

2019 ABAER 010

Imperial Oil Resources Limited Regulatory Appeal of *EPEA* and *OSCA* Approval Amendments 23 Kilometres Northwest of Cold Lake

Proceeding ID 376

Decision

[1] The Alberta Energy Regulator (AER) has discontinued the appeals of the amendments to *Environment Protection and Enhancement Act (EPEA)* approval 73534-01-02 and *Oil Sands Conservation Act (OSCA)* approval 8558MM because the requests for regulatory appeals have been withdrawn.

Background

[2] Imperial Oil Resources Limited (Imperial) applied to amend *EPEA* approval 73534-01-02 and *OSCA* approval 8558MM for its Cold Lake expansion project. The AER issued the amended approvals on August 14, 2018. On September 12, 2018, the AER received requests for regulatory appeals of the amended approvals from Elizabeth Métis Settlement (Elizabeth Métis) under Part 2, Division 3, of the *Responsible Energy Development Act*.

[3] In its requests, Elizabeth Métis stated that it was directly and adversely affected by the AER's decision to grant the amended approvals and argued that the AER erred in granting the amended approvals without a hearing because

- the environmental impact assessment prepared in support of the applications failed to include information and analysis about potential impacts on Métis culture and traditional land use and was thus incomplete, and
- Imperial did not meet the consultation requirements in *Directive 056: Energy Development Applications and Schedules*.

[4] On December 20, 2018, the AER determined that a hearing into the regulatory appeals would be held, and the AER issued a notice of hearing on April 1, 2019. The purpose of the hearing was to determine whether the AER should confirm, vary, suspend, or revoke the amended approvals.

[5] The City of Cold Lake, the Municipal District of Bonnyville, Kehewin Cree Nation, Buffalo Lake Métis Settlement, and Fishing Lake Métis Settlement filed requests to participate in the hearing and were granted limited participation on July 9, 2019. Whitefish (Goodfish) Lake First Nation filed a request to

participate and then withdrew it on June 5, 2019. The other participants for the hearing were Elizabeth Métis, Imperial, and AER Authorizations.

[6] On August 13, 2019, the AER held a prehearing meeting to establish process steps for the hearing and to hear submissions on the scope of AER Authorizations' participation in the hearing and the standard of review applicable to the regulatory appeal.

Discussion

[7] The AER was scheduled to hold a public hearing at the Elizabeth Métis Settlement near Cold Lake, Alberta, beginning on November 25, 2019, before hearing commissioners C. Chiasson (presiding), C. Low, and J. Daniels.

[8] On August 26, 2019, Elizabeth Métis notified the AER that it was withdrawing its requests for the regulatory appeals. Section 32.4 of the *Alberta Energy Regulator Rules of Practice* requires that the AER discontinue a regulatory appeal if the requester withdraws its request.

[9] Accordingly, the hearing panel has discontinued the regulatory appeals, and the public hearing is cancelled.

Dated in Calgary, Alberta, on August 28, 2019.

Alberta Energy Regulator

C. Chiasson
Presiding Hearing Commissioner