

Brad McManus, Q.C.
Acting Chairman

June 12, 2013

The Honourable Peter Kent, P.C., M.P.
Minister of the Environment
Ottawa, Ontario
K1A 0H3

Dear Minister Kent:

The Energy Resources Conservation Board (ERCB) and the Minister of the Environment, Canada, are parties to an agreement that establishes a Joint Review Panel (Panel) for the Jackpine Mine Expansion Project, proposed to be located approximately 70 kilometres north of Fort McMurray, Alberta. The Panel is comprised of two members appointed by the ERCB, Mr. Jim Dilay and Mr. Alex Bolton, and one federally appointed member, Mr. Les Cooke. As you are aware from Mr. Dilay's letter of May 27, 2013, the Panel is in the final stages of completing its written report on its review of the project.

My first purpose in writing to you is to advise you that on June 17, 2013, the *Responsible Energy Development Act* comes into force in Alberta. A key feature of that legislation is that the *Energy Resources Conservation Act*, which establishes the ERCB, is repealed and the Alberta Energy Regulator (AER) is created. In accordance with the terms of the *Responsible Energy Development Act*, the AER will assume all of the ERCB's powers, duties and functions under Alberta's energy resource enactments. This includes the *Oil Sands Conservation Act*, which is the legislation under which the ERCB received and is considering the application for the Jackpine Mine Expansion Project.

Under the terms of the *Responsible Energy Development Act* and its *Transition Regulation*, on June 17, 2013, the AER will also assume the position of the ERCB in relation to any contract, agreement or other instrument. This includes the AER taking the position of the ERCB under the Joint Review Panel agreement for the Jackpine Mine Expansion Project. Although the AER is bound to honour the ERCB's obligations under the agreement, you are not under any obligation to accept the AER in the ERCB's place under the agreement. Therefore, my second purpose in writing to you is to ask for your agreement to allow the AER to assume the ERCB's position under the Joint Review Panel agreement and complete the ERCB's responsibilities under the agreement. This work will continue to be done by Messrs. Dilay, Bolton and Cooke, whose authority to do so is continued without interruption in accordance with the *Transition Regulation*.

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With respect to the Pierre River Mine Project, I understand that officials from the Canadian Environmental Assessment Agency and the ERCB have agreed that changes to that Joint Review Panel Agreement should be addressed in the near future, after they have had an opportunity to fully consider the recently enacted *AER Rules of Practice*. Therefore, at this point in time, I am only seeking your agreement regarding the Joint Review Panel Agreement for the Jackpine Mine Expansion Project.

If you have any questions in relation to this request please feel free to contact me or our General Counsel, Patricia Johnston, Q.C. We would be pleased to answer any questions or address any concerns you have in relation to this letter.

Sincerely,

<original signed by>

Brad McManus, Q.C.
Acting Chair, ERCB