

**Via Email**

September 25, 2017

Apache Canada Ltd.

Gordon Knull

Calgary Head Office  
Suite 1000, 250 – 5 Street SW  
Calgary, Alberta T2P 0R4  
Canada[www.aer.ca](http://www.aer.ca)**Attention: Kelsey Taylor**

Dear Sir and Madam:

**RE: Request for Regulatory Appeal by Gordon Knull (Mr. Knull)  
Apache Canada Ltd. (Apache)  
Reclamation Certificate No. 104605  
Location: SE 1-28-48-26 W4M  
Regulatory Appeal No. 1891163 (Regulatory Appeal Request)**

The AER has considered the submissions filed in regards to the above captioned matter and has determined that a hearing into the Regulatory Appeal will be held as the legislative tests have been met. In his request for regulatory appeal, Mr. Knull raises concerns with the state of the site, drainage, including sink holes in the drive way that do not let water runoff and issuance of the reclamation certificate for the site.

In its letter dated June 21, 2017 the AER advised that, by operation of sections 91(1)(i) and 145 of the *Environmental Protection and Enhancement Act (EPEA)* and section 36 of the *Responsible Energy Development Act (REDA)*, the tests for appealable decision and eligible person appeared to have been met in this case. Further, *EPEA* grants a landowner whose lands are subject to a reclamation certificate an automatic right of regulatory appeal. Therefore, to limit the landowner's right of regulatory appeal in this case requires extraordinary and obvious circumstances mitigating against that right. The AER found that no such circumstances exist in this case.

Given the above, the AER will be asking that the Chief Hearing Commissioner appoint a panel of hearing commissioners to conduct a hearing of the Regulatory Appeal.

Sincerely,

&lt;original signed by&gt;

Patricia M. Johnston, Q.C., ICD.D  
Executive Vice President, Law and  
General Counsel

cc: Alison Koper, Counsel for Reclamation Program Group