



## **EnCana Avoids Trial on Charges of *Canada Wildlife Act* Violation in Suffield National Wildlife Area**

**Calgary (January 12, 2009)** – The Suffield Coalition is disappointed to have learned last week that the Crown has stayed the case against EnCana on charges of violating Canada’s *Wildlife Act*. EnCana was scheduled to be tried on March 19, 2010, almost five years after EnCana installed a section of pipeline in the CFB Suffield National Wildlife Area without a permit (in March 2005). Numerous adjournments and a preliminary hearing were held in Medicine Hat, but now there will be no trial.

“The Suffield NWA is a fragile haven of wildlife and species at risk,” says Carla Sbert from Nature Canada. “It requires strict adherence to environmental laws and conservation measures, supported by prosecution of any violations.”

Since EnCana’s first court appearance on this charge on December 6, 2007, the environmental assessment of EnCana’s proposal to drill within Suffield National Wildlife Area has concluded with the Joint Review Panel’s (JRP) recommendations released on January 28, 2009. The Government of Canada’s response to the Panel’s report was expected last summer, but is yet to be released.

The reasons for the Crown’s decision to abandon the case are not fully clear to the Coalition. The many deficiencies in the environmental management of the NWA seem to be part of the reason. Eleven of the Joint Review Panel’s 27 recommendations are designed to address these management issues. Some efforts are underway to address these deficiencies. For example, EnCana’s existing operations within the NWA are clearly regulated under a permit as of December 2008.

“The Suffield Coalition will continue to follow EnCana’s existing activities closely to ensure the effective protection of the Suffield NWA,” assured Alberta Wilderness Association’s Cliff Wallis. “We are also waiting for the Government of Canada to accept the Panel’s recommendations and deny approval of EnCana’s project and the significant impacts it would have on wildlife.”

### **For more information:**

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*The Suffield Coalition comprises seven groups: Alberta Wilderness Association, Federation of Alberta Naturalists, World Wildlife Fund Canada, Nature Saskatchewan, Southern Alberta Group for the Environment, Grasslands Naturalists, and Nature Canada.*



## Backgrounder:

### Environmental Degradation and Non-compliance by EnCana at Suffield NWA

The Suffield National Wildlife Area (NWA) is a 458 km<sup>2</sup> protected area located inside the 2,690 km<sup>2</sup> Canadian Forces Base near Medicine Hat, Alberta. It is an internationally significant grassland encompassing fragile sand dunes and sand plains. The Suffield NWA provides secure habitat for more than 1,100 native prairie species, including 18 federal Species at Risk and 78 provincially listed “at risk” species.

EnCana is seeking a permit from the federal government to drill 1,275 shallow gas wells and construct over 220 km of pipelines inside Suffield NWA. The environmental assessment of EnCana’s proposal concluded with the Joint Review Panel’s recommendations released on January 28, 2009. The Suffield Coalition believes that there is a strong biological and legal case to deny approval of the project. EnCana’s past record is part of this case.

The prosecution against EnCana on charges of violating Canada’s *Wildlife Act* in March 2005 that the Crown recently stayed is but one event in a long story of environmental degradation and non-compliance by EnCana and other energy companies. EnCana was scheduled to be tried on March 19, 2010, almost five years after EnCana installed a section of pipeline in the CFB Suffield National Wildlife Area without a permit. However, internal government documents, many obtained by the Suffield Coalition through the *Access to Information Act*, show “significant shortcomings” in the energy industry’s environmental record.

The documents revealed that an audit of a so-called “minimal disturbance” shallow gas infill drilling program in Koomati, an area of the Suffield military base on the east side of the South Saskatchewan River, found significant impacts on native grassland, including: multiple access routes to wells, significant disturbance at lease sites, disregard for species at risk, improper waste management and lack of promised monitoring. The spring 2005 audit, which included work by a qualified biologist from the Base, concluded that Koomati has suffered significant environmental impact from the winter drilling of 104 shallow gas wells. The documents acknowledge that Koomati is experiencing environmental decline due to increased industrial activity.

A 2005 environmental incident report sent by the Base to industry operating in CFB Suffield spoke of “significant shortcomings” that “run counter to industry guidelines and standard practices” and had a strong rebuke of the industry for the shortcomings.

The documents also show that EnCana resisted the environmental assessment process for its proposed expansion within the NWA. EnCana did not want their project to go to a panel review and it pressured Ottawa to streamline the approval process so drilling could occur before the end of 2005 without



completing a proper environmental review. The company then applied to drill three new wells in the NWA after their original proposal to drill 1,275 wells had already begun a federal EIA.

The documents also showed:

- oil and gas activity is having significantly more impact than military training including habitat fragmentation, spread of invasive species, inappropriate reclamation practices and lack of recovery observed in majority of areas;
- ill-defined operational and environmental protocols lacking appropriate direction;
- outdated agreements between the Base and industry;
- violation of guidelines such as minimum disturbance techniques;
- inadequate industry environmental reviews of projects and well sites (an audit of 150 wells found half of them failed environmental protocol); and
- industrial waste and site cleanup issues.
- a review of the 2005 oil and gas program was cut short and industry was given “silent authority” to proceed.

The Government of Canada, particularly Environment Canada and the Department of Defence, presented solid evidence at the JRP hearings and discussed some of these and other existing issues related to EnCana’s operations within the NWA. The JRP found the project at this time would “**interfere with the conservation of wildlife**” and so a permit under s.4 of the *Wildlife Areas Regulations* simply cannot be issued at this time for the project as proposed. Nor could it be determined that negative impacts are ‘justified in the circumstances’ under CEAA s.37 (1.1) for DND, with cabinet approval, to allow the project to go ahead.