

BY E-MAIL ONLY

May 31, 2018

**Métis Nation of Alberta Association Fort
McMurray Local Council 1935
Gail Gallupe**

**PTTEP CANADA LTD.
MARIANA THORNBURY PROJECT
APPLICATIONS NO. 002-00353243 AND 1831433
STATEMENTS OF CONCERN NO. 29879 AND 29880**

Dear Gail Gallupe:

You are receiving this letter because you filed statements of concern (SOCs) on behalf of the Métis Nation of Alberta Association Fort McMurray Local Council 1935 (McMurray Métis) about *Environment Protection and Enhancement Act (EPEA)* Application No. 002-00353243 and *Oil Sands Conservation Act (OSCA)* Application No. 1831433. The Alberta Energy Regulator (AER) has reviewed your SOC, along with the applications, the applicable requirements, and other submissions or information about the applications. The AER has decided that a hearing is not required under an enactment or necessary to consider the concerns outlined in your statements of concern.

In its review of McMurray Métis' concerns, the AER considered the following:

- The SOC does not identify in sufficient detail how the applications may directly and adversely affect the members of McMurray Métis. The concerns raised are general in nature.
- The Project is located in a remote area, not currently serviced by all-weather vehicle access and it is characterized by large areas of muskeg and wetlands which restricts access, resulting in minimal effects on harvesting and hunting. It is located approximately 90 km from Fort McMurray.
- The *EPEA* amendment application is for a reconfiguration of the footprint of an approved project, not an application for a new project. There will be no increase in the size of disturbance area. Application No. 1831433 is the *OSCA* application associated with the project.

- The Kai Kos Dehseh Environmental Impact Assessment conclusions remain valid for the *EPEA* amendment application No. 002-00353243 as the project did not materially change due to the change in disturbance from the original *EPEA* approved footprint to the Project footprint.
- The Wildlife and Caribou Programs will be developed, implemented and monitored as required by the *EPEA* amendment conditions.
- PTTEP has proposed mitigations to minimize or eliminate environmental and socio-economic effects of the project.
- The AER has no jurisdiction to assess the adequacy of Crown consultation associated with the rights of aboriginal peoples, and the Aboriginal Consultation Office determines if consultation is required.

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

Based on the above, it has not been demonstrated that the McMurray Métis may be directly and adversely affected by approval of the application.

The AER has issued the applied-for approvals and this is your notice of that decision. Copies of the approvals are 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-notice/appeals>.

If you have any questions, contact Judith Zatzek at 403-297-6932 or e-mail Judith.zatzek@er.ca.

Sincerely,

<Original signed by>

Helene de Beer
Director, Authorizations In-Situ

Attachments (3): 2 Approvals and Disposition Letter

cc: Jeremy Hrdlicka, PTTEP Canada Ltd.
Kyle Harrietha, General Manager, McMurray Metis Local 1935
AER Indigenous Relations
Aboriginal Consultation Office
AER SOC Coordinator