



Presentation to the Oil Sands Multi-stakeholder Panel

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Good morning members of the panel. Thank you for this opportunity to speak on behalf of the Alberta Wilderness Association. AWA is a provincial conservation group established in 1965. We are dedicated to the completion of a protected areas network and the conservation of wilderness across Alberta. AWA has approximately 7,000 members and supporters in 168 communities across the province. Our aim is to defend Wild Alberta through increased awareness and action.

In my comments today, I will respond specifically to actions and strategies proposed in the Options paper produced by the multi-stakeholder committee. I will primarily focus on the need for (1) declaring a moratorium on tar sands development, (2) establishing protected areas within the tar sands regions, and (3) managing cumulative effects on the landscape.

Moratorium on Development

Like many Albertans, AWA is aware that this province faces unprecedented land use challenges. We hope that the initiatives intended to address these, such as the Water for Life strategy and the Land Use Framework, will be more effective than many similar multi-stakeholder processes have been in the past. We are particularly concerned that tar sands development is proceeding apace, leaping ahead of the work of these initiatives. By the time recommendations are proposed or new policies or legislation put in place, it may well be too late for wilderness and wildlife, not to mention human health and community well-being.

For that reason, AWA supports the declaration of a moratorium on new tar sands development – no new leases and no new approvals – until environmental limits have been clearly identified (Vision 9, Action 1.18). A moratorium also supports the identification of precautionary environmental limits to protect human and ecosystem health and is therefore in accordance with the precautionary principle, defined in the Options paper (Vision 3, Action 4.1).

Additional actions in the paper that are in line with both the precautionary principle and the increasing concern about Alberta's water have to do with water withdrawals and in-stream flow needs (Vision 3, Actions 6.5 and 6.6). Not only should further water allocations be prohibited until in-stream flow needs (IFNs) have been established for the Athabasca and other rivers in tar sands areas, but after IFNs have been set, *absolute* limits on water withdrawals should be established based on those IFNs. The recently released Athabasca River Water Management Framework does not adequately address this issue. As articulated in the Rosenberg report, "In the face of





accelerated energy production and population growth all efforts should be made to advance the research and regulatory activities needed to protect water resources that could be threatened.”¹

Reclamation

Declaring a moratorium aligns with another action listed in the Options paper: the suspension of tar sands activity until the industry has caught up with reclamation (Vision 3, Actions 8.2 & 10.7). With Alberta currently carrying a \$10 billion deficit in un-reclaimed well sites,² the prognosis for reclamation of land impacted by tar sands, whether mining or in situ, looks bleak.

In the government document “Investing in Our Future,” commonly referred to as the Radke report, the Oil Sands Ministerial Strategy Committee states: “While efforts are being made to reclaim mined areas, critics say that the amount of reclamation is not sufficient.”³ This is quite an understatement, considering that tar sands operations began more than 40 years ago and not one hectare of disturbed land has been certified reclaimed, according to Alberta Environment’s “State of the Environment Report.”⁴ In 2003, more than 95,000 ha had been approved for tar sands development and 33,000 ha had been disturbed. Four years later, the figures for disturbance and approvals are considerably higher, but the number of certified reclaimed hectares is still zero.

Establishing Protected Areas

Because numerous reclamation issues remain unresolved, it is essential that an interconnected network of protected areas be established within tar sands regions before it is too late to do so (Vision 3, Action 7.3). As articulated in AWA’s presentation to the panel in September, 2006, one wetland area that had been declared off-limits to tar sands exploration was subsequently approved for mining when oil was discovered within its boundaries. Unless the Fort Hills Project mining plan is amended, the McClelland Lake Wetland Complex will be lost to future generations.

The Radke report speaks to the “inability to reclaim wetlands back to their original condition.” Despite their best intentions, energy companies admit that they do not know how to reclaim wetlands such as the extraordinary McClelland Lake fen. AWA therefore supports the action of requiring comprehensive reclamation and mitigation plans, not only “from the onset of development,” as stated in the Options paper (Vision 3, Action 8.2), but at the time of application. Rather than simply restoring disturbed areas to a natural state (Action 10.1), however, the reclamation plan must “ensure the evolution of productive natural ecosystems consistent with pre-disturbance conditions” (Vision 3, Action 11.9) – and we would add, “within a reasonable time frame.” If this action had been in place at the time of the Fort Hills Project approval, McClelland Lake fen would not be in peril today. Based on these considerations, AWA once again stresses the urgent need to amend the Fort Hills Project approval to prevent any disturbance within the McClelland Lake watershed.





Among other candidates for protection, the Air Weapons Range located within the Cold Lake tar sands region should also be considered. The Range has already been significantly impacted by a variety of human activities, especially oil and gas development. However, large portions of the Range still contain “relatively unfragmented landscape; old-growth forests; a variety of peatlands; high water quality; [and] habitat for and occurrence of rare or otherwise significant species such as Woodland Caribou.”⁵ Another obvious area that needs legislated protection is the Athabasca River valley, particularly the Tar Sands Reach (Vision 3, Action 6.1).

The establishment of protected areas in the tar sands regions should not be delayed any longer for many reasons, including the following: (1) to acknowledge the “existence value” of ecosystems and the species that they support, (2) to preserve the ecological goods and services that such areas provide to our species, (3) to provide baseline information and ecological benchmarks that can be used to measure the impacts of industry on the land and establish limits to activity, and (4) to provide current and future Albertans with wild places for recreation and spiritual and emotional renewal. The “overall quality of life for Albertans” referred to in Vision 2 (Action 1.3) includes more than economic well-being, and the category “Albertans” includes more species than just *Homo sapiens*.

Managing Cumulative Effects

The development of Alberta’s tar sands has outpaced government policy and planning: the hare has disappeared over the horizon, leaving the tortoise choking in the dust. And tar sands is, of course, only one of the many pressures on the land base. According to Department of Energy statistics, in the first two months of this year, energy producers licenced 4,837 wells – that’s 82 wells per day.⁶ And then there is forestry, and agriculture, and recreation ... the list goes on. With Dr. Brad Stelfox presenting his ALCES model across the province, we are finally waking up to the reality of cumulative effects.

To give the hare some incentive to run even faster, the Minister of Energy is in Houston today “to promote investment opportunities in Alberta’s energy sector,” as stated in the government news release.⁷ The news release goes on with a statement that is puzzling, to say the least: “This mission supports Premier Stelmach’s plan to ... *manage growth pressures*” [emphasis added].

AWA believes that a more proactive, rational way to manage growth pressures would include integrated landscape management (Vision 3, Action 1.8) that is based on a holistic approach to land and resources. In order to deal effectively with cumulative effects, ILM must go beyond reducing the footprint on the landscape. It must flow from an overarching legal and policy framework that has both a provincial and regional scope. ILM must be based on science-based ecological objectives and thresholds that limit both the extent and intensity of industrial activity.

Furthermore, ILM must include all land uses, including the setting aside of protected areas that exclude industrial activity altogether. Such action must not be seen as “sterilizing” the land from an economic perspective. Since market-driven approaches are primary in this province, growth





management might be best accomplished by including economic instruments “to encourage sound environmental practices” (Vision 3, Strategy 2). Full-cost accounting and a natural capital assessment of the tar sands regions should be incorporated into land-use planning (Vision 2, Action 3.5).

Concern and knowledge about cumulative effects on the landscape has increased dramatically over the last decade. It has become clear that individual project-based Environmental Impact Assessments (EIAs) have fallen far short of dealing with these effects. Two of the actions in the Options paper attempt to address this problem: “Review and improve the assessment process for regional cumulative environmental effects,” and “Conduct regional cumulative environmental assessments of oil sands development for current and projected developments” (Vision 3, Actions 3.5 & 3.6). While these actions represent a slight improvement to the current system, in order to be effective they must be undertaken within a provincial planning-based approach, with government – as opposed to project proponents – assuming the primary responsibility for assessing and controlling impacts.⁸ The relationship between landscape planning and regional EIAs must be clearly defined within an integrated policy and legal framework governing land and resource management.

Additional Comments

Given the serious impacts of tar sands development on the landscape and on climate change, it is disappointing and puzzling that the committee did not agree on strategies that seem so obviously necessary.

Vision 3, Strategy 4. Develop and implement limits and standards to protect human and ecosystem health.

Vision 3, Strategy 5. Balance reductions in greenhouse gas emissions with economic development of oil sands.

Vision 3, Strategy 7. Minimize the impact of oil sands development on boreal forests and biodiversity.

Another disappointment is the lack of actions to create legislation ensuring that science-based environmental thresholds limit tar sands development. Without appropriate stringent legislation, monitoring, and enforcement, there is little chance that there will be any change from the current status quo.

Conclusion





In conclusion, AWA believes that tar sands development – and indeed, all development in Alberta – should proceed in a manner that preserves a high quality of life for future generations, as articulated in the Multi-stakeholder Committee’s *Interim Report*. Accomplishing that goal will require the following:

- the declaration of a moratorium on new tar sands leases and new approvals until environmental limits have been clearly identified and a provincial land management plan is in place,
- the setting aside of protected areas that are large enough to support resident species and natural processes in perpetuity,
- an overarching provincial land and resources management plan that effectively addresses cumulative impacts of development based on scientifically established ecological thresholds, and
- the resources and political commitment necessary for implementing such a plan.

Thank for this opportunity to respond to the work of the Oil Sands Multi-stakeholder Committee. We wish you much success as you continue to compile the concerns and hopes of Albertans regarding tar sands development.

¹*Report of the Rosenberg International Forum on Water Policy to the Ministry of Environment, Province of Alberta*, Rosenberg International Forum on Water Policy, University of California, Berkeley, February 2007. Section I, 11.

²Andrew Nikiforuk, “Slippery Slopes,” *Avenue Magazine*, December 2006. See EUB website, “LLR Program Performance Measures,” http://www.eub.ca/docs/programs/lmp/LLR_PerformanceSummary.pdf, p. 1: Total Deemed Liabilities.

³Doug Radke et al., “Investing in Our Future: Responding to the Rapid Growth of Oil Sands Development (Edmonton: Government of Alberta, 2006). 114.

⁴Government of Alberta, Ministry of Environment, “State of the Environment Report,” 2003, environment.gov.ab.ca.

⁵Kevin Timoney, *An Ecological Study of the Potential for Biodiversity Conservation in and near the Cold Lake Air Weapons Range, Alberta*, 30 October 2004, on behalf of Alberta Wilderness Association, Calgary, Alberta.

⁶Government of Alberta, Department of Energy, “Monthly Well Licences,” <http://www.energy.gov.ab.ca/docs/org/docs/IAMar2007.xls>

⁷Government of Alberta News Release, “Energy Minister travels to Houston to Promote Alberta as a Secure Energy Supplier and Investment Opportunity,” April 18, 2007.

⁸Steven A. Kennett, *Towards a New Paradigm for Cumulate Effects Management*, Occasional Paper #8 (Calgary, Canadian Institute for Resources Law, 1999). 13f.

