

**Proceeding 376**

July 09, 2019

**Calgary Head Office**

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Canada

By email only

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

Greg Sawchuk  
MD of Bonnyville

**Re: Hearing Participation Decision  
Imperial CLEP Regulatory Appeal**

Dear Mr. Sawchuk:

I am writing to you on behalf of the Alberta Energy Regulator (AER) panel of hearing commissioners (the panel) assigned to this regulatory appeal proceeding.

On September 12, 2018, the AER received a request for regulatory appeal from the Elizabeth Métis Settlement (Elizabeth Métis) under Part 2, Division 3, of the *Responsible Energy Development Act (REDA)* of the AER's decision to approve Imperial Oil Resources Limited's (Imperial) amendment applications for the Cold Lake Expansion Project (Cold Lake Expansion Project or CLEP). The AER issued its decision to hold a hearing on the regulatory appeal on December 20, 2018. The purpose of the hearing is to determine whether the AER should confirm, vary, suspend, or revoke its decision to issue the amended approvals.

On April 1, 2019, the AER issued a notice of regulatory appeal hearing. The notice of regulatory appeal hearing explained how to file a request to participate in the hearing and set a filing deadline of April 16, 2019.

The AER received the MD of Bonnyville's request to participate on April 12, 2019. In the request, you state that the location of the CLEP is primarily within your municipality. You also request the opportunity to participate in the hearing as a "key stakeholder" of the CLEP.

On April 23, 2019, Imperial stated that it took no position on the MD of Bonnyville's request to participate.

On May 22, 2019, the panel issued a letter to the parties and request to participate filers outlining the specific issues for the hearing. The panel gave all request to participate filers an opportunity to provide

additional written submissions indicating how their requested participation would fit within the specific issues for the hearing. The MD of Bonnyville did not file additional submissions.

On June 5, 2019, Elizabeth Métis stated that it took no position on the MD of Bonnyville's request to participate.

On June 5, 2019, the AER's Authorizations Group also stated that it took no position on the request to participate while noting that participation should be limited to providing evidence relevant to the issues in this proceeding per the panel's May 22, 2019, letter.

### **Hearing Panel Decision**

A person wishing to participate in the hearing of a regulatory appeal must file a request to participate in accordance with section 32.1 of the *Alberta Energy Regulator Rules of Practice* (the *Rules*). Subsection 32.1(2) of the *Rules* specifies what must be included in a request to participate.

The panel has considered the MD of Bonnyville's request to participate and the submissions referred to above. The panel finds, based on the information before it, that (i) the MD of Bonnyville's participation in the regulatory appeal hearing will materially assist the panel in making a decision; (ii) the MD of Bonnyville has a tangible interest in the subject matter of the hearing because the project is within the municipal district; and (iii) in light of the scope of participation set by the panel below, the MD of Bonnyville's participation will not unnecessarily delay the proceeding or result in duplicate evidence.

For the above reasons and subject to further directions or rulings issued by the panel, the MD of Bonnyville is permitted full participation in the hearing, including the ability to provide oral and written evidence, cross-examine witnesses, and make representations and argument, solely as it relates to the socioeconomic impacts of the project that will be evaluated under the fourth issue in the list of hearing issues outlined below:

1. Will the Cold Lake Expansion Project, as approved in *EPEA* Approval No. 73534-01-02 and *OSCA* Approval No. 8558MM, directly and adversely affect Elizabeth Métis members' ability to exercise their Aboriginal harvesting rights, including traditional land use activities, on the lands and waters that will be impacted by the Cold Lake Expansion Project?
2. Will the Cold Lake Expansion Project, as approved in *EPEA* Approval No. 73534-01-02 and *OSCA* Approval No. 8558MM, directly and adversely affect Elizabeth Métis members' cultural connection to the lands and waters that will be impacted by the Cold Lake Expansion Project?

3. Can adverse effects identified in the first two issues be appropriately and adequately addressed through conditions?
4. If not, would confirming the approval of the Cold Lake Expansion Project be in the public interest?

The panel encourages the MD of Bonnyville and the City of Cold Lake, which has also been granted participation in the hearing on the same basis, to work together where practicable to ensure that evidence related to the socioeconomic impacts of the CLEP is not duplicated.

Lastly, the panel reminds participants that per section 32.4 of the *Rules*, the panel is obligated to discontinue this regulatory appeal proceeding if Elizabeth Métis withdraws its request for regulatory appeal.

If you have any questions, please contact Tammy Turner at 403-297-3232 or at [hearing.services@aer.ca](mailto:hearing.services@aer.ca).

Sincerely,

Tammy Turner

Hearing Coordinator, Hearing Services

cc: B. Gilmour, Bennett Jones LLP

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