



First Nations of the Athabasca Oil Sands Region Appeal Monitoring Suspension

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FORT MCMURRAY, AB — Faced with significant potential health and environmental impacts, three First Nations in northeast Alberta have jointly filed an appeal related to recent Alberta Energy Regulator (AER) decisions to suspend key aspects of environmental monitoring in the oil sands. Athabasca Chipewyan First Nation, Fort McKay First Nation and Mikisew Cree First Nation were not consulted on decisions that clearly impact AER’s ability to identify and mitigate these impacts in traditional territories.

In late April, AER issued a series of decisions to suspend certain types of environmental monitoring for oil sands mines, citing public safety reasons due to COVID-19. Weeks later, it announced similar suspensions for *in situ* and conventional oil and gas development. These suspensions affect water, air, wildlife, and groundwater monitoring, including a joint air monitoring program with the Fort McKay First Nation, a community surrounded by oil sands and vulnerable to air quality impacts. Unfortunately, the language of the suspensions is too vague to determine their extent and what, if any, protections remain in place. Meanwhile, production continues with no clear oversight into the impacts on health and the environment or end date established for many suspensions.

“The decisions to suspend environmental monitoring were made unilaterally. We were not notified—in fact, we would have had no idea this had occurred if it had not been revealed in the press,” stated Mel Grandjamb, Chief of Fort McKay First Nation. “After the press caught AER suspending monitoring for oil sands mines, it promised to do better. Then, just weeks later, it issued further suspensions to *in situ* and conventional oil and gas development. Again, we were not consulted or even notified. Consultation would have enabled us to inform the regulator how its monitoring decisions impact our Nations. Both we and the industry would have been better served by the clarity that consultation would have contributed to these decisions.”

Exactly how the suspended types of monitoring, particularly activities like wildlife monitoring that are done remotely, is risky under COVID is not clear. Notably, identical monitoring programs for other large industries such as metallurgical mines, refineries and chemical facilities continue.

“The AER requires industry to complete regular environmental monitoring to address concerns we bring forward during the project approval process,” stated Allan Adam, Chief of Athabasca Chipewyan First Nation. “These monitoring conditions are part of the compromise that we make with industry. We acknowledge there may be environmental and health impacts arising from development, but we cannot protect our members or our territories from those impacts if they are not detected.”

The three First Nations are active participants in the Oil Sands Monitoring Program, as is the Alberta Energy Regulator.

In the days leading up to these decisions, our representatives sat AER, government and industry representatives to provide oversight to environmental monitoring programs under the Oil Sands Monitoring Program. The fact AER did not mention once it was considering suspending monitoring, some of which may overlap with program work, is very disappointing. This neglect does not encourage reconciliation.



In March, the Canadian Association of Petroleum Producers sent letters to federal environmental officials to request that the federal government relax several regulatory and policy activities, including an indefinite suspension of all consultation with industry to develop new environmental policies. At the same time, industry has lobbied the provincial government to resume consultation with Indigenous communities to advance projects despite the closure of our communities due to COVID-19 pandemic responses.

“A significant part of our concern is the lack of due process. Industry should not be able to petition its own regulator to relax approval conditions with virtually no oversight. This industry needs to maintain its pursuit of ethical oil. This is not how you do it,” stated Archie Waquan, Chief of the Mikisew Cree First Nation.

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