

**From:** Gary Perkins <email address removed>  
**Sent:** December 23, 2013 3:54 PM  
**To:** Michelle Williamson  
**Cc:** Shell.Reviews [CEAA]; Amanda Black; Charles Birchall; Meighan LaCasse  
**Subject:** Pierre River Mine Project

Please see the attached letter from the Joint Review Panel for the Pierre River Mine Project. In addition to the contacts mentioned in the letter, please feel free to contact me or co-counsel Meighan LaCasse and Chuck Birchall if you have any questions.

Gary

**Gary Perkins**  
Associate General Counsel  
Alberta Energy Regulator  
<contact information removed>

<EMAIL HAS BEEN APPROVED FOR RELEASE>

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# Joint Review Panel

Established to review the Pierre River Mine Project

Canadian Environmental Assessment Agency, 160 Elgin Street, 22<sup>nd</sup> Floor, Place Bell Canada, Ottawa, ON, K1A 0H3, 613-948-2674  
Energy Resources Conservation Board, 9915 Franklin Avenue, Provincial Building, 2<sup>nd</sup> Floor, Fort McMurray, AB, T9H 2K4, 780-743-7473

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December 23, 2013

Michelle Williamson  
Legal Services Division  
Environmental Law Section  
8<sup>th</sup> Floor, Oxbridge Place  
9820 – 106 Street  
Edmonton, AB T5K 2J6

Dear Ms. Williamson:

**Re: Pierre River Mine Project**  
**CEAR Reference Number 10-05-59539**  
**ERCB Application No. 1554396**

In a letter dated September 21, 2012, you responded on behalf of a number of Government of Alberta departments to questions addressed to them in letters from the Joint Review Panel (the Panel) for the Pierre River Mine project (the Project). The Panel is presently considering additional information provided by the proponent, Shell Canada Limited, and has invited members of the public to apply for Interested Party status in the proceeding. All information related to this environmental assessment is available on the public registry at the following link: <http://www.ceaa-acee.gc.ca/050/details-eng.cfm?evaluation=59539>, under reference number 59539.

Under the terms of the Joint Review Panel Agreement, the Panel is authorized to request provincial authorities having specialized information or knowledge with respect to the Project to make that information or knowledge available to the Panel. In addition, section 49 of the *Responsible Energy Development Act* provides that the Crown in right of Alberta may participate in a hearing by the Panel, as follows:

**Crown counsel permitted to attend**

**49(1)** The Crown is entitled to appear, and may be represented by counsel, at a hearing or inquiry before the Regulator for one or more of the following purposes:

- (a) to present evidence;
- (b) to cross-examine witnesses;
- (c) to submit argument.

**(2)** Notwithstanding anything to the contrary, the Crown may file a written statement in a hearing or inquiry before the Regulator without presenting a witness to speak to the statement, and unless the statement is presented by a witness, the statement is not subject to cross-examination.

**(3)** The Crown shall serve any statement filed under subsection (2) on the other parties to the hearing or inquiry.

The Panel believes that some Alberta government departments or officials may have specialized information or knowledge relating to the Project or potential environmental effects of the Project that might assist the Panel. For example, information about legislative, policy or other directives under the responsibility of a government department that may relate to the Project, as well as other relevant information that is within a department or official's mandate and expertise. In the previous joint panel

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Project Public Registry: <http://www.ceaa-acee.gc.ca/050/details-eng.cfm?evaluation=59539>

review of the Jackpine Mine Expansion project, Alberta departments offered to provide written responses to specific questions from the joint review panel pertaining to the province's policy interests and preferred outcomes (see: <https://www.ceaa-acee.gc.ca/050/documents/53607/53607E.pdf>).

The Panel therefore requests that Alberta departments participate in the review proceeding. The joint panel that reviewed the Jackpine Mine Expansion project included in its decision report a number of recommendations to the governments of Alberta and Canada. The Panel expects that similar issues are likely to arise during the review of the Pierre River Mine project and believes it may be helpful for the Panel to hear from Alberta on issues that fall within Alberta's jurisdiction or mandate, including but not necessarily limited to:

- current and proposed Government of Alberta policy, management objectives and management plans for wetlands and old growth forests within the Lower Athabasca region;
- current and proposed Government of Alberta policy, management objectives and management plans for species at risk within the Lower Athabasca region, including woodland caribou and wood bison;
- current Government of Alberta policy, management objectives and management plans for wildlife and vegetation species important to Aboriginal groups, including moose, fish, and traditional plants;
- current Government of Alberta policy direction concerning the need for and use of conservation offsets within the Lower Athabasca region to compensate for the environmental effects of oils sands projects that cannot otherwise be mitigated;
- updates on the implementation of LARP, including the development and implementation of the proposed biodiversity management framework and regional landscape management plan(s), and the reconciliation and integration of pre-existing Integrated Resource Plans into LARP;
- updates on the implementation and results of any community health studies completed, underway or planned within the Lower Athabasca region;
- updates on the implementation status and results from regional monitoring initiatives including the Joint-Canada-Alberta Implementation Plan for Oil Sands and the new Alberta Environmental Monitoring, Evaluation and Reporting Agency (AEMERA); and
- Government of Alberta strategies, priorities and recent and current initiatives related to regional infrastructure development within the Regional Municipality of Wood Buffalo.

The Panel is not asking Alberta departments to provide responses to the matters raised above at this time, but it raises these matters as examples of issues for which Alberta may be able to assist the Panel. The Panel believes that such information from Alberta would assist the Panel's assessment of the Project and possibly result in fewer recommendations to governments than those appearing in the Jackpine Mine Expansion Project decision report.

Alberta's response to the Panel's request to participate or any questions relating to this request can be forwarded to the Panel at the addresses indicated above, or by e-mail to the Panel Secretariat at [Shell.Reviews@ceaa.gc.ca](mailto:Shell.Reviews@ceaa.gc.ca). You can also contact the Panel Manager, Jill Adams, at (613) 948-2674, or the Application Coordinator, Amanda Black, at (780) 743-7473.

Yours truly,

*Original signed by*

Alex Bolton  
Chair, Joint Review Panel