLAR provide that a "prescribed decision" includes the "rejection of an application under the [*Public Lands Act*] for a disposition", and "prescribed person" includes a person to whom the decision was given (PLAR, sections 209(l), 211(b) and 212(1)(a), (2)).

A request for regulatory appeal must be filed in accordance with the *Alberta Energy Regulator Rules of Practice* (Rules).

Even if the above elements of section 38(1) of REDA are met, section 39(4) of REDA provides the AER with discretion to dismiss all or part of a request for a regulatory appeal in the following circumstances:

(a) if the Regulator considers the request to be frivolous, vexatious, or without merit,

(b) if the request is in respect of a decision on an application and the eligible person did not file a statement of concern in respect of the application in accordance with the rules,

(c) if for any other reason the Regulator considers that the request for regulatory appeal is not properly before it.

Reasons for Decision

Appealable Decision

The Rejection Decision is a "prescribed decision" under section 211(b) of the PLAR, and the decision was made without a hearing. Accordingly, we find that it is an "appealable decision".

Eligible Person

Whitecap is the person to whom the Rejection Decision was given. We find that it is therefore a "prescribed person" under section 212(1)(a) of the PLAR, and an "eligible person" as defined in section 36(b)(i) of REDA.

In accordance with the Rules

Whitecap filed its Appeal Request within the 30-day timeline set out in section 30(3)(m) of the Rules, and otherwise in accordance with the Rules.

Section 39(4) of REDA

While the AER has concluded that Whitecap is eligible to request a regulatory appeal of the Rejection Decision, the AER must decide if Whitecap's Appeal Request should be dismissed pursuant to section 39(4).

As submitted by Regulatory Applications, section 24 of REDA provides the AER with authority to carry out powers, duties, and functions set out in a specified enactment, including the *Public Lands Act* and PLAR, to the extent that those powers, duties, and functions are to be carried out in respect of "energy resource activities". Section 1(1)(i) of REDA defines "energy resource activity" to mean:

> (i) an activity that may only be carried out under an approval issued under an energy resource enactment, or
>
> (ii) an activity described in the regulations that is directly linked or incidental to the carrying out of an activity referred to in subclause (i).

In turn, section 1.1(1)(a) of the *Responsible Energy Development Act General Regulation* (REDA General Regulation) provides that the construction, operation, and reclamation of a work camp is a "described activity" for the purposes of section 1(1)(i)(ii) of REDA. Section 1.1(2) of the REDA General Regulation specifies that "work camp" for the purposes of section 1.1(1)(a) means a work camp that (a) is not greater than one hectare in size, (b) has a daily sewage discharge of not more than 25 cubic metres, and (c) **is required for not more than one year**.

As such, REDA and the REDA General Regulation provide the AER with authority regarding work camps for the purposes of the *Public Lands Act* and PLAR, but this express authority is limited to work camps that are required for not more than one year. The Government of Alberta's PLAR Table A2 provides further guidance regarding the AER's authority regarding work camps for the purposes of the *Public Lands Act* and PLAR (at p. 16, footnote 3):

> The AER may only approve certain temporary work camps under an Approval or Authorization and may not approve work camps under a formal disposition. A temporary work camp may be approved under an Approval or Authorization when it is in for use less than 1 year, uses an area less than or equal to 1 ha, and produces less than 25 m^3 sewage per day.

Whitecap's requested relief of an RTF to authorize the use of a work camp for an additional year is not consistent with these limitations set out by the REDA, REDA General Regulation, and PLAR Table A2.

Notably, Whitecap did not make any submissions disputing Regulatory Applications' position that the AER does not have the authority to grant Whitecap's requested relief. The parties did not identify any statutory provisions that would give an AER hearing panel the authority to grant such relief, if Whitecap's Appeal Request were granted and set down for hearing.

Given the above, the information before us is that Whitecap's requested relief is outside the AER's authority to grant on a regulatory appeal in this circumstance; therefore, there is little to no chance of success on appeal. Accordingly, the AER finds that the Appeal Request is without merit and not properly before the AER, under section 39(4) of REDA.

Conclusion

The AER dismisses Whitecap's Appeal Request. While Whitecap is eligible to request a regulatory appeal in this matter, the Appeal Request is without merit and not properly before the AER.

Sincerely,

<Original signed by>

Steve Thomas
Director, Oil & Gas Subsurface, Waste & Storage

<Original signed by>

Evan Knox
Senior Advisor, Regulatory Effectiveness & Sustainment

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Ryan Green
Senior Advisor, Strategic Alignment