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## **ERCB Sour Gas Suspension. Who Speaks for Wildlife in Gas Applications?**

The recent Energy Resource Conservation Board (ERCB) decision to suspend approval of future sour gas projects in Alberta raises important questions around who is, or should be, considered as “directly affected” by energy proposals.

ERCB’s November 3 decision to suspend sour gas applications followed an unexpected Alberta Court of Appeal ruling, October 28, which dealt a firm slap on the wrist to ERCB and its hearing process. The Court ruled that ERCB had incorrectly decided in January 2009 that three residents of the Rocky Rapids area 140 kilometres southwest of Edmonton did not have the right to oppose two proposed sour gas wells close to their properties.

“It now seems that more people will get a say when it comes to sour gas well applications,” says Nigel Douglas, conservation specialist with Alberta Wilderness Association (AWA). “But what about the wildlife who are also affected by these developments; who speaks for them? Who speaks for our wilderness, or for our recreation playgrounds?”

Anybody who lives within the *Emergency Planning Zone* for a proposed well is already determined to be “directly affected.” And now that the Court of Appeal has ruled that ERCB cannot deny standing to a person living in a *Protective Action Zone* for a well, the number of people defined as “directly affected” has expanded considerably. (A *Protective Action Zone* is a new designation, defined by ERCB as “An area downwind of a hazardous release where outdoor pollutant concentrations may result in life threatening or serious and possibly irreversible health effects on the public – is also ruled to be “directly affected.”)

AWA has long argued that the effects of sour gas proposals go way beyond the landowner, or the people living nearby. “Particularly on public land, all Albertans should have a right to say what goes on,” says Douglas. “Energy development provides benefits to the economy without a doubt, but it also brings costs in terms of wildlife disturbance, threat to native habitats or to water supplies. We haven’t always done a very good job in Alberta of weighing the costs and benefits.”

ERCB’s decision to suspend approval of sour gas proposals has implications for some high-profile applications already underway. Petro Canada’s 2008 Sullivan application, for example, proposed 13 sour gas wells and 47 kilometres of pipeline in Kananaskis Country. It generated considerable local opposition, and a long drawn-out hearing took place between November 2008 and February 2009. “Without intervener status, AWA and other groups did what they could,” says Douglas. “Even the province’s Fish and Wildlife staff were not allowed to speak at the hearing.” It now looks like a final ERCB decision on this application will not be coming any time soon.

### **For more information:**

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