

AR 46019

October 3, 2011

Mr. Paul Boothe
Deputy Minister
Environment Canada
10 Wellington Street
Gatineau, QC
K1A 0H3

DM-150409
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Dear Mr. Boothe:

In effort to keep Environment Canada informed, I would like to share with you our plans to assist the recently announced Joint Review Panel for the Shell Jackpine Mine Expansion application and move this project forward through our regulatory approval process once a public interest decision is made.

In recent years, the Government of Alberta opted, as an overall policy, not to participate or to provide a written submission in the Joint Review Panel hearings. Based on the experience and advice from legal counsel, the potential risks and workload demands for the Government of Alberta in preparing submissions and appearing at a Joint Review Panel hearing outweigh the potential benefits to the participating departments. Nonetheless, for the upcoming review, should the Joint Review Panel have any questions regarding environmental issues that are within the jurisdiction of Alberta, Alberta Environment and Alberta Sustainable Resource Development are prepared to provide a written response to the Joint Review Panel in a timely manner.

The Government of Alberta completed its review of Shell's environmental impact assessment report on October 14, 2010. Completing Alberta's environmental assessment process does not equate to approval or acceptance of the proposed project, it simply means the information requirements of the terms of reference which were issued by Alberta Environment have been met and that there is enough information to understand the proposed project at a conceptual level.

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The Government of Alberta, under Alberta Environment's *Environmental Protection and Enhancement Act* regulatory review process, undertakes a comprehensive review of an application to determine whether there is sufficient information provided to understand the project and to develop a review process, up until the Environmental Protection and Enhancement approval is issued, approval to construct, operate, and reclaim a project is not allowed. At any point in the regulatory review process, up until the Environmental Protection and Enhancement approval is issued, Alberta Environment can ask the proponent clarification questions if necessary. Under the *Water Act*, a similar process is also followed. Once the public hearing is complete and a decision report is issued by the Joint Review Panel, Alberta Environment considered the written decision of the Joint Review Panel in the development of the *Environmental Protection and Enhancement Act* and *Water Act* approvals and licences for the project. As well, Alberta Environment may consider any evidence that was before the Joint Review Panel in relation to the written decision.

In drafting the Environmental Protection and Enhancement approval conditions, Alberta Environment will include input from Alberta Sustainable Resource Development and may include input from other relevant regulators, such as Environment Canada, as appropriate. As a part of the application to Alberta Environment, Shell also applied for a renewal to their existing 10 year approval for the Jackpine Mine which expires June 22, 2014. Any Environmental Protection and Enhancement approval that may be issued by Alberta Environment for the expansion project may be integrated with the next 10 year Environmental Protection and Enhancement approval renewal for the entire project. Any disposition issued by Alberta Sustainable Resource Development such as the Mineral Surface Lease, is typically issued after the approval is issued by Alberta Environment.

It is my pleasure to share with you our plans to move forward this project and our commitment to assist the Joint Review Panel, if required.

Sincerely,

<original signed by>

Jim Ellis
Deputy Minister

cc: Dan McFadyen, Chair, Energy Resources Conservation Board
Eric J. McGhan, Deputy Minister, Alberta Sustainable Resource Development
C. Peter Watson, Deputy Minister, Alberta Energy