

Publisher’s Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. <i>Distribution List</i>
☐
☐
☐
☐

Canada Energy Law Service (Alberta) Allan E. Ingelson October 2026
--

This release features updates to the case law and commentary in Chapters 2 (Energy Resources Conservation Board (ERCB): Back-ground and General Issues), 3 (Oil and Gas) and 6 (Practice and Procedure).

Thomson Reuters®	Customer Support
	1-416-609-3800 (Toronto & International)
	1-800-387-5164 (Toll Free Canada & U.S.)
	E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Highlights:

- **CHAPTER 2—ENERGY RESOURCES AND CONSERVATION BOARD—SECTION 2.12**—The Alberta Court of Appeal (ABCA) in *Fort McMurray 468 First Nation v. Alberta Energy Regulator and AdhMor Ltd.*, decided that the First Nation lacked standing to request a regulatory appeal of an Alberta Energy Regulator (AER) decision. The AER had approved an oilfield waste management facility within a ten-kilometre radius of the First Nation reserve lands located near a busy highway. The First Nation asserted its treaty and Aboriginal rights in the area around the waste management facility and expressed concerns about that the waste management facility negatively affecting those rights. A regulatory appeal was requested by the First Nation for the AER to further consider the issues. The AER dismissed the request, after concluding the First Nation lacked standing as it had failed to prove that it was directly and adversely affected by the approved facility. The regulator concluded that the First Nation was not an “eligible person” to request a regulatory appeal under s. 36(b) of the *Responsible Energy Development Act* (REDA). The First Nation appealed the AER decision to the ABCA.
- **CHAPTER 6—PRACTICE AND PROCEDURE—SECTION 6.1**—On February 12, 2026, the AER decided that a hearing was not required to consider the SOC filed by Alan and Nicole Smith regarding Spartan Delta’s Application No. 3355522. After reviewing the relevant documentation, the AER noted that the concerns raised regarding water impacts were general in nature and the filer did not identify a direct and adverse effect resulting from the proposed amendment. Issues such as groundwater withdrawal and drinking water well impacts were found to relate to past approvals or ongoing operations and fall outside the scope of the current application. The current application related to the increase in height and storage capacity of an existing approved reservoir (Approval No. 1003925). Regarding the concerns about noise affecting livestock, the AER noted that Spartan Delta had submitted an acceptable plan on how they intend to comply with the *Directive 038: Noise Control* during the construction of the proposed project. Lastly, the AER noted that the traffic concerns raised in the SOC were outside of its jurisdiction and then approved the application.