

BY E-MAIL ONLY

September 26, 2017

Bori Arrobo

Fort McKay First Nation

CANADIAN NATURAL RESOURCES LIMITED

APPLICATION NO. 1862178

STATEMENT OF CONCERN NO. 30378

Dear Bori Arrobo:

You are receiving this letter because you filed a statement of concern on behalf of Fort McKay First Nation about Application No. 1862178. The Alberta Energy Regulator (AER) has reviewed your statement of concern, along with the application, the applicable requirements, and other submissions or information about the application. The AER has decided that a hearing is not required under an enactment, or necessary, to consider the concerns outlined in your statement of concern.

In its review of your concerns, the AER considered the following:

- The application is for approval to use petroleum coke in the construction of internal dyke drains (filters). The use of petroleum coke for non-energy purposes is an energy resource conservation issue, for which section 48 of the *Oil Sands Conservation Rules (OSCR)* requires an AER approval.
- Regarding your concerns about loss of access to, or loss of use of traditional lands, those impacts do not arise from the *OSCR* application because the dykes will be constructed inside the approved project area and no new land is to be taken or affected. The use of the lands for the project was considered and approved by the joint review panel that conducted a hearing for the project applications in 2003, and approved the project in 2004.
- Concerns about the potential for coke in the dyke drains to affect water quality, and thereby soils and wetlands, are speculative; however, in order to address such

concerns the AER will consider adding terms to the operator's *EPEA* approval that require the operator to monitor water quality seepage at locations where coke is used in dyke construction, and to take action to remedy any deficiencies that may be identified by the monitoring.

inquiries 1-855-297-8311
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emergency 1-800-222-6514

Based on the above, you have not demonstrated that you may be directly and adversely affected by approval of the application or that the AER should hold another hearing in relation to the Horizon Oil Sands Mine project before making its decision on 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, <http://www.aer.ca/applications-and-notices/appeals>.

If you have any questions, contact LaiLoni Boswell at 403-297-2450 or e-mail lailoni.boswell@aer.ca.

Sincerely,

<Original Signed By>

Erik Kuleba
Director, Mining

Attachment (1): **(Approval)**

cc: Michael Weekes, Canadian Natural Resources Limited
Rod Godwaldt, AER
AER SOC Coordinator
AER Bonnyville Center Field Centre
AER Indigenous Relations
Government of Alberta, Aboriginal Consultation Office