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Public Interest Upheld in Whaleback Decision

By Shirley Bray, WLA Editor

In one of its strongest decisions, the Alberta Energy and Utilities Board (EUB) denied applications by Polaris Resources Ltd. to drill for critical sour gas on the borders of the newly protected areas of the Whaleback.

AWA commended the EUB for this decision that recognized the particular care we must take with the unique ecosystem of the Whaleback, including lands adjacent to the protected areas. AWA was pleased to see that the decision included concerns about the lack of effective public consultation, the poor well site location, and the inadequacies in the assessment and mitigations of environmental impacts, such as effects on rare plants, wildlife, and water.

In its decision, the EUB had to determine whether the well application would be in the public interest. AWA commissioned an opinion poll by Dunvegan Group to help determine the public interest. Sixty-seven percent of those polled were opposed to the development, indicating that the Alberta public clearly felt that it would not be in the public interest to drill for sour gas on lands adjacent to the Whaleback protected areas.

Although the EUB is leaving the door open for further applications for drilling in this location, Premier Klein promised in 1999 that this area would remain free of oil and gas development. AWA believes that commitment must be kept. In April the leases held by the Nature Conservancy in the property adjoining that held by Polaris will expire. AWA hopes that the government will not allow these leases to be sold but will keep them protected from development in perpetuity as originally intended when they were donated by Amoco.

The EUB's decision (2003-101) can be found on our website in the Whaleback archive.

From: EUB Decision 2003-101, Conclusion

In considering whether to grant the well licence, the Board must return to the initial question: Can this well be drilled by this applicant in this location at this time in a manner consistent with the public interest? After a careful review of all the evidence, the Board has concluded that it must deny the well licence application.

First the Board repeats that the need for the well is solely to provide information. To grant the application, the Board would have to be satisfied that the well's inherent risks to the environment and the public, were sufficiently mitigated as to not outweigh the benefits for the well. The evidence set out above has not provided that measure of satisfaction in this matter.

The Board's conclusion is based on the following:

- the inadequacies identified in Polaris's drilling plan;
- the overall failure of Polaris to engage in an effective plan of consultation and communication, which not only hampered its initial dealings with local residents but caused serious doubt as to Polaris's ability to properly consult and communicate on an ongoing basis, thereby undermining its ability to implement many of its plans for mitigation;
- the inadequacies in Polaris's assessment and mitigations of environmental impacts;
- the inadequacies of Polaris's development plan;
- the inadequacies in Polaris's emergency response plan; and





- the lack of a coherent management plan that would outline how Polaris would be able to deal with the eventualities of a project of this magnitude in light of its size and Polaris's lack of experience coupled with its own lack of resources .

In light of these considerations, collectively the Board is of the view that it cannot in the public interest grant the application. However, the Board must emphasize that any future application would be considered on its own merits and that this decision should not be perceived as necessarily excluding resource development in this area.

