



Presentation to the Oil Sands Multi-stakeholder Panel

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Good afternoon members of the panel. I speak today both as a concerned Albertan and as a representative of the Alberta Wilderness Association, a provincial conservation group dedicated to the completion of a protected areas network and the conservation of wilderness throughout the province.

The point I wish to make today is that oil sands development must take place only after identifying and legally protecting irreplaceable watersheds in our boreal forests. While the government of Alberta has recently produced two documents on water that emphasize the critical importance of watersheds and wetlands to Albertans, these fine words must be followed up with action. To this point, there has been a yawning chasm between rhetoric and action.

The document *Water for Life: Alberta's Strategy for Sustainability* was produced by Alberta Environment and adopted as government policy in 2004. Two of the principles articulated in this document are these: (1) "Alberta's water resources must be managed within the capacity of individual watersheds" and (2) "Healthy aquatic ecosystems are vital to a high quality of life for Albertans and must be preserved." Throughout the *Water for Life* strategy, the importance of healthy watersheds and aquatic ecosystems is stressed over and over, and the government makes the following commitment to us: "Albertans will be assured that the province's aquatic ecosystems are maintained and protected."

At the same time that the *Water for Life* strategy was being developed, another story was unfolding: the story of one of those aquatic ecosystems and what became of its promised protection when oil was found underneath it.

The McClelland Lake watershed, about 90 km north of Fort McMurray, is less than one-third the size of Calgary's landbase. It contains 3 ESAs, Environmentally Significant Areas, as defined by the Alberta government: (1) McClelland Lake itself, (2) an unusually large and intricate patterned fen connected to the lake, and (3) 12 sinkhole lakes, formed as part of the provincially rare karst topography of the area. This watershed has been identified by a number of scientific studies as an area of extraordinary significance, a critical aquatic ecosystem that contains a number of rare plant species, a nursery for birds such as bald eagles and sandhill cranes, and a stopover for endangered whooping cranes on their migration to their nesting areas further north.

So important was this watershed deemed to be that in 1995 it was nominated for protection through the Special Places 2000 program. The following year, the Integrated Resource Plan (IRP) for the Fort McMurray-Athabasca region – which took 4 years to thrash out – was finally approved by cabinet. The IRP placed the large McClelland Lake fen and the surrounding area off-limits to oil sands mining because of its uniqueness. Indeed, peatlands expert Dr. Diana Horton describes it as the most extraordinary patterned fen she has seen in the world. Albertans were assured that there was no need for legal protection because the IRP protected it. Being well aware of the difference between policy and law, AWA was skeptical, to say the least.

In 1998, a report by Alberta Environmental Protection stated that the fen and the lake was "worthy of a strenuous protection effort." The following year, in 1999, the Special Places Provincial Coordinating Committee recommended that the area be legally protected. The government subsequently placed the wetland complex under protective notation.





Those who were concerned that the McClelland Lake watershed be preserved breathed a tentative sigh of relief.

And then True North Energy discovered a billion barrels of oil under the fen.

One might ask, why did the government allow exploration in an area under protective notation? Did the right hand not know what the left hand was doing? Or was there never any intention to follow through with protection of an area that was almost certainly underlain by oil sands reserves?

Whatever the answer, there was never any doubt as to oil trumping protection in a government “run by elites for elites,” as journalist Frank Dabbs wrote recently (*Alberta Views*, September 2006, p. 25).

What followed can only be described as by-passing democracy, buying off supposedly objective scientists, and promoting yet another sham public consultation process.

At True North’s request, the government promptly removed the protective notation from the fen and rushed an IRP amendment through, violating its own amendment guidelines. Only two open houses were held, both in the immediate area. The first of these was advertised only 4 days in advance with a single ad that did not specify the time, date or location. The amendment process was supposedly independent of True North’s interests, and yet True North had a display at the open houses. The government circulated a 2-page survey opposing wetland protection and economic growth, a dishonest and manipulative representation of the issue. And the public had a mere 23 days to respond. Not surprisingly, the IRP was changed to allow oil sands strip mining in the upper half of the McClelland Lake fen.

The next few nails in the coffin of McClelland Lake fen and watershed were pounded in during the lengthy EUB hearing for the approval of True North’s application. Despite extensive testimony of scientific experts showing that mining part of the fen would almost certainly destroy the entire aquatic ecosystem and negatively affect the whole watershed, both the EUB and Alberta Environment approved the application. So much for the importance of protecting watersheds and wetlands.

Most astounding of all was the quiet shelving of the most critical portion of True North’s legally required Environmental Impact Assessment. The EUB granted True North’s request that they be allowed to withdraw the portion of the EIA that applied to the fen and its surrounding area and replace it with something they called a Sustainability Plan. This plan consisted simply of a proposal to put together a Sustainability Committee to develop a management strategy to sustain the unmined portion of the wetland. The completed EIA had been compiled by a group of qualified scientists, was required by law, and strongly indicated the impossibility of mining half of the fen without affecting the other half. But instead of considering this as part of their decision, the EUB accepted in exchange the promise of a committee yet to be convened, deeming this to be in the public interest.

Perhaps the most sordid chapter in this narrative is the one involving the role of supposedly objective scientists. To ensure the amendment of the IRP, True North commissioned a group of 4 University of Alberta scientists to study the fen. These same scientists were subsequently awarded a \$1 million research grant by True North. Not surprisingly, the study concluded that this particular patterned fen was not unique after all, but only “representative,” implying that it was not worthy of protection. The study contradicted the conclusions of a number of previous studies and was found by peer scientists to be based on seriously flawed methodology. Despite this, it was this study that constituted the primary basis used by the government to amend the IRP and by the EUB and Alberta Environment to approve True North’s application.

And so the 8,000-year-old fen will soon be replaced by a grey, toxic wasteland.





The McClelland Lake story shows us that when an extraordinary ecosystem set aside for protection on sound scientific grounds stands in the way of oil sands development, industry wins, cheered on by government. Concerns for wildlife, wilderness and watersheds are shrugged aside and ignored.

In their *Draft Wetlands Policy*, released this year, Alberta Environment stresses the importance of wetlands for Albertans. "It is the policy of the Government of Alberta," it says, "to protect and conserve wetlands for the ecological, social and economic benefits they provide, thereby helping to ensure a safe and secure drinking water supply, healthy aquatic ecosystems, and reliable quality water supplies for a sustainable economy." Given the McClelland Lake story, it would be no surprise if Albertans responded to this statement with the utmost cynicism.

The horses are out of the McClelland Lake barn, but the doors are not yet closed. The government of Alberta **can** revoke the EUB approval of the Fort Hills Project, restore the protective notation, and legally protect this watershed. They **can** identify other watersheds and wetlands in the boreal forest and move forward with their legislated protection. They **can** show Albertans that words result in appropriate action.

This past summer, I saw the Athabasca oil sands mines, both from the air and from the ground. I was utterly shocked by what I saw and smelled: a vast grey landscape dotted with piles of oily waste and saturated with highly toxic tailings ponds within meters of the Athabasca River. Every few seconds airguns boomed to discourage waterfowl from landing on these deadly lakes. Dust and haze filled the air from the flayed landscape. A rich, biodiverse boreal forest filled with life has been replaced by a wasteland. While the word "reclamation" is used with abandon, implying that all of this can be restored to its original state, this entire scenario represents a huge, irreversible experiment.

The public lands of this province belong to the people of Alberta. Yes, we need a healthy economy for good quality of life, but we also need healthy watersheds and forests. We cannot wait any longer to set aside watersheds and wetlands as out-of-bounds to oil sands extraction, whether mining or in-situ. ***Oil sands development must take place only after identifying and legally protecting irreplaceable watersheds in our boreal forests.***

Thank you for your attention this afternoon and for the opportunity to express AWA's concerns. I wish you all the best in fulfilling your mandate.

