PANEL DISCUSSION

Public Participation in Development and Reclamation

Public participation will increase in all facets of industrial development in Alberta. This Panel was convened to identify some of the ways in which the public can participate in the development and reclamation portions of industrial planning and government regulation. Speakers were asked to identify some of the mechanisms currently in place for public involvement, the level of public interest in reclamation issues, and the future outlook for public involvement.

The speakers were not asked in advance to provide written papers; the materials presented in this section were provided by the speakers after the conference. The organizers thank the speakers who contributed these materials. Mr. Bruce Friesen was the fourth Panel member and was unable to provide us with a paper but did present an excellent talk at the conference.

PUBLIC PARTICIPATION: INCREASED DEMANDS IN THE 1990s

by
L.K. Brocke[1]

Abstract. The environmental wave of the 1980's will continue through the year 2000 and beyond. The public is demanding more and more involvement in development decisions. The issue not only for industry, but for regulators as well, is how to accommodate these public demands. In Alberta, the opportunity for the public to participate in the decision-making process regarding major energy projects has always been available. Any proponent is required to involve the public during the preparation of their Environmental Impact Assessment and a quasi-judicial public hearing is provided for. This process, although efficient, tends to be confrontational and often does not result in a resolution of issues. As a result, community advisory committees often evolve out of the hearing to enable the affected community to become more actively involved in the project development and operation. In the oil sands region, this confrontational dilemma has been evident with the native community of Fort McKay since development began. In an effort to address this dilemma, the Alberta Government initiated the community committee concept as a standing committee to deal with any new development proposals. The result has been open consultation with the community and resolution of issues before any confrontation could develop. Regional land use and reclamation decisions are being made with the input of all stakeholders.

Introduction

The environmental wave of the 1980s will continue through and accelerate to the year 2000 and beyond. With greater awareness of and interest in resource management matters, the public is demanding more and more involvement in development decisions. Established regulatory regimes are continually being challenged to provide more opportunity for public involvement. The issue, not only for industry but for regulators as well, is how to accommodate these demands in terms of cost, manpower, and process.

Alberta's regulatory process (Brocke 1990) for major energy projects provides the opportunity for public participation predominantly in the Public Disclosure and Mine Permit-Processing Plant-Environmental Impact Assessment stages (see Figure 1). This process provides for a quasi-judicial public hearing and, although efficient, it tends to be confrontational. Resolution of issues may not occur.

Consequently, the public hearing and subsequent approval often results in a community advisory committee being formed to enable the affected community to be involved in ongoing resolution of issues during development and operation. In the most part, these committees work well although it is unfortunate that they have always been established after the fact and as a result of

[1]Chairman, Development and Reclamation Review Committee, Land Reclamation Division, Alberta Environment, Edmonton, Alberta, Canada.

confrontation.

In the oil sands region of Alberta, this confrontation dilemma has been evident with respect to the native community of Fort McKay since development began. In an effort to address the dilemma, the Alberta Government initiated the community advisory-committee concept as a standing committee. Thus, the Fort McKay Interface Committee (FMIC) was formed to deal with any new development proposals.

The objective of this paper is to demonstrate how the community advisory-committee concept has served to provide increased, meaningful public involvement throughout the regulatory process. The result has been open consultation with the community and resolution of issues before confrontation was allowed to develop.

Background

Prior to establishment of FMIC, Fort McKay was characterized as a native community of approximately 300 Indian and Metis people with inadequate housing, no water or sewer system, a poor road system, a 60% unemployment rate, and serious social and alcohol problems (Slavik et al 1988).

Fort McKay is in the heart of the Athabasca oil sands region of northeastern Alberta. For over 20 years, the community has experienced the environmental and socio-economic effects of the Suncor and Syncrude oil sands developments located only 20 km away. The relationship between the community and the industry has been strained by mistrust, suspicion, and often bitterness, as the community struggled to maintain its identity, values, and lifestyle. The relationship has been further strained by the economic disparity created when the industry collects billions of dollars while the community remains mired in poverty. Also, residents were concerned and at times alarmed about atmospheric emissions and other impacts from the operations having caused losses in wildlife populations and habitat (Slavik et al 1988).

On the other hand, industry efforts at establishing community-relations programs were viewed with suspicion and no apparent desire for dialogue. A variety of employment programs were implemented with relatively low-success rates due to lack of recognition of the need for other social programs in the community at the same time. Employment in isolation of dealing with the other problems was not an acceptable solution to the community.

By and large, the regulatory process also had failed to address the concerns of Fort McKay in that the community believed their concerns were not being heard. Despite intervening at public hearings and in other regulatory processes, their concerns and complaints went unaddressed. They believed a "one-shot" hearing was unable to come to terms with the ongoing substantive environmental and socio-economic problems that were afflicting their community.

In recognition of the sense of futility and frustration that characterized the situation, several leaders in government, industry, and the community concluded that there must be a more effective way of facilitate public involvement in oil sands development. These leaders believed that Alberta's energy resources could be efficiently developed without confrontation by addressing the needs and concerns of the impacted community (Evans 1988).

Spurred on by this new found spirit of cooperation, a senior-level commitment was made to establish a more permanent forum that would serve to break down the barriers that had plagued the relationship between the community and the oil sands operators. Concurrently, agreement was reached to establish application review groups to examine the environmental and socio-economic impacts of the proposed Syncrude expansion to their mine and plant (Evans 1988). This process was successful in resolving many outstanding issues long pursued by the community.

Thus, in October 1985 the Fort McKay Interface Committee was established with the objective of addressing the environmental concerns of the community through a cooperative, integrated approach.

Fort McKay Interface Committee (FMIC)

The committee consists of senior-level representation from all the stakeholders, including the Fort McKay community, industry, and all relevant government agencies. It was essential that membership be at a sufficiently senior rank (Chief, Vice-President, Deputy Minister) to enable

decisions, by consensus, to be made on the spot.

To maintain impartiality, the members agreed to employ an independent chairman. It was also agreed to approach all issues in an open and flexible manner and in complete confidence.

The initial mandate of the FMIC was to deal more cooperatively with environmental concerns. However, the members were well aware that the many other issues confronting the community of Fort McKay needed to be addressed. Therefore, the FMIC expanded its mandate to address almost any concern brought forward, including socio-economic, community development, and corporate and commercial issues. The success of the FMIC depends on this broadened scope and its ability to directly address a wide range of concerns.

Actions and Accomplishments

Since its establishment, the FMIC has taken action on many environmental (see Figure 2) and community development fronts (see Figure 3). These included air quality assessment, review of technical applications, environmental education, technical training for native people, reclamation and land use planning, and several community-development projects.

Environment

Air Quality Assessment

The FMIC formed a working subcommittee made up of technical representatives of the Indian Band, the Energy Resources Conservation Board (ERCB), Alberta Environment, and 2 industries: Syncrude and Suncor. Under the direction of the FMIC, the subcommittee was to conduct a major air quality study of the Fort McMurray region, including the Fort McKay community.

This was the first major compilation and analysis of all available public and private sector data on regional air quality. As a result, recommendations were made on air quality monitoring needs and other activities to be undertaken on a regular basis in the region.

To oversee these activities, FMIC established a permanent group, the Regional Air Quality Coordinating Committee. This committee provides a forum to discuss and resolve regional air quality issues and provide input to the regulatory process.

Review of Technical Applications

Based on the success of the original Syncrude Expansion Application Review, FMIC promoted that the concept be continued. Similar processes are now being used for other projects in the area. Suncor's debottlenecking project and OSLO's proposed oil sands mine and bitumen extraction project are both being reviewed in similar proactive forums.

These forums, called Application Review Teams, bring all the interested parties together to jointly examine the application, identify deficiencies, and evaluate and agree to mitigative measures. A very important result is the identification of issues that need to be considered in the detailed licencing (operating) stage of the regulatory processes, as indicated above under air quality and below under reclamation and land use planning.

The result has been an enhanced regulatory framework with many of the tensions associated with the traditional adversarial process removed.

Environmental Education

The FMIC formed the Community Environmental Education Committee to determine the need among native people and industry for dialogue on environmental issues in the form of training and educational programs. This committee developed the Northern Alberta Environmental Education Project. Its educational packages have focused on northern Alberta, but the methodology and much of the content will be transferable across Canada. Additionally, a cross-cultural package of environmental information drawn from a number of government agencies is being developed.

Technical Training

The need for the community to gain an understanding of the oil sands operations was recognized in early FMIC discussions. The position of Environmental Liaison Officer was created and funded by the oil sands operators. A native person from the community was recruited to the position with the major duty of fostering communication between the community and the industry. The individual underwent technical training to gain knowledge of the operations.

Reclamation and Land Use Planning

As a result of the Application Review Team for the Syncrude Expansion Project, the Fort McKay community was invited to participate and provide input to the detailed regulatory process.

The process for reclamation approvals conducted by the Development and Reclamation Review Committee (DRRC) involves a technical review of detailed development and reclamation plans. The DRRC is a multidisciplinary, interdepartmental, technical review committee charged with resolving technical issues and ensuring that projects are properly planned and developed.

Upon receipt of Syncrude's application for Development and Reclamation Approval, the DRRC advised the Fort McKay community of the application and the review procedures that would follow. Syncrude, in fact, had delivered a copy of the application to the community. They were advised by the DRRC to review the application and to attend committee meetings to present their concerns, to hear the concerns of the others, to hear Syncrude's response to concerns, and to participate in formulating resolutions.

As was indicated in the earlier review group discussions, the concerns of the community were related to regional issues rather than site-specific issues, although site issues do affect the region. The mandate of the DRRC is site-specific; thus, a further dilemma arose in dealing with community concerns. A mechanism was needed to integrate the regional concerns of the community with the site-specific activities of the company.

After considerable discussion, it was agreed to present a request to the FMIC for direction and consideration of a proposed mechanism that would provide the bridge between the regional and site-specific concerns. The proposal requested that the FMIC establish a Regional Land Use and Reclamation Subcommittee patterned after the Regional Air Quality Coordinating Committee.

The FMIC accepted the proposal and directed the establishment of the subcommittee consisting of all major stakeholders in the region. The terms of reference for the subcommittee were agreed upon and included: documenting the existing land use planning and reclamation regulatory processes; recommending changes to the existing processes to improve their effectiveness; identifying direct and indirect impacts of specific projects on regional wildlife, forestry, and recreation resources; and finally developing an integrated regional strategy to minimize and mitigate the impacts.

The subcommittee began its task in mid-1989. All the existing planning and regulatory processes operative in the region were documented and the concerns fully discussed. The major concern identified was that there tends to be minimal integration of these processes that tend to operate in isolation of one another. Therefore, it was recommended to FMIC that the land use planning and reclamation regulatory processes need a linkage and that the community needs involvement in both processes. The FMIC adopted the recommendations. There is now a formalized linkage between the processes, and the community is actively participating in the planning process.

The subcommittee is continuing its work towards development of an integrated strategy to minimize and mitigate impacts of industrial operations on regional wildlife, forestry, and recreation resources. The strategy will be provided to the planning and regulatory processes to be used in developing integrated land-use and reclamation plans in a regional context.

Community Development Projects

A number of community development projects (see Figure 3) have also been initiated with FMIC assistance. A new reserve is being negotiated and a land claim has been filed. When negotiations with the provincial and federal governments are completed, the land will be transferred to the federal government and designated as the Fort McKay reserve.

The FMIC has also assisted in initiating a number of infrastructure projects in the community. A new fire hall was built, new equipment was purchased, and a fire training program has been implemented. A new water treatment and sewer system has been constructed and new roads have been built. A new community administration and retail complex was opened in 1988. The complex houses corporate and Band offices, retail stores, and community facilities. Various government agencies and both Suncor and Syncrude contributed substantially towards the construction of this facility.

Concurrently, corporate structures have been established in the community to provide contract services to both industry and government. This Fort McKay Group of Companies comprises the largest native contracting service in western Canada and has directly resulted in unemployment statistics that show a 90% employment rate in the community.

Conclusions

The implementation of the community advisory-committee concept has been successful in establishing communication lines between developers and the community in the Athabasca oil sands region of Alberta. The suspicion and confrontation common to the traditional regulatory regime has been defused, and controversial issues are being resolved.

It is unlikely that there is any savings in terms of cost or manpower over the traditional regulatory process. However, all parties unanimously agree that elimination of the confrontational aspects of the regulatory regime results in resolutions that are more likely to be win-win and thus, satisfactory to everyone.

It is our belief that the concept of the community advisory committee, as described in this paper, is an acceptable, functional, consultation and mediation process that can be adapted to serve the increased public demand for involvement in resource development decisions.

Literature Cited

Brocke, L.K. 1990. Alberta's Regulatory Process for Coal Mine Reclamation: A Cooperative Approach. IN: Proceedings 1990 Mine and Reclamation Conference, American Society for Surface Mining and Reclamation, Charleston, West Virginia, April, 1990.

Evans, R.G. 1988. Oil Sands Project Application Review Process - Mediation; not confrontation. IN: Proceedings 1988 International Conference on Heavy Crude and Tar Sands, UNITAR/UNDP, Edmonton, Alberta, Canada.

Slavik, J.N.; R.R. Wallace; and J. Boucher 1988. Environmental Mediation in Major Oil Sands Development Between Native Indian Bands and Government. IN: Proceedings 1988 International Conference on Heavy Crude and Tar Sands, UNITAR/UNDP, Edmonton, Alberta, Canada.

PUBLIC CONSULTATION PROGRAMS FOR THE OSLO PROJECT ENVIRONMENTAL IMPACT ASSESSMENT

by
Garry J. Mann
OSLO Alberta Limited

presented at
CLRA Alberta Chapter
Conference
Fort McMurray, Alberta
September 18 - 19, 1991

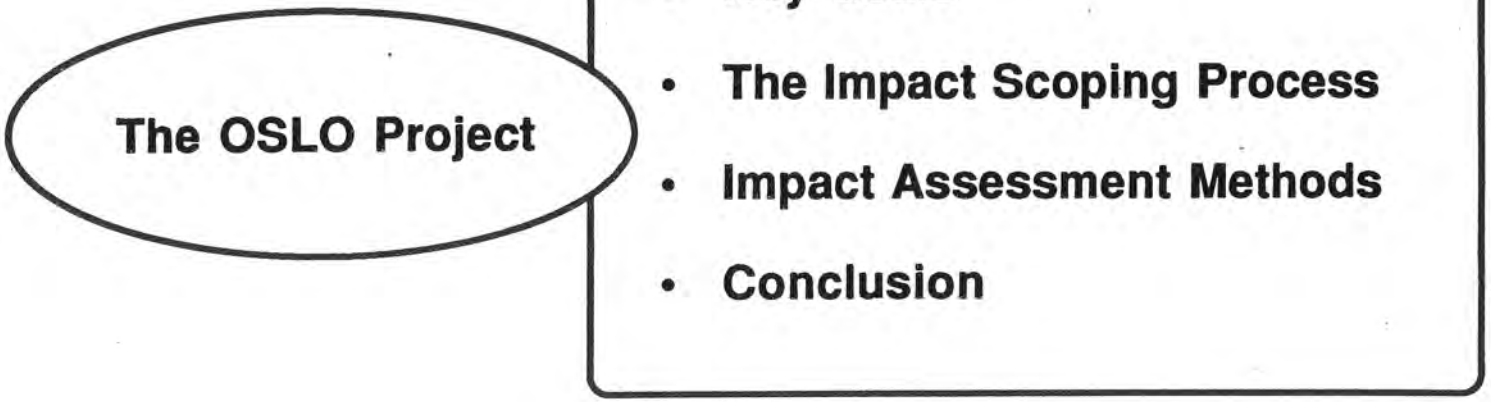
ABSTRACT

The OSLO Project (OSLO is an acronym for Other Six Leases Operation) is a proposed commercial oilsands development, with a mine site and bitumen production plant located on a portion of OSLO Lease 31, approximately 60 km north of Fort McMurray, Alberta, and an upgrader situated near Redwater, Alberta.

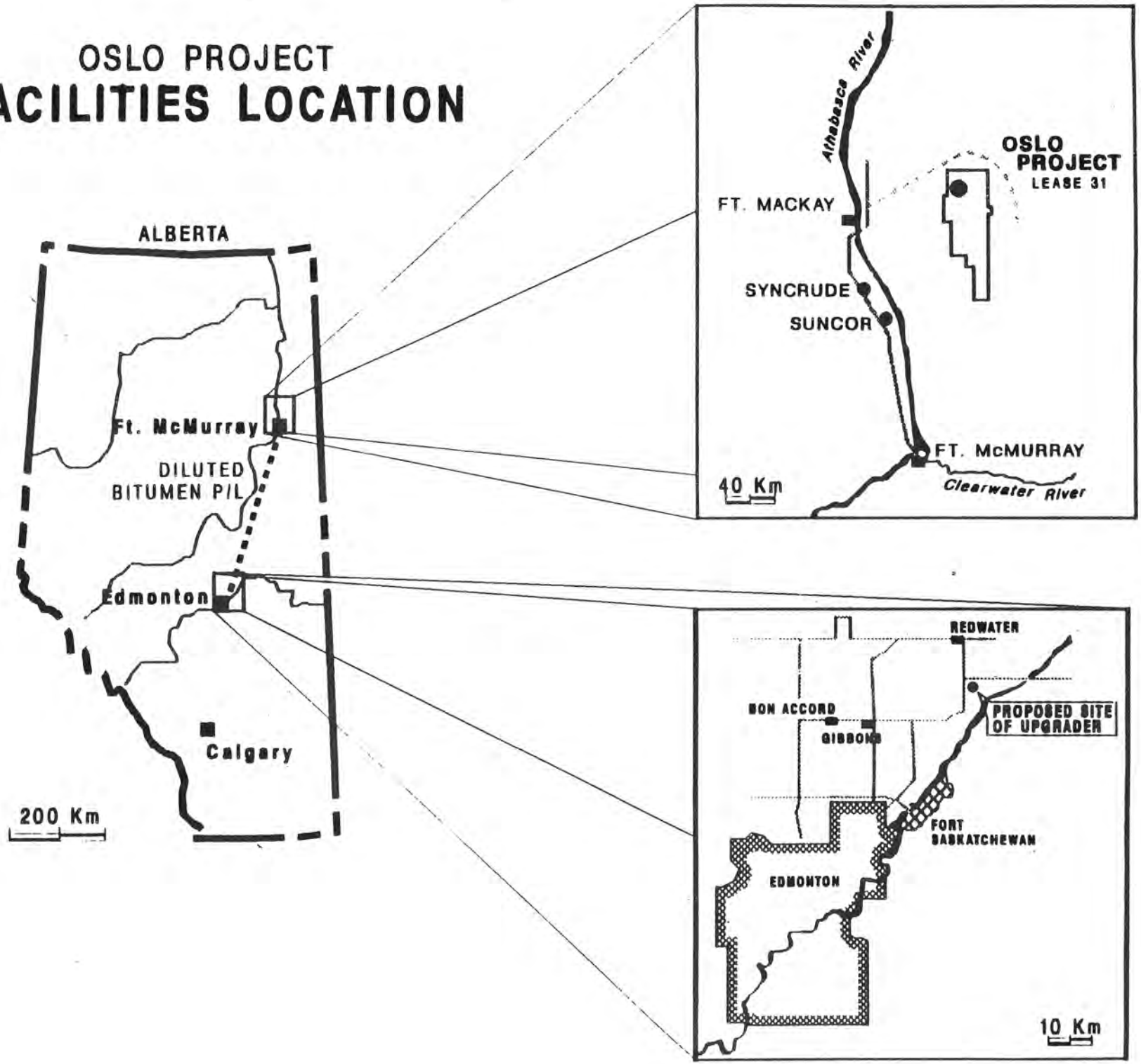
The Environmental Impact Assessment (EIA) is being prepared via an "issues scoping" process that entails an unprecedented degree of stakeholder involvement. The process is supported by a variety of consultation mechanisms including the OSLO Application Review Team (a mediation mechanism), direct consultation with stakeholder groups (including environmental non-government organizations), EIA workshops, public meetings and open houses. The process is designed to bring stakeholders into early and continuing contact with project design and EIA development teams, to gain consensus on issues of major importance and together, to develop plans for resolution of concerns, all in advance of the formal filing of the ERCB application.

The process is working well to date, as illustrated by the high degree of commitment to success by all participants and the degree to which stakeholders have participated in and influenced project decision-making The following slides were utilized to describe the major elements of the EIA issues scoping process and the attendant stakeholder consultation programs.

OUTLINE


The OSLO Project
• Project Description
• Key Goals
• The Impact Scoping Process
• Impact Assessment Methods
• Conclusion

OSLO PROJECT
FACILITIES LOCATION

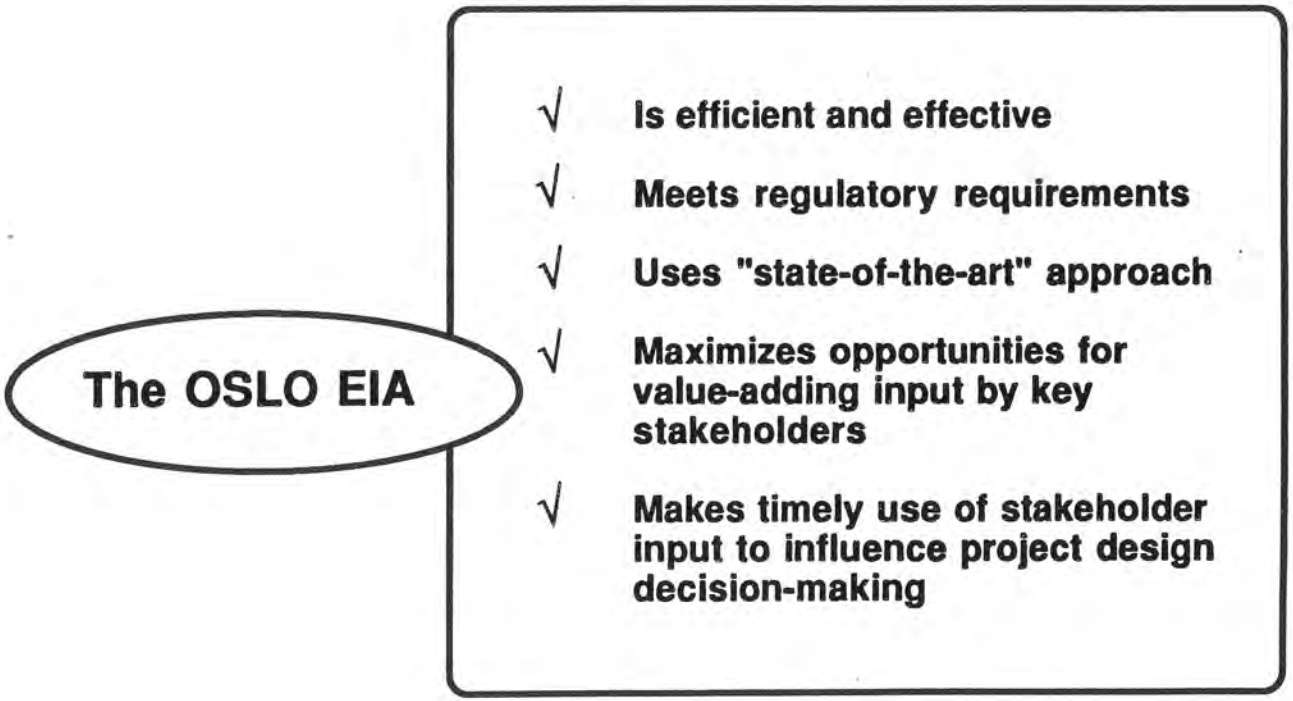


THE OSLO PROJECT

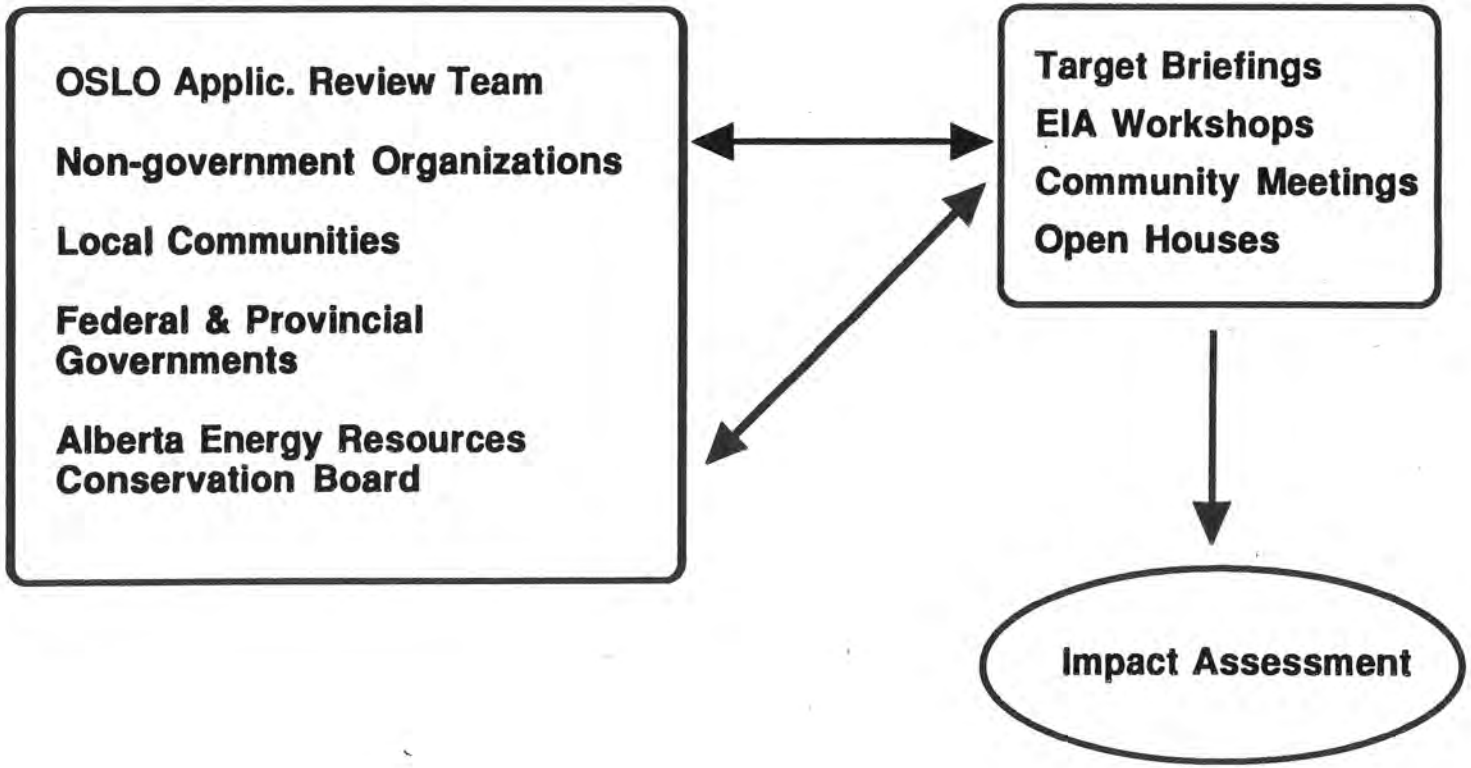
KEY GOALS

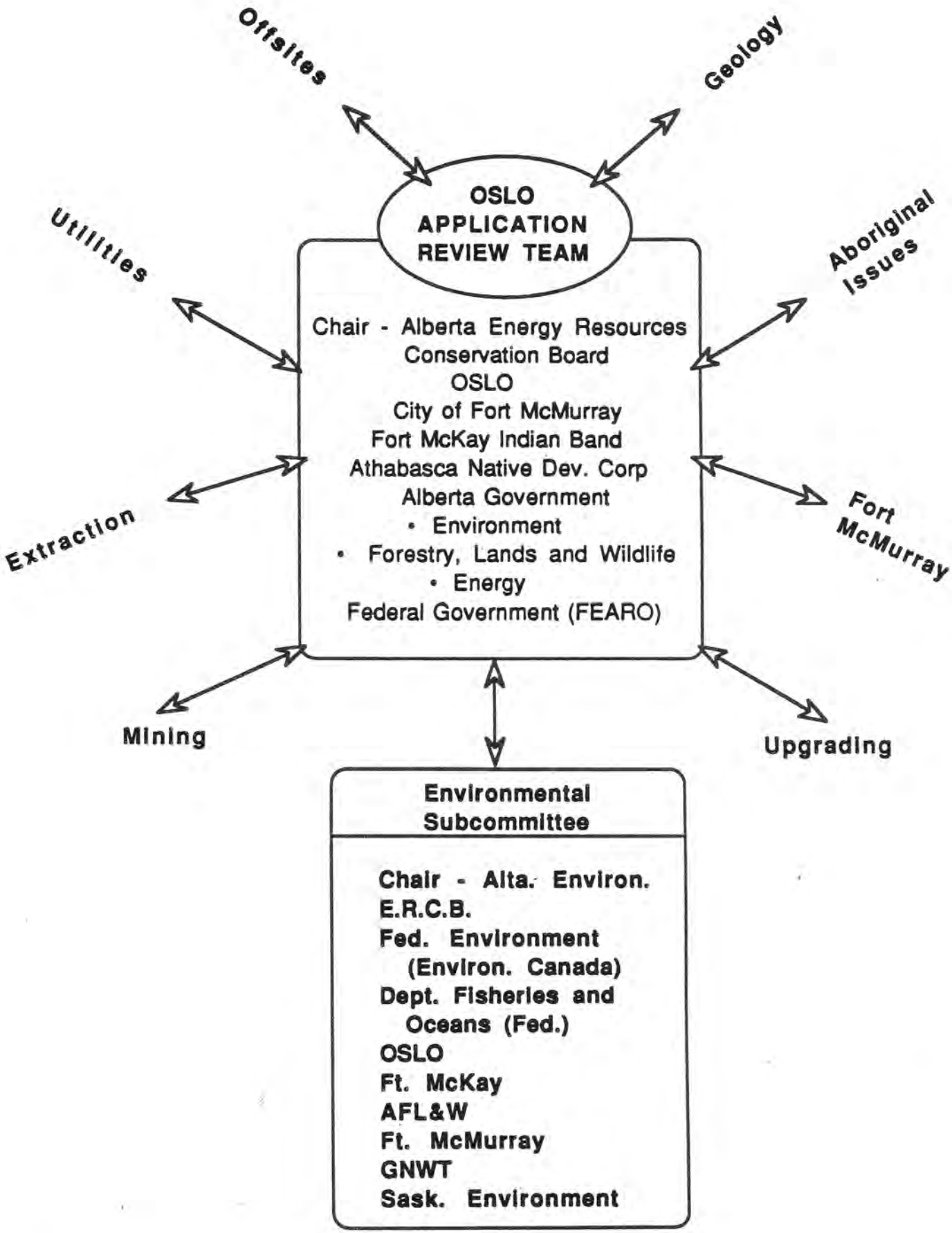
- √ **Use state-of the-art technology**
- √ **Social and economic benefits to the region, Alberta and Canada**
- √ **Integration of environmental, economic and technical decision-making**
- √ **Project basis that reflects early and ongoing input by key stakeholders**

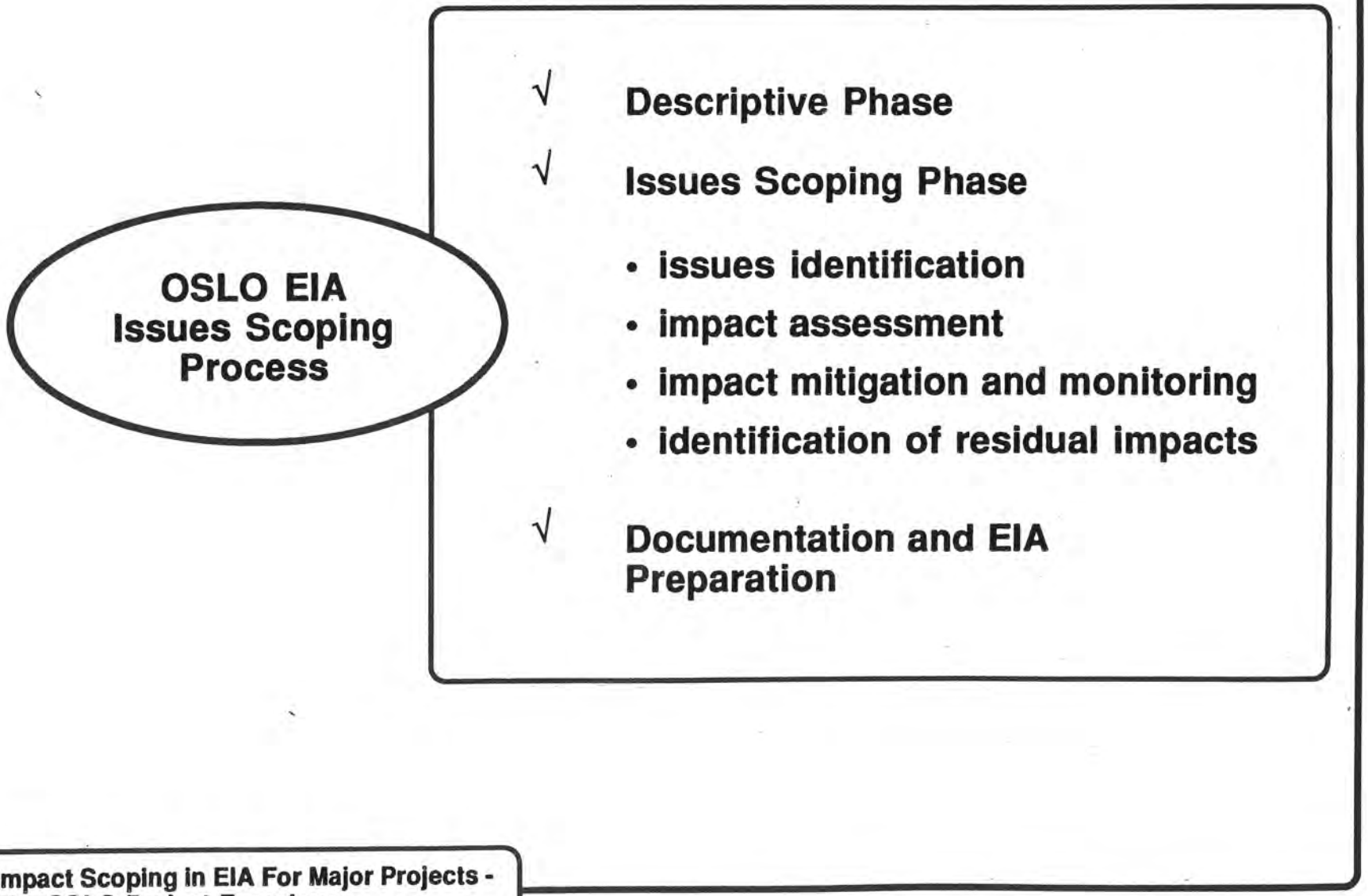
THE MISSION OF THE OSLO EIA



EIA STAKEHOLDER CONSULTATION




Offsites
Geology
OSLO
APPLICATION
REVIEW TEAM
Utilities
Aboriginal
Issues
Chair - Alberta Energy Resources
Conservation Board
OSLO
City of Fort McMurray
Fort McKay Indian Band
Athabasca Native Dev. Corp
Alberta Government
• Environment
• Forestry, Lands and Wildlife
• Energy
Federal Government (FEARO)
Extraction
Fort
McMurray
Mining
Upgrading
Environmental
Subcommittee
Chair - Alta. Environ.
E.R.C.B.
Fed. Environment
(Environ. Canada)
Dept. Fisheries and
Oceans (Fed.)
OSLO
Ft. McKay
AFL&W
Ft. McMurray
GNWT
Sask. Environment

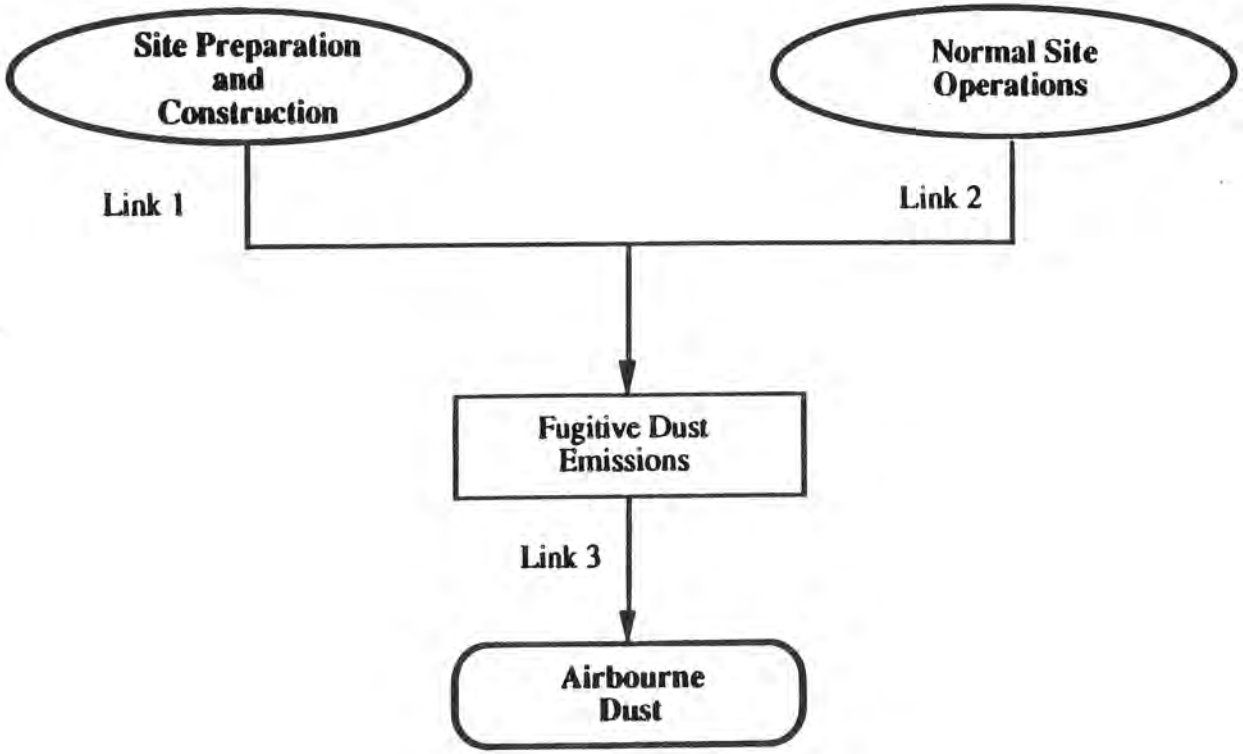

OSLO EIA
Issues Scoping
Process
√ Descriptive Phase
√ Issues Scoping Phase
• issues identification
• impact assessment
• impact mitigation and monitoring
• identification of residual impacts
√ Documentation and EIA
Preparation

Formulating Impact Hypotheses

- √ Testable statements that describe cause and effect relationships between project activities and potential impacts
- √ Consist of:
  - main statement
  - schematic diagram
  - brief statement of each linkage

Impact Hypothesis A-8

The construction and operation of the OSLO plant, tailings pond and mine will result in increases in particulate dust in the development area.



Linkages

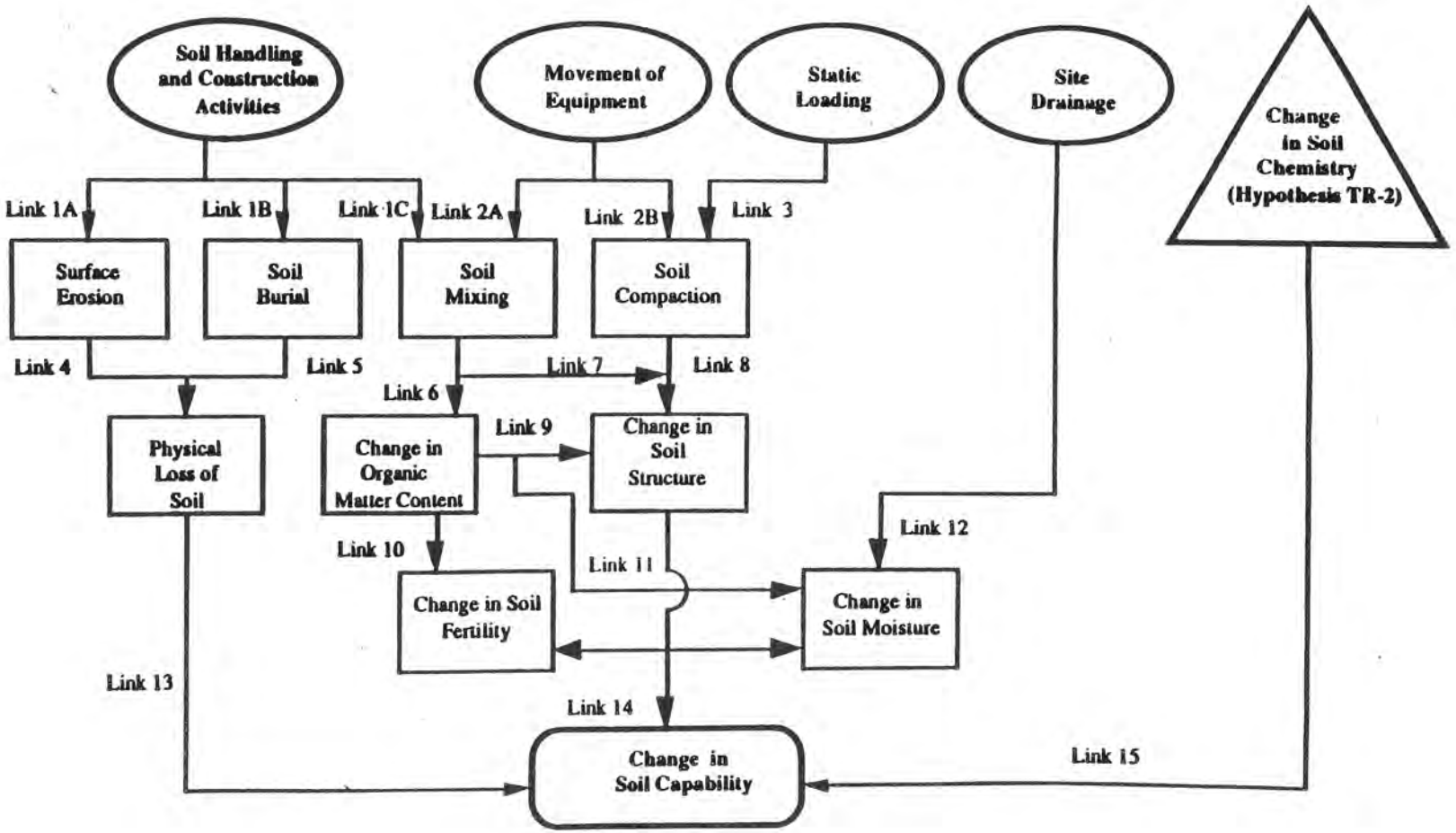
1. Preparation of the project site and mine site, and construction of the plant, tailings pond and other facilities will result in fugitive dust emissions.

2. During normal operation, use of roadways, wind erosion of tailings dykes, and activities in the mine area will result in fugitive dust emissions.

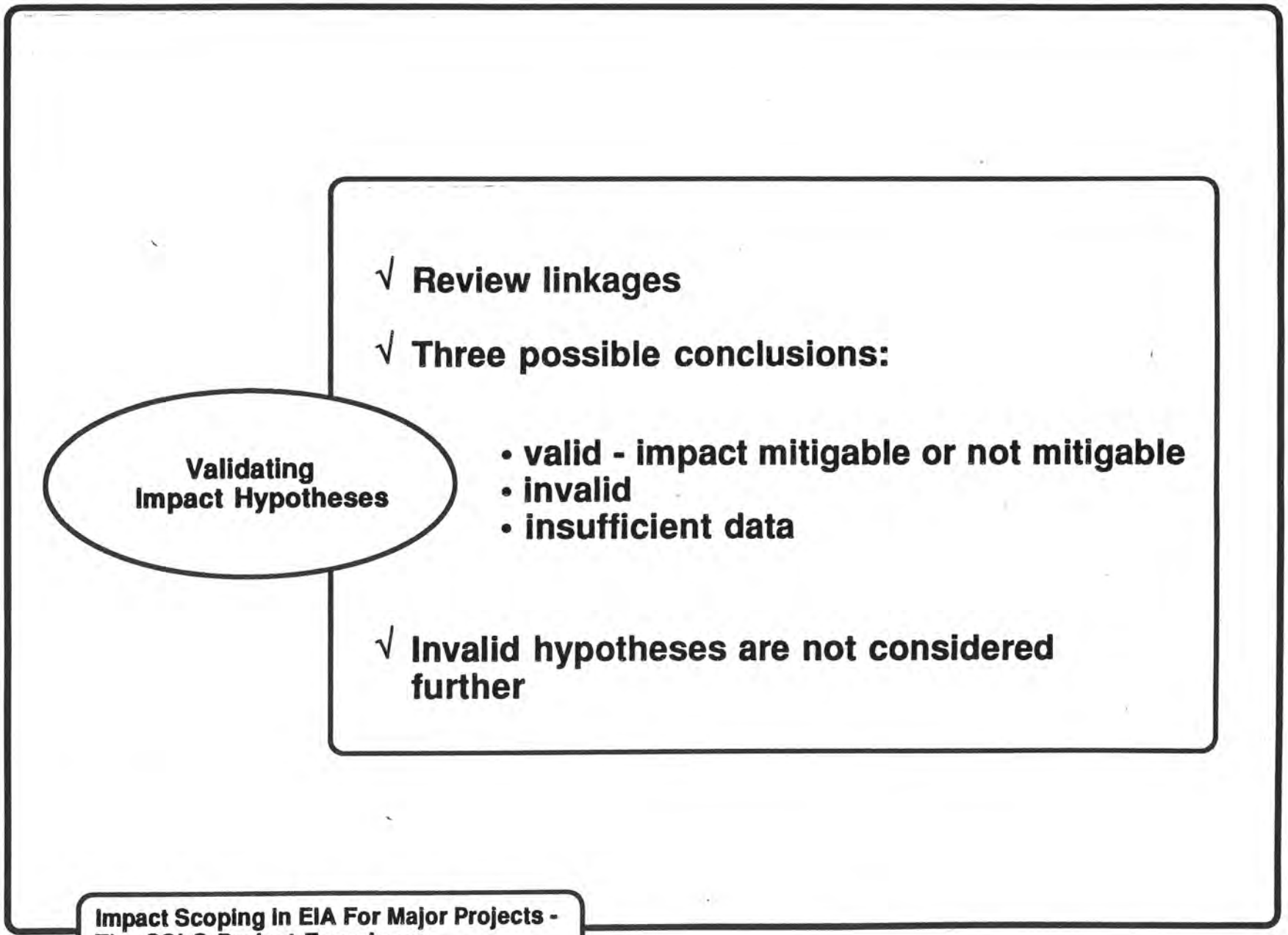
3. Periods characterized by dry windy conditions will further increase dust emissions, resulting in increased total suspended particulate (TSP) levels (e.g., airborne dust).

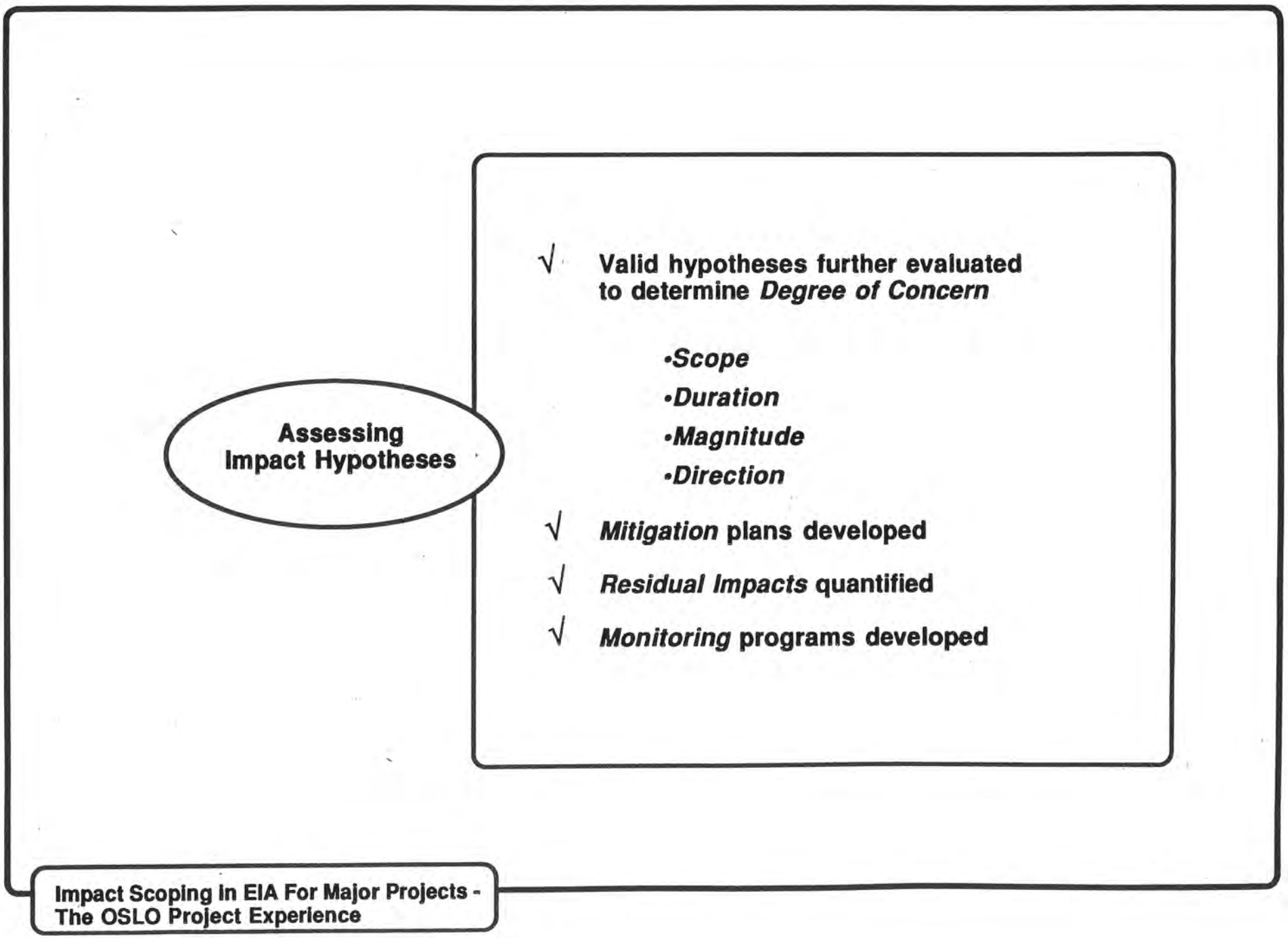
Impact Hypothesis TR-3

Soil handling and construction activities, movement of equipment, static loading, site drainage and altered soil chemistry will change soil capability.



EXAMPLE


√ Review linkages
√ Three possible conclusions:
Validating
Impact Hypotheses
• valid - impact mitigable or not mitigable
• invalid
• insufficient data
√ Invalid hypotheses are not considered further
Impact Scoping in EIA For Major Projects -
The OSLO Project Experience


Assessing
Impact Hypotheses
√ Valid hypotheses further evaluated to determine *Degree of Concern*
•*Scope*
•*Duration*
•*Magnitude*
•*Direction*
√ *Mitigation* plans developed
√ *Residual Impacts* quantified
√ *Monitoring* programs developed
Impact Scoping in EIA For Major Projects - The OSLO Project Experience

Process Documentation

√ **Summary of descriptive phase**

- baseline environmental conditions
- project description

√ **Summary of issues scoping**

- issues identification
- selection of valued ecosystem components (VECs)
- hypothesis development and validation
- assessment of valid hypotheses
- mitigation and monitoring plans
- residual impacts

CONCLUSION

OSLO EIA Issues Scoping Advantages

- √ Those most directly affected participate in EIA development
- √ 'Experts' in close contact with 'public'
- √ Promotes consensus rather than confrontation
- √ Utilizes logical, science-based hypotheses
- √ Decision-making steps are recorded and are visible
- √ Process is iterative; EIA and design development occur in parallel
- √ Issue-focused, concise EIA

The Genesee Power Project Advisory Committee

Newell Pickerl

An organization meeting for the committee was held June 16, 1981. The committee reports to the Land Conservation and Reclamation Council, to the management of Edmonton Power and Fording Coal, and to the community at large.

The Genesee Power Project Advisory committee objectives are:

"To review and make recommendations to management on various concerns or issues relative to the Genesee Project, and to have the responsibility to report to the community on its deliberations."

The terms of reference of this committee are:

(a) Right to put in place ad hoc committees from time to time and as required to address specific issues

(b) Must communicate with various required groups within Government to review and advise when necessary.

(c) To hold meetings as necessary and as decided by the committee according to budget constraints.

(d) The committee to be advisory, non-political, non-advocacy, and not participate in hearings, inquires, etc.

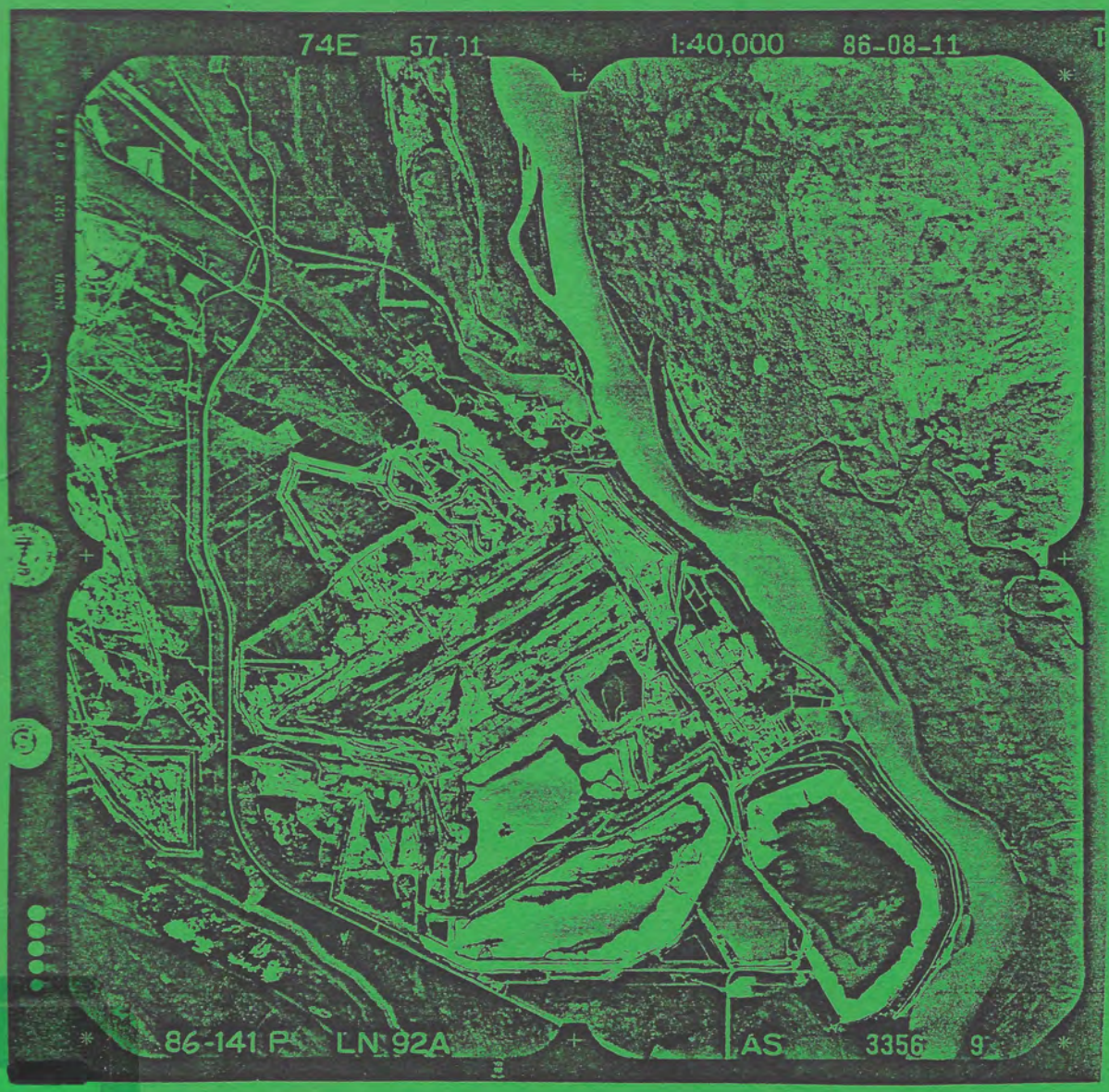
(e) Monitor Project activities.

(f) The right to add terms of reference as required.

(g) Make regular reports to the Land Conservation Reclamation Council, to the Management Committee and to the Community at Large.

Land Reclamation of Oil Sands & Heavy Oil Developments

Proceedings of the Alberta Reclamation Conference '90



Compiled by C.B. Powter

Alberta Chapter, Canadian Land Reclamation Association

1991

Land Reclamation of Oil Sands & Heavy Oil Developments

Proceedings of the Alberta Reclamation Conference '90

Held September 18 and 19, 1990

Fort McMurray, Alberta

Compiled by C.B. Powter

Alberta Chapter, Canadian Land Reclamation Association

1991

DISCLAIMER

The views expressed in the papers are those of the authors and do not necessarily reflect thoe views of the Alberta Chapter, Canadian Land Reclamation Association or the proceedings compiler.

The papers have not been edited or reviewed.

This publication may be cited as:

Powter, C.B. (Compiler), 1991. Land Reclamation of Oil Sands & Heavy Oil Developments. Proceedings of the Alberta Reclamation Conference '90. Alberta Chapter, Canadian Land Reclamation Association.

Front Cover: 1986 airphoto of the Suncor facility, north of Fort McMurray, Alberta.

TABLE OF CONTENTS

DEDICATION

These proceedings are dedicated to the memory of Bruce Runge and Michael Mensforth. These two reclamationists passed away in the fall of 1990 while on the job.

Bruce Runge worked for Western Oilfield Environmental Services Ltd. as Operations Manager and was on his way to conduct a pipeline inspection in the Primrose Lake area when the helicopter he was in crashed on the outskirts of Edmonton. Bruce was 45 years old.

Michael Mensforth worked as a reclamation technologist for Alberta Environment, Land Reclamation Division and was on his way to a site in northern Alberta when he was killed in a freak vehicle accident. Micheal was 35 years old.

The loss of these two specialists is a blow to the small reclamation community of our province. It also points out to the rest of us that ours can be a dangerous profession and that safety is critical in our business.

SPONSORS

The Alberta Chapter of the Canadian Land Reclamation Association would like to thank the following sponsors for making the conference and tour a success:

Interprovincial Pipe Lines Company
Luscar Ltd.
Norwest Labs
Nova Corporation of Alberta
Petro-Canada Inc.
Syncrude Canada Limited
Suncor, Inc.
Western Oilfield Environmental Services Ltd.

The Chapter also thanks the conference organizers:

David Walker
Darlene Hergott
David Lloyd
Gail Harrison
Kerby Lowen
Roger Laurin
Chris Powter

Special thanks to the staff at Syncrude and Suncor for their presentations, for the tours and especially for the lunch and supper on the tour.

Thanks also to the staff at Alberta Forest Service who helped with transportation and various duplicating requests, and to the staff of the Fort McMurray Oil Sands Interpretive Centre who provided the facilities for the conference and responded to last minute requests for audio-visual needs.