

**APPLICATION No. 1758947**  
December 16, 2015

**Calgary Head Office**  
Suite 1000, 250 – 5 Street SW  
Calgary, Alberta T2P 0R4  
Canada

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

**BY E-MAIL ONLY**

Priscilla Kennedy

Davis LLP.

**APPLICATION No. 1758947 from CENOVUS FCCL LTD.**

**STATEMENT OF CONCERN No. 29182**

Dear Ms. Kennedy:

You are receiving this letter because you filed a statement of concern on behalf of the Non-Status Fort McMurray and Fort McKay Band about the application. The Alberta Energy Regulator (AER) has reviewed the 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 the Non-Status Fort McMurray and Fort McKay Band concerns, the AER considered the following:

- The project is within the boundary of the Lower Athabasca Regional Plan (LARP), which addresses acceptable land disturbance standards in relation to wildlife and management of cumulative impacts on a regional basis. The subject development activities are permitted under LARP.
- The concerns raised by the Non-Status Fort McMurray and Fort McKay Band are general in nature and do not demonstrate how the Non-Status Fort McMurray and Fort McKay Band may be directly and adversely affected by the application.
- The Non-Status Fort McMurray and Fort McKay Band did not provide sufficient detail on where activities take place and what those activities are, or how those activities may be impacted by the project.

Based on the above, and having regard for all of the information before the AER, you have not demonstrated that Non-Status Fort McMurray and Fort McKay Band may be directly and adversely affected by the application.

The AER has issued the applied-for approval and this is your notice of that decision. A copy of the approval is 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 regarding the infrastructure applications, contact Ken Hale at 403-297-8405 or e-mail [ken.hale@aer.ca](mailto:ken.hale@aer.ca).

Sincerely,

<original signed by>

Sean Power, P.Eng.

Manager, In Situ Infrastructure Authorizations

SP/kh

Attachment: Approval 8591QQ

cc: Cenovus FCCL Ltd.  
AER Aboriginal Relations  
Aboriginal Consultation Office