

ALBERTA ENERGY REGULATOR

Calgary Alberta

CANADIAN NATURAL RESOURCES LIMITED**APPLICATION FOR THE****KIRBY EXPANSION PROJECT**

2014 ABAER 006**Application No. 1712215****DECISION**

[1] The Alberta Energy Regulator (AER) hearing panel reviewed the written submissions filed in response to the notice of hearing issued by the AER on November 19, 2013, and decided that none of the parties that filed a hearing submission would be permitted to participate in a hearing of the application. Therefore, the AER has cancelled the public hearing. The Kirby Expansion Project application will be referred by the hearing panel to AER staff for further review and disposition without a hearing.

APPLICATION

[2] Canadian Natural Resources Limited (CNRL) applied under section 13 of the *Oil Sands Conservation Act*, for approval to develop the Kirby Expansion Project in an area located in Townships 73, 74, and 75, Ranges 7, 8, and 9, West of the 4th Meridian, about 10 kilometres south of Conklin, Alberta. Development would include 72 new surface well pads and the expansion of previously approved central processing facilities, utilities, and associated infrastructure. The Kirby Expansion Project would use steam-assisted gravity drainage (SAGD) thermal in situ technology to produce bitumen at an average rate of 13 515 cubic metres per day (m³/d).

[3] CNRL also proposes to amalgamate the existing AER approvals for the Kirby South and Kirby North projects within the proposed Kirby Expansion Project, which would result in a total bitumen production and processing capacity of 22 260 m³/d.

[4] Statements of concern were filed in the proceeding by the following parties:

- Chipewyan Prairie Dene First Nation
- Chard Métis Society and Chard Métis Dene Inc.
- Paul Padlesky
- Whitefish (Goodfish) Lake First Nation
- Beaver Lake Cree Nation
- Kehewin Cree Nation

- Cold Lake First Nations
- Fort McMurray First Nation
- Oil Sands Environmental Coalition

DISCUSSION

[5] On November 19, 2013, the AER issued a notice of hearing which stated that any party who wished to participate in a hearing of the Kirby Expansion Project application must file a hearing submission that includes a description of the party's concerns and information on how it believes it may be directly and adversely affected by the application.

[6] On January 24, 2014, CNRL advised the AER that the Chipewyan Prairie Dene First Nation and the Chard Métis Society and Chard Métis Dene Inc. had resolved their concerns with the application and withdrawn their requests to participate in a hearing. In a letter dated March 19, 2014, Paul Padlesky advised the AER that he was withdrawing his objection to the application and would not participate in a hearing.

[7] After it reviewed the hearing submissions of the six remaining parties in the context of subsection 9(3) of the *Alberta Energy Regulator Rules of Practice*, the panel decided that no party demonstrated that it may be directly and adversely affected by the AER's decision on the application or that it should otherwise be permitted to participate in a hearing of the application. Accordingly, a public hearing will not be held and the application will be referred to AER staff for further processing and disposition by the AER.

Dated in Calgary, Alberta, on April 3, 2014.

ALBERTA ENERGY REGULATOR

R. C. McManus, M.E.Des.
Presiding Hearing Commissioner