



March 7, 2023

**From the Desk of Chief Billy-Joe Tuccaro**

**Community Bulletin UPDATE #2**

Re: AER Environmental Protection Order for Imperial's Kearl Oil Sands Project

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Dear Mikisew Cree First Nation Members:

On February 28, 2023 we provided members with an update on the Imperial Kearl Oil Sands Lease Project Leaks. The revised summary of events is outlined below. We are committed to giving updates to members, hopefully within 24 hours of receiving them.

If you have any questions, you can email us: [communityengagement@mcfngir.ca](mailto:communityengagement@mcfngir.ca).

**What we have done so far:**

Since February 28, 2023, Chief and Council can advise that the following actions have been taken.

**1. Update on the Releases:**

- a. **Release #1 - ongoing:** The AER advised Chief and Council on March 6, 2023 that the Release #1 is under investigation since May 2022. AER issued the Environmental Protection Order, in part, to deal with this before the snow/ice melt.
- b. **Release # 2 – believed to be cleaned up, for now:** The AER advised Chief and Council that Release #2 (the 5.300 million litres January 31, 2023 spill) has been cleaned up by putting the affected snow/ice back into the Kearl Lake Project tailings' ponds. As noted below, Mikisew representatives are visiting the site today (March 7, 2023) to see whether this can be confirmed.

**2. Drinking Water Supply:** First and foremost, Chief and Council with our Health Director are taking steps to ensure safe drinking water is transported to Mikisew before the ice-road melts.

**3. Community Based Monitoring/ Mikisew review of remediation plan:** Mikisew is committed to ensuring that our own land users and monitors are out observing the areas

near the sites/downstream, as the snow/ice melt. Mikisew has provided Imperial's plans/AER actions to Mikisew technical advisers to assess.

4. **RMWB:** On March 6, 2023, we received the data from the January 23, 2023 testing of the water and, on its face, there are no issues with the drinking water as of that date. We will have our own experts look the January 2023 data. We have asked RMWB to confirm how much water is left in the reservoirs (since water intake has been shut down) and are waiting for a response. We also asked for the updated water data and will update members as soon as this is obtained.
5. **AER:** On March 6, 2023, we met with the Chief Executive Officer, Chief Operating Officer of the Alberta Energy Regulator ("AER"). This meeting was the first time anyone from the AER has visited Fort Chipewyan.

We asked the AER how they would rebuild trust for the admitted communication failures. We reminded AER that Mikisew is not only an "other indigenous community" downstream. We are one of the self-governing Nations in Fort Chipewyan and should be acknowledged as such. We also asked AER about issuing more enforcement action, involving Mikisew in the mitigations to wildlife impacts and Mikisew consultation in looking at all of the berms for the tailings' ponds, given the concerns noted with the Kearn Lake Project tailings' ponds.

So far, the AER agreed to share some data and information. AER agreed to weekly updates with the Chief and Council. We are hopeful they will agree to more concrete and meaningful action.

6. **Imperial:** On March 6, 2023, Chief Tuccaro spoke with Jamie Long who agreed to have Mikisew monitors at the site of the releases. Today Chief Tuccaro, Councillor Ronnie Campbell and Elder Matthew Lepine are going to meet with Imperial Executives at the Kearn Lake Project site. They will view the spill areas and discuss Imperial's progress on cleanup and future spill prevention measures. Later in the week Leadership and an Elder will be gaining an aerial view of spill area when we complete a flyover of the area. Imperial has committed to helping bring in fresh drinking water. Imperial responded to Leadership's request for a community meeting. Imperial has tentatively agreed to visit the community for an information session the week of **March 20, 2023**.
7. **Government of Canada:** On March 8, 2023, Chief and Council are meeting with Minister Steven Guilbeault of the Environment and Climate Change Canada ("ECCC") to ask about possible federal regulatory action that may be taken. Minister Guilbeault also stated Minister Miller and Minister Hajdu commitment to bringing in fresh drinking water.

8. **Government of Alberta:** We have reached out to Minister Sonya Savage and are asking that the Premier and Ministers treat this as the emergency it is. We are hopeful they will agree to a meeting and concrete action in the coming days.

### **UPDATED TIMELINE- what we know about the events**

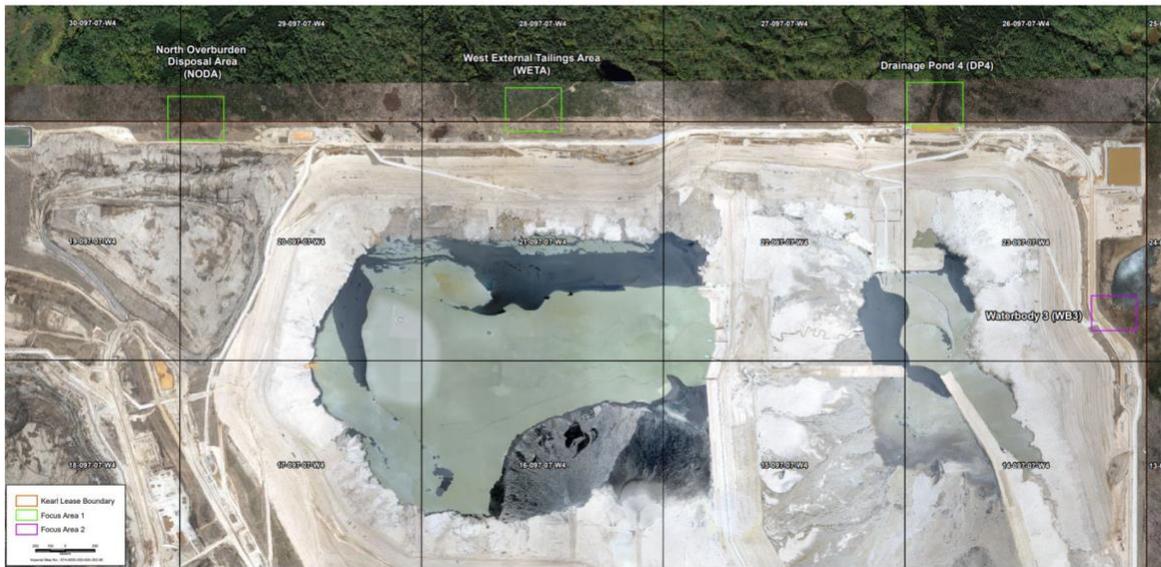
- **May 2022** - Imperial reported to the AER and in an email to Mikisew's GIR that discoloured surface water was found to the north and northeast of the mine site (off-site) in four locations, including three off lease. The AER confirmed the presence of this Substance. The impacted area (Impacted Area 1) is muskeg and forest, in proximity to the fish-bearing waters and tributaries of the Muskeg and Firebag Rivers. (**Release #1**). Release #1 has not been remedied.
- **June 2022** - Imperial told the AER that surface water sampling results indicated the surface water was contaminated with industrial wastewater. Imperial and Mikisew leadership met in June 2022 but this issue was not discussed.
- **August 2022** - monitoring results confirmed that the Substance was consistent with industrial wastewater and that provincial and regulatory guidelines for the protection of aquatic life were exceeded for several compounds of concern (including dissolved iron, total arsenic, F2 hydrocarbons, sulfate, and total sulfide).
- **September 2022** - the AER issued a Notice of Noncompliance to Imperial under Environmental Protection and Enhancement Act (EPEA). The Notice of Noncompliance has yet to be provided to Mikisew or posted online.
- **September 19, 2022** – Mikisew and Imperial staff met through the Environmental Consultation Committee. In the brief discussion on the Release # 1, the Notice of Noncompliance was not disclosed. After this date, Mikisew did not receive any information on this situation from Imperial until February 6, 2023.
- **September 2022 to November 2022** - Imperial continued to sample water to determine the source of the release and confirmed in November that the industrial wastewater was seeping from the Kearsley External Tailings Area (ETA), mixing with shallow groundwater, and coming to the surface at locations on the mine site and off the mine site.
- **December 2022 to January 2023** - Imperial and the AER discussed action plans for control of the source of the seepage, plume delineation and remediation. However, no action plan has yet been approved, and the release is continuing into Impacted Area 1.
- **January 31, 2023:** Separate from this first release of wastewater, on January 31, 2023, a second release of industrial wastewater occurred because of an overflow in an industrial wastewater storage pond (Release #2). The release volume is estimated at 5,300 m<sup>3</sup>. This volume is only an estimate, and the true volume may be in excess of the initial estimation.
- **February 2-4, 2023:** the Release is reported to and investigated by AER.
- **February 6, 2023:** AER issues the Environmental Protection Order, available here: [https://www1.aer.ca/compliancedashboard/enforcement/202302-02\\_Imperial%20Oil%20Resources%20Limited\\_Kearsley\\_Order.pdf](https://www1.aer.ca/compliancedashboard/enforcement/202302-02_Imperial%20Oil%20Resources%20Limited_Kearsley_Order.pdf)

## What we know about the area that is affected

For geographical reference, please see the maps below, provided by Imperial, that show the four known areas where contaminants have left the Kearsarge lease boundaries.

These maps are not inclusive of the potential contamination and do not represent the seepage or migration of the contaminants into the groundwater systems – this is something that we are pressing Imperial and the AER to address immediately. We have been told this monitoring and seepage modelling is still taking place, as part of the ongoing investigation.

### Map of Four Areas of Interest



### Surface Water Monitoring

