



ENERGY DEVELOPMENT SQUEEZES ELK ISLAND NATIONAL PARK

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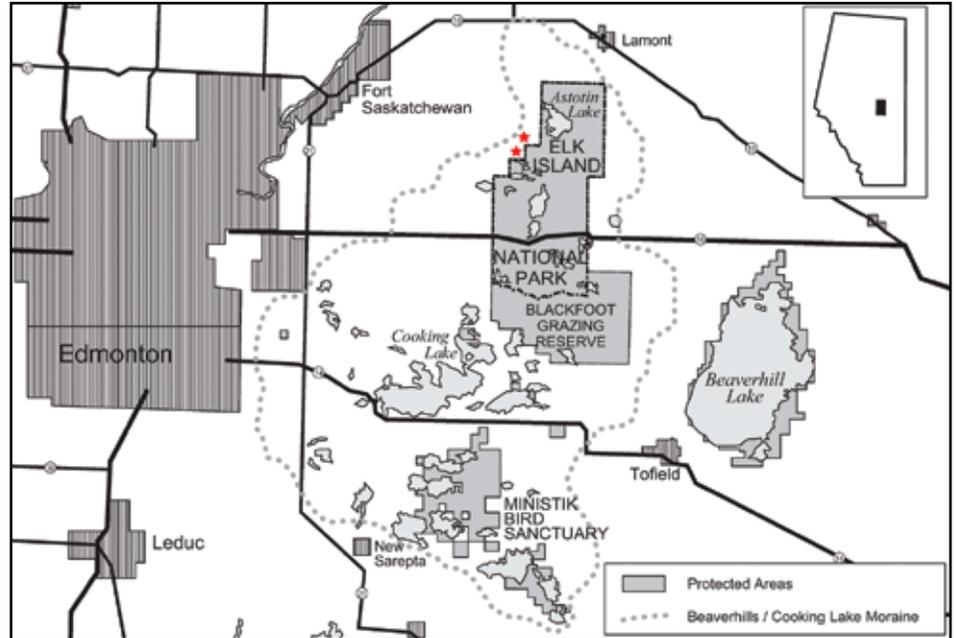
More than a century ago, Ellsworth Simmons watched the wolf, bear, and cougar disappear from the Beaver Hills, east of Edmonton. Even with Alberta's sparse human population of 73,000, intense hunting, trapping, and development pressure was devastating wildlife habitat and threatening to extirpate elk from the province.

When Simmons could no longer stand by and watch the destruction of this place he knew so well, he took action. Together with four other local men, he petitioned the federal government to create a fenced wildlife sanctuary for elk in the Beaver Hills. The five men invested personal resources, posting a \$5,000 cash bond as a guarantee that within 10 days of the fence being built, it would contain at least 20 elk. The government acted on the petition, establishing Elk Park in 1906. Ellsworth Simmons served as the first supervisor of this 42-km Dominion Wildlife Reserve, which began with a herd of 24 elk, a few moose, and 35 mule deer. The house built for Simmons in the park still stands as the oldest superintendent house in Canada's national park system.

Avrum Wright and Cole Shirvell inherited their Great Uncle Ellsworth's love for the park, redesignated in 1930 as Elk Island National Park. Today they echo their ancestor's alarm as oil wells are drilled, pipelines dug, and roads constructed just a few hundred metres from the park boundary. "My grandfather homesteaded here," says Wright, who was born in the 1950s and raised on a farm near the park. "The Simmons family, my mother's side, was here before Alberta was a province." The family still owns land next to the park, and many family members have been park employees over the decades.

The Beaver Hills Moraine

Elk Island National Park (EINP) sits entirely within the Beaver Hills



The two red stars mark the approximate locations of two oil wells recently drilled within several hundred metres of the park boundary. (Adapted from Figure 1, Elk Island National Park Management Plan, 2005)

Moraine, a geomorphological feature that covers 1,572 km². Its extensive forests, uplands, wetlands, and knob-and-kettle hummocky terrain stand in contrast to its surroundings and provide habitat to diverse plants and animals, including several rare species. "The shared resources this area offers – clean and abundant drinking water, clean air and biological diversity – are valued components of a currently viable ecosystem," says an ecological primer prepared by the Beaver Hills Initiative, a multi-stakeholder group focused on enhancing collaborative decision-making about the use of this environmentally significant area.

The portion of the moraine contiguous with the park is not protected. Studies have shown that the effects of an "edge" created by human activity can penetrate a natural ecosystem for a considerable distance. For that reason, it is widely recognized by today's ecologists that for an area such as Elk Island to maintain its ecological value, it needs to be surrounded by a "buffer

zone," a filter to minimize direct human impact on the protected area. Human activities in these surrounding zones must be managed in such a way as to protect ecological functions within the protected area. Buffering can help to maximize the long-term viability of native species and natural systems within the protected area. While the official boundary of EINP may remain the same, its ecologically intact area shrinks as human activity comes closer to its edge.

Unfortunately, despite a Parks Canada attempt in the mid-1980s to discuss landscape issues outside the park with the intention of establishing a buffer zone, such a zone has never been formally declared. Until now, the park's surrounding area has remained relatively intact. "This strip between the park and the agricultural land in the County of Strathcona is pretty much unaltered from its natural state," says Cole Shirvell. "There are now some residences there, but because it's marginal land, it wasn't cleared. It's still very much the way it was."



Elk Island National Park. "A national park has ecological integrity when ... people use the park and its surroundings in a way that respects the needs of [its] plants and animals and allows for natural processes." (EINP Management Plan, 2005) PHOTO: J. GEARY

But with Iteration Energy Ltd.'s recent drilling and pipeline approvals, this has already begun to change. Two of the company's new wellsites and accompanying access roads are within several hundred metres of the park boundary (7-7-54-20-W4 and 1-17-54-20-W4). A pipeline and a battery facility have been approved for the 1-17 wellsite, and a pipeline application submitted for 7-7. (An objection to the latter has delayed the approval process.)

In order to determine the current status of these developments, AWA attempted to contact Iteration. After numerous phone and email messages over several weeks, Iteration's VP of Corporate Affairs finally responded by email: "Iteration has no comments at this time about any of their existing or planned wells for the area around EINP. What I can tell you is that Iteration has entered into a Memorandum of Agreement [2008] with EINP and the County of Strathcona in regards to how operations are handled in this area." She then referred AWA to those organizations for further details.

Strathcona County confirmed that the wells have been drilled and access roads built; the access route to the 7-7 well expanded the landowner's existing access. New and expanded routes open the area to non-industry motorized traffic and subsequent damage, including habitat fragmentation and the spread of invasive species. According to EINP biologist Ross Chapman, "Exotic very aggressive weeds ... infiltrate the park

on a regular basis. Tracking them and eliminating them before they spread in the park is a top priority for us" (email communication, 2002). This is exactly what buffer zones help to prevent.

Shirvell is concerned about increasing motorized access to the area. Until now the area has remained largely undisturbed because of its relative inaccessibility, but Iteration's access routes will change that. "We've had problems in there before," he says, referring to off-highway vehicle users. "The road will make the problem even more difficult. It will allow people to penetrate more deeply into the zone around the park." He emphasizes that a large healthy population of wildlife exists outside the park. "We have all of the species except for bison," he says, adding that some people accessing this area on off-highway vehicles are armed, and that poaching has been a problem for some time.

Deirdre Griffiths is a former chief park naturalist with EINP. Now an ecological consultant with wide experience, Griffiths opposes Iteration's development. After examining topographical maps of the area, she concluded that there may be drainage toward the park from the land where Iteration is drilling. "That means that there is potential for contamination by surface or subsurface drainage into a series of wetlands and small lakes that go directly to the southwest corner of Astotin Lake in the park," she says. "It's also one of the more remote sections of the park, so it is valuable habitat and the activity

will constitute a disturbance in what seems to be a previously undisturbed area. This is part of a big block of important habitat that extends beyond the boundary of the park."

Elk Island Policy

Excerpts from the 2005 Elk Island National Park Management Plan clearly articulate the importance of keeping the area surrounding the park from being developed:

- "Ecosystems extend beyond park boundaries. Activities on neighbouring lands affect the park's wildlife, water, and vegetation."
- "Land use around the park increases fragmentation and decreases habitat connectivity."
- "In spite of its fence, Elk Island National Park is not a closed ecosystem. It is neither self-sustaining, nor immune to influences from beyond its boundary."
- One of the listed "issues of greatest concern" is "landscape fragmentation and loss of habitat connectivity as a result of development and human use in the park and surrounding area."

The park's 1999 Ecosystem Conservation Plan also stresses the importance of maintaining the integrity of the area outside park boundaries. In a review of the plan, the park's Science Advisory Committee noted, "The impact of external stressors on the ecological integrity of the park became increasingly evident at the beginning of this decade when the park became peripherally involved with an oil and gas development issue outside the park boundary."

But the park's management plan also states that "people are a fundamental part of the ecosystem" and that human needs, both social and economic, cannot be ignored. To attend to those needs, Parks Canada "will encourage sustainable development" outside the park. It appears, however, that encouragement from Parks Canada is easy to ignore when an oil and gas company has an Energy and Resources Conservation Board approval in hand. An email from EINP's Ross Chapman lists some "concerns" that EINP communicated to Iteration Energy in June 2008 about their activities, including the following: "Oil/gas companies are encouraged to locate their wells/batteries at least one kilometre



“Reeds II” 36x48 inches, oil on canvas © S. MCMILLAN

from the park boundary.” The two wells and associated infrastructure in question are only a few hundred metres from the park boundary.

Who has Authority?

The fence that surrounds EINP marks the boundary between federal and provincial land. “Parks Canada does not have legal or policy jurisdiction outside park boundaries,” says EINP Superintendent Marilyn Peckett. “However, we work with our partners in the Beaver Hills area to enhance the sustainability of our park and maintain key connecting ecological corridors identified through the Beaver Hills Initiative Land Management Framework.” Indeed, “regional cooperation” is one of the pillars of the EINP Management Plan. One of the key actions toward the objective of creating an integrated network of protected areas is to “participate in environmental assessments or provincial/regional environmental reviews of projects outside the park that are likely to affect the park’s environment.”

“Our concerns with any applications for development near the park,” says Peckett, “are directly related to potential impacts to the park such as habitat fragmentation, invasive weed management, watercourse diversions or disruption.” EINP’s response to that concern is to work with oil and gas companies to mitigate the inevitable damage (see “Mitigation – Cosmetics or Compensation,” *WLA* June 2008 for

a critical look at mitigation in Alberta). “In many cases,” adds Peckett, “if we are able to work with developers in the early stages of planning, these impacts can be mitigated.”

Strathcona County encompasses the area where Iteration’s controversial activity is occurring. County councillor Alan Dunn has no doubt about the power of the petroleum industry in this province: “Oil is king around here. Nothing else matters.” Although the county’s 2007 *Municipal Development Plan* acknowledges that the Beaver Hills Moraine “supports a variety of significant and sensitive environmental features” and that there is a “desire to protect this important natural area,” the county has very little control over energy development.

“Under the *Municipal Government Act*, oil and gas is exempt from the county’s authority,” says Lori Mills, Energy Exploration Liaison for Strathcona County. “As a county, we have to allow access to property. We can’t deny access to a granted use.” A county development permit is not required for battery construction or well drilling. “We can guide location, design, safety,” says Mills. So although Strathcona County’s *Municipal Development Plan* zones the region near the park as non-industrial, when it comes to oil and gas development, that zoning is largely irrelevant unless something large, such as an upgrader, is proposed.

The county is dealing with

increasing energy development pressure by stressing the importance of cooperation, mitigation, and “balancing the environment with the social and economic needs of the community” (*Municipal Development Plan*). In an attempt to achieve that elusive balance, the county has established an Energy Exploration Committee and developed an Energy Protocol in 2004. When Iteration notified the county about their development plans, as all energy companies are required to do, the county called a meeting that included a county biologist, an Elk Island National Park biologist, and an Iteration land man. “From there, we worked out some measures and best practices to mitigate the activity,” says Mills, who stresses the importance of education of landowners and industry. “If Iteration goes to a new landowner, they will hand out information from Elk Island regarding the importance of maintaining the ecological integrity of the area. The more information, the more educated people become.” But education, while important, is a slow process, and a few colourful brochures aren’t much of a match for King Oil.

In the end, county policy, however progressive, is not enforceable. “We can only ask that everybody cooperate,” Mills says, adding that monitoring is part of the plan. “We will be touring the sites with Iteration on a regular basis. Elk Island works with some of the landowners in that area and will be watching. We have agreements in place to do some soil and water tests, and we have reporting procedures.”

But the consequences of industry breaking agreements or refusing to cooperate are unclear. Councillor Alan Dunn remains skeptical. “If ever there is a dispute between an energy development company and anybody else,” he says, “energy wins.” With respect to the county’s Energy Protocol, “larger companies follow it to some extent. Smaller companies very often say, ‘Stick it in your ear.’ We run the gamut between those extremes of attitudes.” He points out that the protocol has no legal teeth whatsoever. “We try to encourage the energy companies to cooperate.”

In 2000, increased awareness that the important Beaver Hills ecosystem was disappearing led to the Beaver Hills Initiative (BHI). Its initial purpose

was to increase awareness of the ecological uniqueness of the Beaver Hills area and to build collaboration among stakeholders in the area. BHI comprises representatives from three levels of government (including EINP), academia, industry, and non-government organizations. According to the project's vision statement, the BHI "values the region for its natural beauty, quality of life, and supports co-operative efforts to sustain quality of water, land, air, natural resources and community development."

But there is a glaring gap in the declaration on the BHI website that "the resulting new land management practices and policies will create balance between recreation, agriculture, industry and residential subdivision." How does "ecological integrity" fit in? Although words like "ecological uniqueness," "sustainable communities," and "conservation" are liberally sprinkled throughout the BHI literature, there appear to be no strong objectives about environmental protection. The BHI Protected Areas Working Group has as its main objective "to encourage a higher level of collaboration between all agencies dealing with conservation lands in the Beaver Hills." And Alberta Energy is glaringly absent from the five provincial departments that are BHI partners.

Landowner Perspectives

The promise of mitigation and best practices is no comfort to Avrum Wright. "This pipeline-well issue ... is an incursion on the sanctity of the area," he says, recalling the days when he had to negotiate his way around the moose on the front lawn in order to catch the bus to school. And Iteration has not been particularly forthcoming in providing him with information about its activities on the park boundary. "They're being tight-lipped, as is standard with industry."

Not all landowners on the edge of the park have the same viewpoint as Wright and Shirvell. Shirvell acknowledges that many are aging and are anxious to take advantage of the economic opportunities offered by oil and gas development on their land, so rather than voice objections, they negotiate with industry. He recognizes as well that most landowners don't own the energy resources and so can do little to stop development on their land. "This is a serious grievance

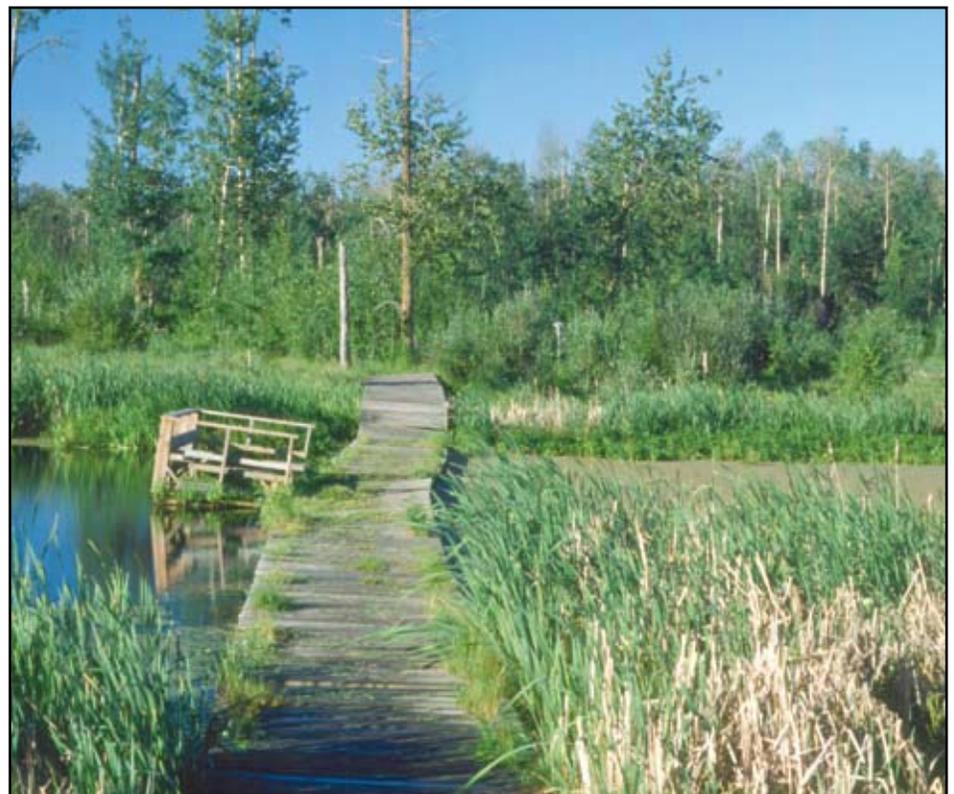
for landowners in Alberta," he says. "In some cases where these wells and roads are being built, landowners can't stop it." After receiving its development approval, an energy company must strike a deal with the landowner as to compensation for surface access. If a private agreement cannot be reached, the Government of Alberta decides on an appropriate compensation and development proceeds.

Shirvell has unsuccessfully fought energy development on his own land near the park, but he continues to manage his land with a high priority on ecological integrity. "I have similar objectives to the national park, except that I don't have the mandate for recreation." He is distressed about the perception that the land surrounding the park is "wasted" unless its mineral resources are extracted. "It is producing a benefit to the people of Alberta, and to the national park," he says. "It is being used. I don't like the land being characterized as wasted."

The connection that Wright and Shirvell have to the history of the area is part of what fuels their passion about preserving the park's integrity. "The residents of the surrounding area paid for the park, built the park, ran the park," says Shirvell. "It's so different from any

of the other national parks in Canada, which were created by decree from Ottawa." Shirvell grew up listening to his mother's stories about regular visits to the park as a young girl. Members of his family were there in 1907 when the first bison were unloaded from the boxcars that had carried them from Montana. And he makes no attempt to hide the family skeletons: "One of my ancestors was the first poacher who was successfully prosecuted for hunting inside the park."

The buzzwords of today – collaboration, mitigation, reclamation, sustainability, partnership, balance – will do little to protect the unique ecosystem of the Beaver Hills Moraine from the damage that industrial development will inevitably bring, no matter how assiduously it is mitigated and reclaimed. Only if we, the people of Alberta, recognize that the value of this diverse landscape is much greater than the "natural resources" that underlie it will Elk Island National Park be spared from the nibbling away of its edges. And even recognition won't do it unless it is accompanied by a determined, vocal defence of the park and its surrounding lands. 🌲



Elk Island National Park provides an opportunity for wildlife viewing and other recreational pursuits to a large surrounding population, including residents of Edmonton, only 45 minutes away. PHOTO: J. GEARY