

June 9, 2020

Hon. Jonathan Wilkinson
Minister of Environment and Climate Change
House of Commons
Ottawa, ON
K1A 0A6

Sent via email to: Jonathan.Wilkinson@parl.gc.ca

Re: Wood Buffalo National Park at risk because of suspensions of environmental monitoring of oil and gas projects in Alberta

Dear Minister Wilkinson,

We are writing in regards to the series of unilateral decisions from the Alberta Energy Regulator to suspend important environmental monitoring activities for the oil and gas sector in Alberta. The suspensions will have negative impacts on downstream ecosystems and communities, threatening the success of Wood Buffalo National Park's Action Plan and Parks Canada's commitments under UNESCO to maintain the Park's ecological health. The federal government should make it clear that environmental monitoring is an essential activity for a safe and responsible energy sector by urging the Government of Alberta to immediately reinstate the monitoring requirements.

The AER suspended environmental monitoring requirements in a cascading series of decisions on April 29 ([20200429A](#), [20200429B](#), [20200429C](#), [20200429D](#)), May 1 ([20200501A](#), [20200501B](#), [20200501C](#)), May 5 ([20200505A](#)), and May 20, 2020, ([20200520A](#), [20200520B](#)) under the Environmental Protection and Enhancement Act, Water Act, and Public Lands Act.

The Government of Alberta did not consider the impacts the environmental monitoring suspensions will have on Wood Buffalo National Park or its World Heritage Site status, Alberta's role in the Action Plan, or the cross-jurisdictional implications of how these suspensions will affect those in the Northwest Territories. The park, which lies just downstream of the oil sands, has experienced substantial ecological degradation that has been repeatedly linked to upstream industrial influences, and may be consequently listed as a UNESCO World Heritage Site "in Danger", the first step towards losing its internationally-renowned status.

The suspensions will affect many of the Park's Outstanding Universal Values, including the health of the Peace-Athabasca Delta and use of the Park by a great concentration of migratory birds (*Criterion vii*), and its support of a breeding population of Whooping Cranes (*Criterion x*). The monitoring is imperative to detect early-on impacts that accumulate downstream and assess mitigation approaches, including the testing of surface waters and ground waters, soil monitoring, the lab testing of waters released to the environment, monitoring of wildlife, such as

woodland caribou, and monitoring of tailings that illuminates the—often poor—performance of bird deterrents.

The Action Plan was requested by UNESCO to detail how Canada intends to restore the Park's ecological integrity. The World Heritage Committee stated at the meeting following the release of the Action Plan that Canada needed to meaningfully implement the Action Plan and that the continued deterioration of the Site could constitute grounds for being listed as a World Heritage Site in Danger. The Action Plan references the provincial regulatory requirements under the Water Act, the Environmental Protection and Enhancement Act, and the Oil Sands Conservation Act, suggesting they suitably address environmental risks of operations in the oil sands. Thus, part of the success of the Action Plan depends on Alberta's role in the Plan regarding provincial regulations to protect the Park from upstream industrial impacts. And, therefore, the AER's decision to suspend monitoring activities undermines progress on the federal Action Plan and risks its perceived effectiveness by UNESCO.

Many of the regulatory requirements that have been put on pause indefinitely were developed as project approval conditions to directly address environmental risks identified by downstream Indigenous communities. Yet, the suspensions were carried out without consultation with these affected communities, again undermining the Action Plan that is centered around strengthening relationships and collaboration with Indigenous communities. In fact, [three First Nations are formally appealing the decision](#) by the regulator for failing to consult on this decision that would have significant impacts on their communities and the environment.

The suspensions were in response to public health concerns for the novel coronavirus, COVID-19, and lack timelines for reinstatement for all but one of the activities suspended. The decision states that operators would not be able to meet the selected environmental monitoring requirements while complying with COVID-19 Orders and Guidelines. In contrast, active ongoing operations at oil and gas facilities meet the COVID-19 guidelines, and businesses across the Alberta economy continue to re-open, showing it is reasonable to expect protocols to adapt to ensure monitoring activities can safely continue, as well.

With the suspensions affecting downstream ecosystems and communities in Alberta and the Northwest Territories, Wood Buffalo National Park and its World Heritage status, the federal government has a responsibility to pursue reinstatement of the environmental monitoring suspensions. We request the Minister:

- Urge the Government of Alberta to reinstate all of the environmental monitoring activities for oil and gas projects immediately, including oil sands mining and in situ projects, with enhanced protocols to address safety issues related to COVID-19. As it appears the reliance on common third-party contractors for monitoring and sample collection are at the center of operators' concerns, we request including the identification of additional third-party monitoring and sampling contractors and more labs to support testing, or use of federal facilities for this support;

- Engage with local Indigenous communities who are concerned with the lack of environmental monitoring and reporting, and explore increasing support for specific Indigenous Guardians program deliverables to assist in identifying and filling data gaps;
- Investigate and report on any gaps these suspensions may have created for the purpose of Canada's UNESCO commitments;
- Address the gaps the suspensions may have on the success of Wood Buffalo National Park's Action Plan and Alberta's commitment to their jurisdictional role in the Plan; and,
- Include the full reinstatement of the environmental monitoring as a condition of any COVID-19 stimulus package to oil and gas.

Sincerely,

Cameron MacDonald, President, Fort Chipewyan Métis Association

Garry Bailey, President, Northwest Territory Métis Nation

Gerry Cheezie, Chief, Smith's Landing First Nation

Patrick Simon, Mayor, Hamlet of Fort Resolution

Cleo Reece & Paul Belanger, Co-chairs, Keepers of the Athabasca Watershed Society Organization

Carolyn Campbell, Conservation Specialist, Alberta Wilderness Association

Gillian Chow-Fraser, Boreal Program Manager, CPAWS Northern Alberta

Zoe Guile, Conservation Coordinator, CPAWS Northwest Territories

Craig Scott, Executive Director, Ecology North

France Benoit, Member, Alternatives North

Lois Little, Past Chair, Council of Canadians - Northwest Territories Chapter

Rod Olstad and Robert Wilde, Co-Chairs, and **Richard Merry**, Executive Member, Council of Canadians - Edmonton Chapter

cc:

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