

BY EMAIL ONLY

August 12, 2019

Keerit Jutla, Associate  
**JFK Law Corporation**

**PEMBINA PIPELINE CORPORATION (PEMBINA)**

**APPLICATIONS NO. 1158508, 001-00432581, 10091890, 10091214, 10091239,  
10091251, 10091305 (PLA190239, PLA190202, PLA190207, PLA190206,  
PLA190209)**

**STATEMENTS OF CONCERN NO. 31481, 31495, 31496**

Dear Keerit Jutla:

You are receiving this letter because you filed a statement of concern on behalf of Ermineskin Cree Nation (ECN) about Applications No. 1158508, 001-00432581, 10091890, 10091214, 10091239, 10091251, 10091305 (PLA190239, PLA190202, PLA190207, PLA190206, PLA190209). The Alberta Energy Regulator (AER) has reviewed your statement of concern, along with the company's applications, and all applicable requirements and other submissions or information about the applications. The AER has decided that a hearing is not required to consider the concerns outlined in your statement of concern.

In our review of your concerns, we considered the following:

- The ECN community is located approximately 272 kilometres from the proposed pipeline.
- The SOC does not provide sufficient detail on how the applications may directly and adversely affect the members of ECN. ECN submitted that the applications will interfere with the exercise of its members' aboriginal and treaty rights; however, there is insufficient information to determine that these rights may be negatively affected by the applications. ECN provided high level maps to Pembina which do not provide sufficient details to reference the nature, specific locations, or frequency of the activities taking place in those general areas.

- Concerns in relation to funding a Traditional Land Use (TLU) study are in relation to compensation, which is outside the jurisdiction of the AER.
- ECN expressed concerns around inadequate consultation. The AER has no jurisdiction to assess the adequacy of Crown consultation associated with the rights of Aboriginal peoples; the Aboriginal Consultation Office (ACO) determines if consultation is required and adequate.
- In regards to ECN concerns about impacts to wildlife and wildlife habitat, Pembina must conduct a wildlife sweep of the lands, plus a 100 metre buffer prior to construction. If important wildlife features are identified in the wildlife sweep, Pembina has committed to work with wildlife biologists to determine appropriate setbacks and mitigations. Prescribed setbacks are listed within Alberta Environment and Parks *Master Schedule of Standards and Conditions* (MSSC).
- In the Key Wildlife Biodiversity Zone, Pembina has committed that every effort will be made to initiate construction prior to January 15, 2020 and if construction is delayed or is projected to continue past January 15, 2020 Pembina will submit a Temporary Field Authorization (TFA) timing waiver request to the AER. TFA requests are reviewed based on merit at the time of application.
- In regards to ECN's concerns about the locations where the pipeline deviates from existing corridors resulting in some fragmentation of the landscape, the deviations are considered reasonable as they are required to either avoid existing surface disturbances, facilitate alignment of watercourse crossings, minimize total area cleared, or as requested by adjacent landowners.
- In regards to ECN's concerns around sensitive fish and their habitats, only two river crossings showed evidence of sensitive fish, both of these would be crossed using Horizontal Directional Drilling (HDD), thus reducing the risk to low.
- In regards to ECN's concerns about the overall integrity of the land and water in the project area, condition 1310 of the MSSC is mandatory for the Public Lands Disposition approval. It states "The Disposition Holder must not deposit or place debris, soil or other deleterious materials into or through any watercourse and/or waterbody, or on the ice of any watercourse and/or waterbody."
- ECN's concerns about visual impacts to the landscape are general in nature, and there is insufficient information to determine that they may be negatively affected by the applications.
- The concerns around traffic are outside the jurisdiction of the AER and will need to be brought up with the local Municipality or Alberta Transportation as applicable
- Noise associated with this project will be temporary in nature during construction, and is not expected to disturb wildlife and traditional land use activities. Pembina has committed to working with neighbours to address noise complaints, should any arise.

- Construction is localized and temporary in nature. Once constructed, pipelines exist and operate below the surface and present minimal or no interference to surface level activities.
- The concerns regarding vegetation are general in nature, and Pembina has committed to ensuring that no invasive species will be introduced, and that the health of existing plants is maintained by limiting the use of vegetation controls.

Based on the above, the AER has concluded that it is not necessary to hold a hearing before making a decision on the applications. The AER has issued the applied-for approvals and licence and this is your notice of that decision. A copy of the approvals and licence is attached.

All AER- regulated parties must comply not only with the conditions of their authorizations, but with all of the AER's regulatory requirements. To ensure industry compliance the AER has developed its *Integrated Compliance Assurance Framework*, which embodies the three main components of all effective compliance assurance programs, those being education, prevention, and enforcement. You can find out more about how the AER verifies industry compliance and responds to noncompliance here: <https://aer.ca/regulating-development/compliance/compliance-assurance-program>.

You may file a regulatory appeal on the AER's decision to issue the approvals and licence if you meet the criteria within section 36 of the *Responsible Energy Development Act*. Filing instructions and forms are on our website under Regulatory Appeal Process.

If you have any questions, contact Megan Carfantan at [Megan.Carfantan@aer.ca](mailto:Megan.Carfantan@aer.ca).

Sincerely,

<Original signed by>

Lane Peterson  
Director, Oil and Gas Surface

Enclosure (7): **(Licence and Approvals)**

cc: Balmeet Toor, Pembina Pipeline Corporation  
AER SOC Assessor  
AER Grande Prairie Field Centre  
AER Indigenous Relations  
Aboriginal Consultation Office