

BY E-MAIL ONLY

October 7, 2015

Andrew Scott,
O'Chiese First Nation

APPLICATION No. 150882 from Penn West Petroleum Ltd.
STATEMENTS OF CONCERN NO. 29910

Dear Andrew Scott:

You are receiving this letter because you filed a statement of concern on behalf of O'Chiese First Nation (OCFN) about Application No. 150882. 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 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 OCFN's concerns, the AER considered the following:

- The reserve lands of the OCFN are located about 37 km from the proposed project location.
- Although the proposed project is on lands OCFN identifies as its traditional lands, OCFN's concerns are of a general nature, and no site specific detailed information regarding OCFN's activities is provided. Therefore, the information provided by OCFN does not establish a sufficient connection between the application and impacts on its Treaty and Aboriginal rights. This information does not demonstrate that OCFN may be directly and adversely impacted by the application.
- Regarding the concerns about access and the *Petty Trespass Act*, Penn West has stated it does not anticipate enclosing or fencing the right of way, or otherwise restricting OCFN's access to the lands, except for approximately 3 weeks during construction of the pipeline.

- Penn West provided information regarding impacts to OCFN when it submitted the Applicant Supplement on First Nations Consultation.
- The only application before the AER related to this one is Application No. 1836903 for two new oil effluent pipelines. OCFN did not file a Statement of Concern with regard to that application.
- The Aboriginal Consultation Office (ACO) advised on March 26, 2015 that Penn West's consultation with OCFN was adequate.
- Based on the above, you have not demonstrated that you may be directly and adversely impacted by the application.

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

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 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 under Applications & Notices: Appeals.

If you have any questions, contact Jamie Riley

Sincerely,



Elizabeth Grilo
Director, Land Use Authorizations

Enclosure (1): **(PLA approval)**

cc: Theresa Frankel, Penn West Petroleum Ltd.
Authorizations Branch Support,
AER Drayton Valley Field Centre,
AER Aboriginal Relations,
Aboriginal Consultation Office

bcc: CI Internal Performance
Krista Waters, AER Mediator