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Hay-Zama Lakes – Integrated Land Management at Its Best

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“Economic activity, environmental management, and cultural sensitivities can co-exist if, and only if the neighbours arrive at mutually beneficial agreements through consultation and participation.” (Hay-Zama Committee Vision, 1994)

The champagne is on ice for the festivities in 2017 when the last well will be shut down in Hay-Zama Lakes Wildland Park, 18 years after the park’s official designation in 1999. The collaborative, lengthy process of phasing out oil and gas production in these internationally significant wetlands could well serve as a template for future protection of Alberta’s wild spaces.

It’s a timely antidote to the onslaught of bad news about climate change, water shortages, and frenzied development in a runaway economy. And all it took was time, patience, persistence, constant communication, trust, and general good will. Or as Pat Cabezas – one of the three co-chairs of the committee guiding the Hay-Zama process – likes to say, “Just follow the formula SC=ICT²: Successful Change = Information, Communication, Transparency, and Trust. It’s all there in the Hay-Zama Committee.”

Hay-Zama: Home of Dene Thá

The 486-km² Hay-Zama Lakes Wildland Park in the northwest corner of Alberta comprises marshes, open water, willow swamps, woodlands, and wet meadows. Located 120 km northwest of High Level, the park is situated on three major waterfowl migration flyways, providing habitat for hundreds of thousands of nesting and migrating birds. As the earth heats up and wildlife habitat continues to shrink, protecting existing wetlands like Hay-Zama on which birds and other species are dependent becomes ever more urgent.

This area contains one of Alberta’s few bison herds in which there is no evidence of disease (although the herd has not yet been tested). It is also part of the fishing, trapping, and hunting territory of the Dene Thá First Nation. “Hay-Zama is our traditional territory,” says Chief James Ahnassay. “Back in the 1940s when the reserve lands were surveyed, our leadership chose the land surrounding Hay Lake, Zama, and Amber so our people could continue living off the land as we had for eons.”

Had the ecological and cultural importance of this area been acknowledged before the expansion of oil and gas development into this remote corner of the province, the energy industry would probably not have been allowed to set foot here. “This should never have happened,” says Chief Ahnassay. “Our elders did not like the oil companies coming in; they were very much against it because of the potential for environmental disaster. Although nothing major has ever happened, there is always that potential.”

The Hay-Zama area is home to about 180 wild horses, descendants of the animals that arrived with European traders and were used by aboriginals before settlements were established. These horses are sometimes seen licking minerals from the mounds built up to contain the drilling areas and have been found dying in the vicinity of the wellsites. Elders suspect that there is a link between their mortality and the oil and gas activities. The entire herd is being tested by Dr. Rex Coupland for swamp fever this month, and the results will be available in early summer.





By the time the area received global attention in 1982 through its designation as a Ramsar Wetland of International Importance, oil and gas activity was already two decades old in the area and wells dotted the lakes and marshes. In 1970, when conservationists called for a shutdown of the Rainbow-Zama Lake oilfield, their concerns about the risk of serious environmental impact from a spill or blowout were dismissed by the Alberta Health Minister, who contended that Alberta's record in pollution control and conservation was the best in North America.

Move 'Em Out

In 1985 the Alberta government finally acknowledged the cultural, environmental, and economic concerns related to oil and gas activities in the complex and created the Hay-Zama Committee (HZC) to address them. After several years of inactivity, the Committee was revived at the request of the energy industry in 1994 and has been actively working toward the accelerated depletion of oil and gas reserves in the Wildland Park ever since. Its membership represents a diversity of sectors, including the oil and gas industry, three levels of government, environmental non-governmental organizations (AWA), and First Nations.

Using consensus decision-making, the HZC has patiently traveled the sometimes bumpy road toward its destination – a truly protected wetland complex free of industrial activity. The landmarks along the way have included the government's Interim Directive (ID) 96-1, as well as three Memoranda of Understanding (MOUs) with different oil and gas companies.

ID 96-1, released in 1996, was spawned by the activities of the HZC and earned the Committee an Emerald Award. Based on a wetland delineation commissioned by the HZC, the Directive used biological and hydrological criteria to adjust the boundaries of the park, which were originally established more arbitrarily using township/range coordinates. As a result of this change, the Committee was able to define more clearly the areas most sensitive to impacts from oil and gas development (referred to as Area 1 and encompassing almost the entire park).

At least as important as the new boundary delineation was the recognition in ID 96-1 that the risk of serious environmental impact was high enough "to encourage the rapid and safe depletion of any reserves being drained by wells within Area 1 ... and the timely abandonment of any associated well bores, while still providing companies with a reasonable opportunity to develop their mineral leases." The Directive further recommended that "all future mineral leases sold within Area 1 will stipulate that no surface access will be allowed.... For all future mineral leases sold within Area 2, a 100 metre buffer from Area 1, due to the proximity to open water, must be observed for any new surface activity."

In addition, ID 96-1 included a number of special requirements for seismic, drilling, production, and servicing operations, recognizing the special sensitivity of the Hay-Zama Complex and the need to proceed with caution.

And then the HZC hit a major pothole – Alberta Energy hedged and waffled, refusing to sign off on the Interim Directive. As a last resort, the Committee issued a news release praising the government for its wonderful cooperation in moving the process forward through ID 96-1. Alberta Energy had two choices: refuse to sign the Directive and risk public embarrassment and opprobrium or begrudgingly give in. They chose the latter, and the HZC bus was back on the road.

In 1999, a few months after the official designation of the park, the first MOU was signed by Ventus Energy agreeing to the cessation of oil and gas production by specific dates in the most high-risk portions of the complex. This was followed by two more MOUs with Crispin (2002) and Devlan (2003), as well as two Addenda to the original MOU (2000, 2003). These agreements were precedent-setting: time limits on oil and gas extraction had never been set in Alberta before – the government hadn't allowed it.





Significantly, all of the MOUs (and ID 96-1) are included in the Management Plan, signed off by Cabinet in 2001. "If they weren't," notes Cliff Wallis, AWA's representative on the HZC, "they'd be a lot easier to ignore." The MOUs significantly reduce the period of time oil and gas operations are conducted in the Complex, phasing out operations step by step until the final withdrawal in 2017.

Keys to Success

As multi-stakeholder groups sprout up in Alberta like spring crocuses (or Canada thistle, depending on your perspective), doubts about their effectiveness abound. Many a well-worn conservationist in this province has spent months or years participating in at least one such group, only to have the resulting recommendations gather dust, never to be implemented. Is the government just using us to do their dirty work (usually for nothing) or distracting us from more important – and more controversial – tasks?

The Hay-Zama process shows that multi-stakeholder groups can work to benefit wilderness, as well as the people and wildlife dependent on the land. What are the necessary ingredients?

"The beauty of this exercise," says HZC co-chair Pat Cabezas, echoing the vision of the Committee, "is that the purpose of the HZC is to manage the production of hydrocarbon extraction in a way in which economic activity, environmental management, and cultural sensitivities can co-exist." We hear words like this often in Alberta – the infamous "balancing" of industry with environment and culture, with the latter two being jostled off the balance beam; cynicism is often a justifiable reaction. But in Hay-Zama, somehow it has worked. Maybe it helped that the issue was well defined: high-risk economic activities were going on in an extremely sensitive area and the task was to manage it all. Then again, where in Alberta is the scenario any different? How does such a disparate group move forward?

"We all had to agree that the main thing is the ecosystem, that it's not all about money," says Wallis. "You also have to work with the local community, find common values and work to protect them." After agreeing on the goal, it's important to segment the task and establish the risks of taking each step: "You start with the highest risk because it clarifies the issue; if you don't get agreement there, you won't get it anywhere." And to get somewhere, he says, you need creativity, which comes in considering multiple pathways. "If you see only one pathway," he says, "you risk losing it all."

Why would oil and gas operators agree to change their operations in a way that would inconvenience them and affect their profits, which is presumably their *raison d'être*? Initially, Cabezas approached the energy companies and asked them what they needed in order to maximize their productivity while limiting their time in the complex. "I said, why don't we work backwards – how much oil do we have, what do you need to get it out within the existing commitments?"

Even entering into those negotiations, however, required some motivation on the part of industry. In part, says Wallis, they complied because of what might follow: a hearing process that would cost them more in the end, in terms of both financial cost and public image. There is also the simple appeal of doing things in a better way, but when the price of oil skyrocketed and negotiations bogged down, it became evident that profit bullies environmental and cultural agendas.

Another key is having the right people around the table. The three co-chairs of the Committee – Pat Cabezas representing oil and gas, Chief James Ahnassay of the Dene Thá, and Ken Zurfluh of Parks and Protected Areas – facilitate the process, modeling the collaborative nature of the endeavour and ensuring that everyone's interests are represented.

Everyone involved has to be willing and able "to go from the me-me into the we-we," as Cabezas says. "If we just defend our own interests without thinking of the collective outcome, it won't work." In this process,





nobody wins absolutely; everyone compromises something. Wallis agrees: "If people come totally committed to their dogma, you won't get anywhere." Even Alberta Energy, he adds with amazement, is singing from the same songsheet!

The longevity of the core members of the group has also greased the wheels of the HZC vehicle – they have been together since 1994, when the Committee was reconvened. As industry players change with every merger and buyout, this level of continuity and experience with the process keeps the group and its vision strong and focused. The curves in the road that come with energy company changes, though, certainly present challenges. "The longer everyone is in the same process," says Wallis, "the more buy-in there is. But you have to keep at it, keep refocusing people. There is no resting on laurels."

Each MOU contains a clause that holds a new company accountable to the same commitments as the original signatory, but vigilance is always necessary. At a recent meeting, Pengrowth Energy Trust wanted to extend their deadline for getting out of a medium-risk area. "But they came with nothing for the land. That's not how we work," says Wallis. "There must at least be tradeoffs."

More recently, a newcomer to the process, Sound Energy Trust, also pushed to extend their deadline for abandoning wells. Although Sound has fully complied with the MOUs to this point, they are now balking. The situation is not yet totally resolved, but the government of Alberta continues to support the original agreement and is considering their request for compensation.

For now, the situation has been defused and the Committee acknowledges that Sound has generally been a positive presence in the area, but as Wallis emphasizes, "if you don't keep talking, things start to go sideways." One of those off-kilter moments occurred when Sound offered the HZC a financial incentive – a certain percentage of the revenue to be used for HZC activities – in exchange for extending the life of the wells. But the Committee presented a united front, refusing to be bought out.

It's All about the Neighbourhood

A few years ago a bunch of neighbours in Calgary got together and started a process to declare their little neighbourhood park pesticide-free. It took a while to convince the City that this was a good thing, but the neighbours finally had a picnic to celebrate their success. Once you start talking over the fence, animosities soften, friendships begin, and good things happen.

It's a little more difficult when neighbours are separated by miles of wilderness, but Cabezas has seen the intense antagonism between some of the neighbours in the Hay-Zama region transformed into reasonable negotiation through the HZC process. "The whole idea is the neighbourhood," he says. "Everybody in the area has the right to participate in the decision-making process. And since we are an advisory committee to the government, the advice has to come from the neighbourhood."

Occasionally, though, even well-intentioned neighbours can get a little devious. On January 31, 2007, Mackenzie County Reeve Bill Neufeld sent a letter to Minister of Energy Mel Knight protesting the closing down of two wells before complete depletion of the resource. He contacted local radio stations and newspapers and promulgated this view. Neufeld had agreed, along with the entire Committee, to those well closures and now was stepping outside of the process to push the Municipal District's economic interest. "They have the right to say what they did within the committee process," says Cabezas, "but they didn't follow the process." Cabezas immediately received calls from other distraught "neighbours" alerting him to what was going on, showing the strength of the neighbourhood's commitment to the process and the ultimate goal.





Cabezas cites another factor that has contributed to the success of the HZC: the lack of structure and paperwork. "We have no Terms of Reference and we try not to have minutes, just MOUs," says Cabezas. "This is a group of neighbours getting together to manage a sensitive area."

One of the Hay-Zama neighbours is the Dene Thá, with three reserves bordering the Wildland Park. While as a nation they have no obligation to deal with anyone but the federal government, they joined the Committee in 1995 to be involved in discussions that would ultimately impact them directly. Chief James Ahnassay became a co-chair of the Committee in 2001.

Party Time

The champagne that's on ice for the 2017 party will have to be uncorked 10 years early – plans are in the works for a triple celebration this fall. Hay Zama Wildland Park has never been officially dedicated. The HZC is hoping to combine the dedication ceremony with the formal twinning of the Hay-Zama Wildland Park with the Dalai Lake National Nature Reserve in Inner Mongolia, China (see sidebar). The third celebratory event will be the signing of the MOU between Parks and Protected Areas and the Dene Thá First Nation, inaugurating the collaborative management of the Wildland Park.

"It will mean that we have a key role in managing the area," says Chief Ahnassay. "We are working on a plan to implement ecotourism activities because whenever a park is designated it attracts people, and our people know the area very well. We want to have some control, to create employment opportunities for our people, and to benefit people who are interested in things like birdwatching. First and foremost our cultural and traditional ways have to be upheld." AWA continues to argue for more involvement of First Nations in managing protected areas. "We must recognize the very special status they have and build on it, give them capacity to manage it well," says Wallis. "They have the rights to the land."

The HZC bus may be a little dented and dusty, but it motors on. When a fork in the road appears, the drivers stop and gather the passengers for discussion. The motor sometimes get a little overheated, the windows steam up, but consensus is reached, a pathway chosen, and the journey continues. "It's repeatable," says Wallis. "You need the right people, a common goal, something to rally around. The community does the work."

SIDEBAR:

China and Canada Cooperate to Twin Ramsar Wetlands

Cliff Wallis, AWA's representative on the Hay-Zama Committee, has had some creative ideas over the years, but this may top them all – twinning a remote wetland in boreal Alberta and a nature reserve on the arid steppes of Inner Mongolia, China. These areas may not be at the top of your list of comparable landscapes. But while bison don't roam free in China, Hay-Zama Lakes Wildland Park and the Dalai Lake National Nature Reserve have much in common.

About 15 times larger than Hay-Zama, the Nature Reserve in Inner Mongolia is a huge wetland complex of lakes, rivers, marshes, shrubs and reedbeds. Like Hay-Zama, it is used as a staging area for birds on a major migratory route and is an important site for 284 bird species. The area is also critical for flood storage, sediment retention, groundwater recharge, maintaining regional climate, and increasing air humidity in the surrounding steppes. Tourism offers birdwatching, boating, and traditional Mongolian foods, customs, and cultures, and the area is becoming a centre for environmental education and research.





The Reserve shares another commonality with Hay-Zama: potential threats to its ecological integrity. With more than two million domestic animals grazing in the surrounding grasslands and some 10,000 tons of fish caught per year, overfishing and overgrazing are very real possibilities, as is damage from incipient oil and gas development.

Both Hay-Zama Lakes Wildland Park and China's Dalai Lake Reserve are Ramsar sites. The Ramsar Convention on Wetlands is an international treaty that provides the framework for national action and international cooperation for the conservation of wetlands. The Ramsar designation obliges "wise use" of a site and brings increased publicity and international prestige for the designated wetland.

The seeds for the twinning process were planted when Wallis did some consulting work in Inner Mongolia. "It started with friendship," he says. "There was a resonance with certain people who were passionate, innovative, genuine." Both areas were developing Management Plans at the same time, and both are home for minority peoples. Wallis began the twinning process in 2004, and for several years, the paperwork wound its ponderous way through the bowels of government. The Memorandum of Understanding awaits some fine-tuning at the Chinese end, but it will be signed in time for the festivities this fall celebrating the official dedication of, and the collaborative management agreement for, Hay-Zama Lakes Wildland Park.

Twinning these areas is more than symbolic. "We don't celebrate the international importance of our sites enough," says Wallis. "An international focus tends to keep the process more honest, and it's less likely to founder. If there is global interest, eyes are watching us. There is a higher chance of exposure if we do things wrong." We can also learn from each other through sharing information and technical expertise, he adds. "The oil and gas over there is in an earlier stage. Maybe they can avoid the mistakes we've made."

James Ahnassay, Chief of the Dene Thá First Nation, agrees. "I think it's a great idea," he says. "Both countries can work together to promote the importance of the internationally recognized wetlands. If China is able to recognize the importance of protecting such an important wildlife area, then it enhances what we are trying to protect here."

