

Joint Review Panel

Established to review the Pierre River Mine Project

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Alberta Energy Regulator, 9915 Franklin Avenue, Provincial Building, 2nd Floor, Fort McMurray, AB, T9H 2K4, 780-742-7473

November 19, 2014

TO REVIEW PARTICIPANTS

Re: Notice of Panel Request for Written Comments

By letter dated [February 11, 2014](#), Shell Canada Energy (Shell) advised the Joint Review Panel (Panel) that it wanted to suspend the environmental assessment process respecting the Pierre River Mine Project (Project) in order to review and re-evaluate certain aspects of its Environmental Impact Assessment (EIA). Shell also advised that as part of its review, it would update its responses to the Panel's supplementary information requests provided to the Panel in October 2013.

The Panel responded by letter dated [February 13, 2014](#) requesting that Shell update its Project Application and EIA in a timely fashion to ensure that the review process could proceed as efficiently as possible. The Panel noted that it was still of the view that it did not have adequate information to proceed to a hearing and was preparing supplementary information requests. Finally, the Panel requested that Shell provide quarterly updates as to the status of its evaluation and the timing for filing the updated information.

By letter dated [March 18, 2014](#), the Panel sent Shell new information requests identifying the deficiencies in Shell's October 2013 responses.

To date, the Panel has received three quarterly updates from Shell Canada regarding its proposed Pierre River Mine Project ([May 13, 2014](#); [August 13, 2014](#); and [November 13, 2014](#)). In the May 13, 2014 quarterly update Shell addressed two issues related to Regional Study Area (RSA) sizing and assessment of effects to Aboriginal culture and heritage as follows:

To address the issue of RSA sizing Shell intends to collaborate with, and solicit feedback from, relevant federal and provincial regulators to determine appropriate methodologies... Once Shell has obtained feedback from appropriate federal and provincial regulators, and has developed what it believes to be a defensible methodology, Shell will present the methodology to the JRP for consideration. At that point, Shell expects the JRP may wish to involve interested stakeholders in

the consideration of the methodology, and provide a ruling as to the appropriateness of the methodology. A ruling on this issue would establish useful guidance for Shell to develop responses to the R2 SIRs, as well as other proponents and interested parties involved in the federal environmental assessment process. Once Shell receives a ruling from the JRP, it will then proceed to respond to relevant R2 SIRs based on the approved or revised methodology, as the case may be.

With respect to the issue of assessment of effects on Aboriginal culture and heritage, Shell intends to engage appropriate federal and provincial regulators and follow the same process outlined in the above paragraph. In addition, Shell intends to engage in the process Aboriginal groups impacted by PRM to solicit their feedback on an appropriate methodology for assessing effects on Aboriginal culture and heritage.

The Panel also received correspondence on [September 9, 2014](#) from Athabasca Chipewyan First Nation's (ACFN) Industrial Relations Corporation, in which ACFN expressed concerns about how Shell intends to deal with certain methodology questions relating to Shell's assessment of project effects. The Panel responded to ACFN on [November 18, 2014](#). The Panel's letter together with the correspondence from Shell and ACFN are available on the public registry.

The Panel is currently inviting review participants to provide comments on the issues raised in the above-noted correspondence from Shell. Specifically, the Panel is seeking public comments on:

- Shell's recommendation that the Panel should provide a ruling as to the appropriateness of the methodologies being used in order to give guidance to Shell in the development of responses to the Round 2 supplemental information requests (R2 SIRs).

Based on the responses received, the Panel may consider conducting a pre-hearing process, if it appears there is an interest or a need for such a process.

The Panel requests that written comments be provided to the Panel Secretariat at Shell.Reviews@ceaa-acee.gc.ca, no later than **December 15, 2014**. All responses will be posted on the Project's public registry at ceaa.gc.ca registry number [59539](#).

Yours truly,

[original signed by]

Alex Bolton
Joint Review Panel Chair