

Comments of Louis Bull Tribe on Keyera Energy Ltd.’s Summary of the Initial Project Description for the Josephburg Condensate Fractionation Project

1. Introduction

a. The Project

Keyera Energy Ltd. (“**Keyera**”) has proposed to construct and operate what it characterizes as a fractionation facility, and what the Impact Assessment Agency of Canada (the “**IAAC**”) has characterized as a refinery, in Strathcona County, Alberta (the “**Project**”). Because the IAAC characterizes the Project as a refinery, the Project is subject to the *Physical Activities Regulation*. Keyera therefore submitted an Initial Project Description for the Project (the “**IPD**”) as well as a summary of the IPD (the “**IPD Summary**”) to the IAAC on July 17, 2025.

b. The IPD Summary Comment Process

On July 17, 2025, the IAAC established a comment process on the IPD Summary so that the public and Indigenous peoples can help inform the IAAC’s preparation of its summary of issues which will it will send to Keyera in regard to the Project.

c. Louis Bull Tribe

Louis Bull Tribe (“**LBT**”) is a sovereign First Nation and a signatory of Treaty No. 6. LBT members hold inherent Indigenous rights, including the right to self-governance, as well as Aboriginal and treaty rights that are recognized and affirmed by Section 35 of the *Constitution Act, 1982*.

LBT members exercise their rights throughout and beyond Treaty No. 6 territory, however their ability to exercise their rights within Treaty No. 6 territory is limited by the cumulative effects of industrial development. As a result, LBT members frequently must travel outside of their traditional territory and outside of Treaty No. 6 territory in order to exercise their rights.

2. Consideration of Upstream and Downstream Cumulative Effects

LBT’s key concern with the Project is ensuring the appropriate management of the Project’s cumulative effects. To that end, LBT provides the following comments on the IPD Summary regarding the need to consider the Project’s cumulative effects at a broader level, taking into account the Project’s impact on upstream and downstream industries and markets:

a. Background

The IPD Summary states, at Section 2.1, that the purpose of the Project is to refine condensate feedstock, moved from northwestern Alberta’s Montney Duvernay range to the Project through Keyera’s KAPS pipeline, into higher value products. Those higher value products include lighter condensates used primarily to facilitate the transport of oil from Alberta’s oilsands to market.

The IPD Summary also states that demand for these lighter condensates is directly tied to further development of Alberta's oilsands.¹

The IPD Summary, at 2.4, notes that the higher valued products produced by the Project will be sent to market through local pipelines.² The IPD clarifies, at 2.4, that products produced by the Project will be shipped by rail or through existing pipeline networks.³ In particular, the IPD notes at its executive summary that C8+ is intended to be shipped to market by rail and liquid petroleum gas will be transported to market through Keyera's NGL Pipeline system.⁴

The IPD Summary predicts, at 5.4, that "[n]o adverse effects on Indigenous peoples are expected to occur as a result of the Project" because the Project itself, in its setting and location, is not anticipated to "alter traditional activities, traditionally used sites or resources, or heritage or historical sites."⁵

b. LBT Comments

LBT is concerned that the Project's broader contribution to cumulative effects will create further impacts to LBT members' ability to exercise their rights. As noted above, LBT members' ability to exercise their rights is already curtailed by the cumulative effects of industrial development in LBT territory and throughout Treaty No. 6 territory which have led to a land base that is increasingly fragmented and unsuitable for traditional practices. LBT's position is that cumulative effects must be assessed regionally and wholistically, including consideration of the connections between impacts created through the development of different industries and different projects.

The IPD Summary's prediction in respect of the Project's adverse impacts to Indigenous peoples seems to be based on a limited assessment of the Project's local, direct impacts. The IAAC should assess the Project's overall contribution to the cumulative effects of industrial development on the rights of Indigenous peoples. This should include an assessment of the Project's potential contributions to cumulative effects caused by:

- increased demand for upstream production of condensate feedstock in the Montney Duvernay range;
- further transportation of the higher valued products refined by the Project to downstream markets through pipelines or by rail; and
- further development of Alberta's oilsands facilitated by increased access to Project-produced lighter condensates.

¹ Keyera, "[Summary of the Initial Project Description of a designated project](#)," at page 7.

² *Ibid* at page 8.

³ Keyera, "[Initial Project Description of a designated project](#)," at page 21.

⁴ *Ibid* at page 1.

⁵ Keyera, "[Summary of the Initial Project Description of a designated project](#)," at page 13.