

The **co-operative**

Save the caribou - **stop the tar sands**



Produced as part of
The Co-operative's

toxic
fuels
campaign



Summary



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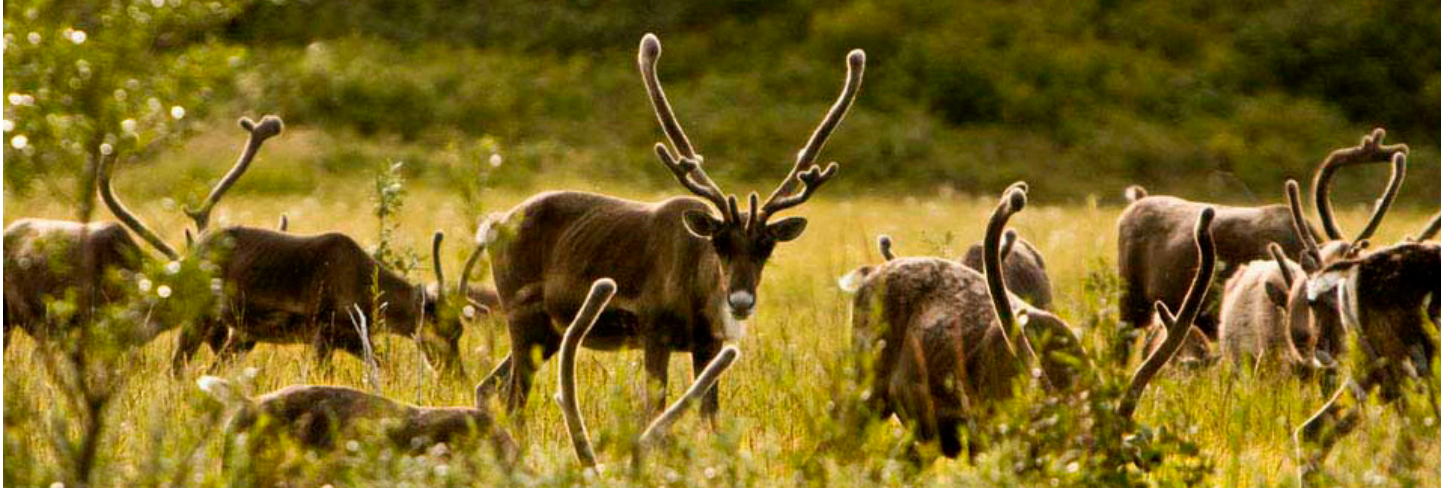
Thousands of woodland caribou once roamed across the Beaver Lake Cree’s traditional territories in Alberta, Canada – now between just 175 and 275 of these iconic animals remain and without immediate protection they face extinction throughout these territories and most of north eastern Alberta.

A symbol of Canada’s pristine wilderness, woodland caribou are found in undisturbed old growth boreal forest and forested peatlands. This habitat is being degraded and threatened on a huge scale by rapidly expanding tar sands developments throughout the Beaver Lake Cree’s traditional territories.

If the current rates of decline continue, the future for the region’s caribou herds looks bleak, with the population dropping to just 50 by 2025, 10 by 2040 and becoming locally extinct shortly thereafter. Given the massive expansion plans for tar sands developments in the

area, the likelihood is that without intervention they will disappear much faster. 50 individuals are considered the level below which populations may be non-recoverable.

Woodland caribou are listed as ‘threatened’ nationally under Canada’s Species at Risk Act and within Alberta have been determined to be ‘at risk’. As such the Canadian Government is required by law to prepare a recovery plan that identifies and protects ‘critical habitat’ for this listed species. The Government was required to do this by 2007 – it hasn’t.



There are two herds of caribou within the Beaver Lake Cree's traditional territories, which covers 38,972 km², an area roughly the size of Switzerland. The East Side Athabasca River herd, which has declined by 71% since 1996 and the Cold Lake herd, which has declined by 74% since 1998. It is therefore vital that the remaining caribou habitat in the area is protected as a matter of urgency.

The Beaver Lake Cree, a small indigenous community in north east Alberta, are calling upon the Canadian Government to protect the remaining ranges of the woodland caribou herds within their ancestral lands with immediate effect, including a moratorium on all new industrial developments. If this is not forthcoming they will seek a judicial review in the Canadian courts to force the Canadian Government to take this action.

Current tar sands production within Beaver Lake Cree traditional territories stands at 546,000 barrels of oil per day (bpd), accounting for around 30% of Canada's total tar sands production. The vast majority of this is extracted within or near caribou critical habitat (452,600 bpd). Oil companies have plans to increase production within or near the caribou herd ranges to 1,642,900 bpd. If the Beaver Lake Cree are successful in their judicial review application it would have huge implications for oil company plans to expand tar sands operations in the area, with several major tar sands projects planned in or near the ranges of the two herds. These include:

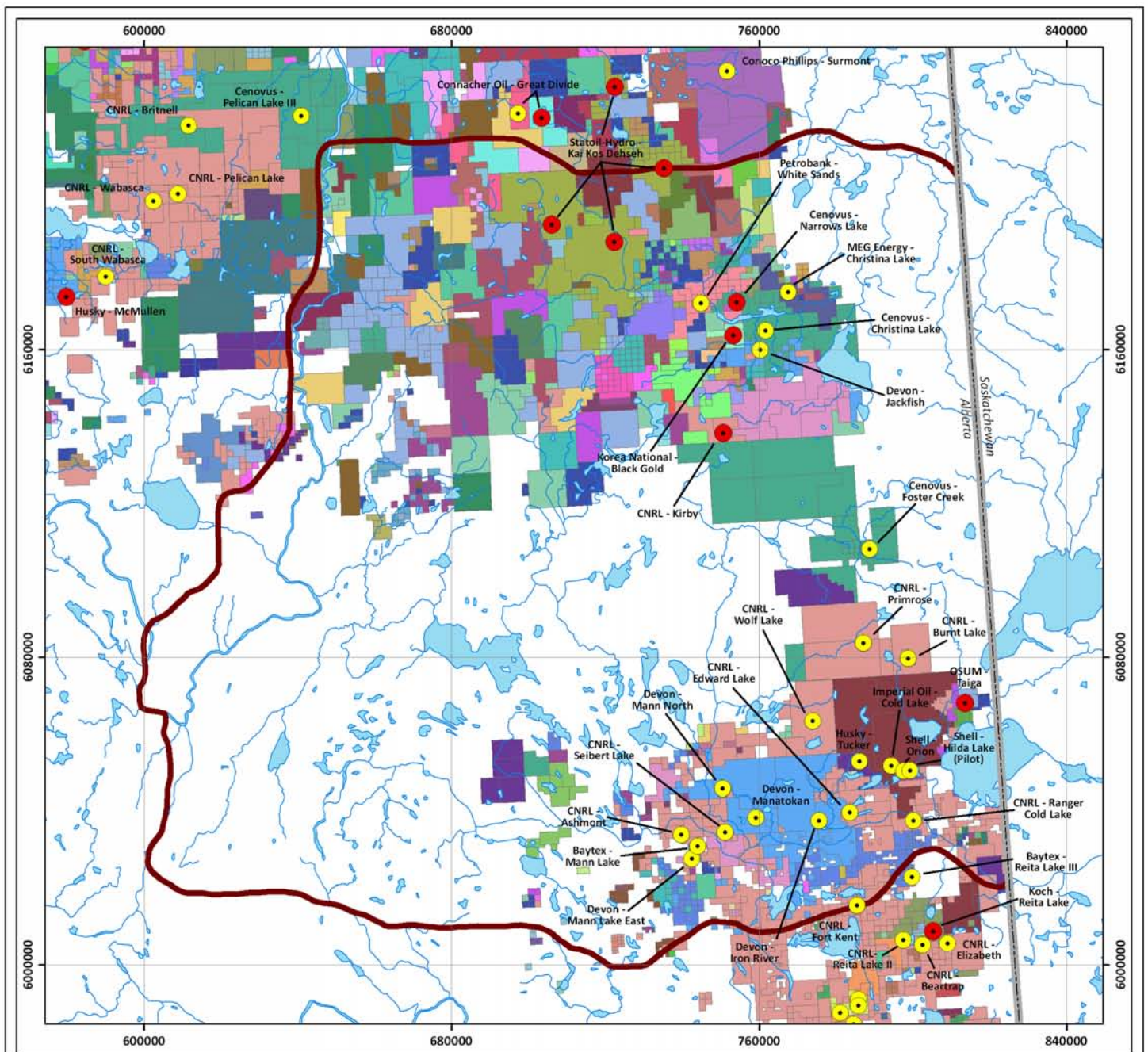
- BP and Devon's joint Kirby project, which plans to produce around 105,000 bpd;

- Cenovus' Christina Lake, Narrows Lake and Foster Creek projects, which plan to expand production from 131,000 bpd to 549,000 bpd;
- CNRL's Kirby project, which plans to produce roughly 45,000 bpd;
- MEG Energy's Christina Lake project, which plans to expand production from 25,000 bpd to 210,000 bpd; and
- Statoil's Kai Kos Dehseh project, which plans to produce 240,000 bpd.

All of these major new projects and expansion plans could be halted if the caribou herd ranges within the Beaver Lake Cree's ancestral lands were to receive legal protection. It would also prohibit the exploitation of a significant number of undeveloped leases granted in the southern Athabasca tar sands field.



Tar sands projects/leases map



Beaver Lake Cree Nation's Core Traditional Territory

Tar Sands Agreement Holders

- | | | |
|---------------------|-----------------------------|----------------------|
| 658903 Alberta | Britt Resources | Charter Land |
| Advantage Oil | Bronco Energy | Coda Holdings |
| Agadir Resources | Buffalo Resources | Compton Petroleum |
| Allied Land | CND Coastal | Connacher Oil |
| Alterren Land | CND Forest Oil | Conoco/Total E&P |
| Antelope Land | CND Landmasters | Conoco/Phillips |
| Appaloosa Resources | CNPC International | Daylight Energy |
| Athabasca Oil Sands | CNRL | Deergarden Resources |
| Atlas Energy | CNRL/Devon | Devon Canada |
| Avenir Operations | CNRL/Encana | Dunvegan Energy |
| BP Canada | CNRL/Husky | Dutchman Assets |
| Bancroft Oil | CNRL/Paramount | Duvernay Oil |
| Baytex Energy | CNRL/Pengrowth | Cenovus (Encana) |
| Baytex/CNRL | Canadian Coastal Centennial | Emermark Inc |
| Blackrock Ventures | Cavador Resources | Four West Land |
| Bonavista Petroleum | Cavalier Land | Frog Lake Energy |
| Bounty Developments | Celtic Exploration | Great Divide Oil |
| Bristol Land | Centennial Land | Grizzly Oil Sands |

Tar Sands Projects

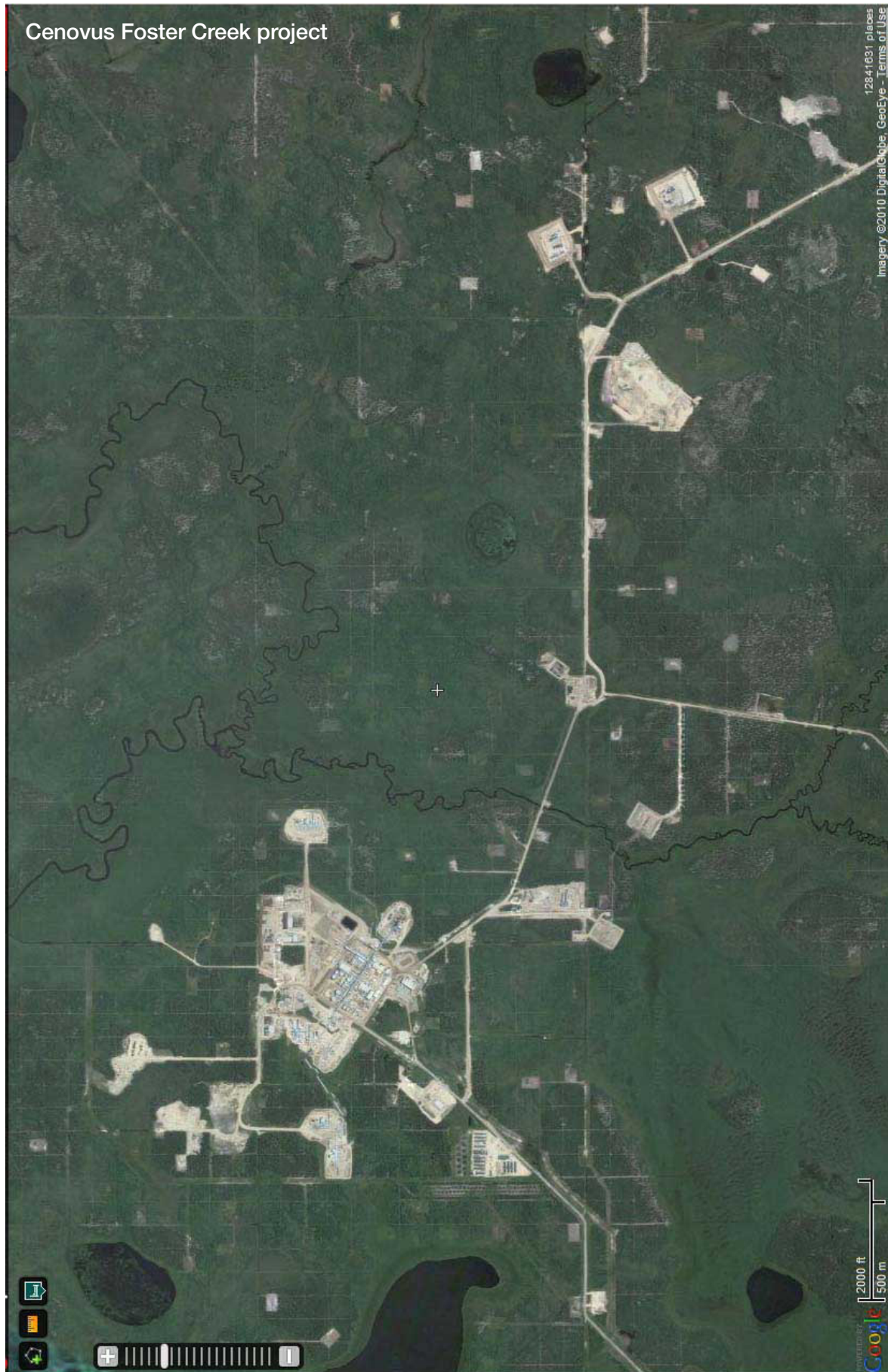
Producing Proposed

- | | |
|---------------------------|------------------------|
| Petro/Japan/Nexen | Standard Land |
| Petrobank Energy | Statoil-Hydro |
| Petroland Services | Stone Petroleum |
| Pioneer Land | Strata Oil |
| Plunkett Resources | Sunshine Oilsands |
| Premium Petroleum | Thunder Creek |
| Primary Petroleum | Total E&P |
| Proterra Landworks | Township Land |
| Q&G Resource | Valero Resources |
| Ranger Land | West Pacific Petroleum |
| Regent Land | Western Land |
| Rosefire Resources | Windfall Resources |
| Sandstone Land | |
| Saskatoon Assets | |
| Scott Land | |
| Shell Canada | |
| Southern Pacific Resource | |
| Spittire Energy | |

Data sources: Boundaries of Beaver Lake Cree Nation's Core Traditional Territory taken from Schedule 1 to the Amended Statement of Claim for Alberta Court of Queen's Bench Action No. 0803 06718, filed 23 October 2009. Tar sands agreement dataset derived from McElhanney Land Surveys (Alta.) Ltd. Oil Sand Leases - Cold Lake Region, December 2009. Tar sands projects derived from Alberta Energy, Alberta's Oil Sands Projects, July 2009. Updated with current project proposals available at: <http://environment.alberta.ca/1283.html>

0 20 40 60 km
 Transverse Mercator - 10TM North American Datum 1983
 Map produced by Global Forest Watch Canada, April 2010.





Satellite image of the Cenovus Foster Creek project showing the in-situ tar sands operations, well pads, connecting pipelines and roads, and a checkerboard of seismic lines cut through the entire forest of the region. This development is within Beaver Lake Cree traditional territories and the Cold Lake caribou herd range. Current production is 120,000 barrels of oil per day with plans to expand to 210,000 barrels per day.

Woodland caribou – a species on the brink



The Beaver Lake Cree’s traditional territories cover 38,972 km² (an area roughly the size of Switzerland), with the East Side Athabasca River herd and Cold Lake herd ranges covering a combined 35% of the area. Estimates for the remaining populations of the two herds are 150-250 and 100-150 respectively. Roughly half of the East Side

Athabasca River herd range and all of the Cold Lake herd range is within Beaver Lake Cree traditional territories. The current estimate of caribou in the area is 175-275; this is down ten-fold from historical numbers.

Woodland caribou are found in undisturbed old growth boreal forest and forested peatlands; they avoid young forest and shrub-rich habitats that support higher densities of moose and deer and in turn wolves. The primary disturbances to this habitat within Alberta are caused by oil and gas exploration and development, and the development of linear features (e.g. roads,

pipelines, seismic lines) associated with these activities. These developments result in physical loss of habitat, avoidance of areas by caribou, and increased caribou mortality.

If the current rates of decline continue, the future for the region’s caribou herds looks bleak, with the population dropping to just 50 by 2025, 10 by 2040 and becoming locally extinct shortly thereafter. Once the population drops below 50 individuals it is vulnerable to extinction events and at extreme risk of ‘extirpation’ (i.e. being non-recoverable).



Well pad clearings



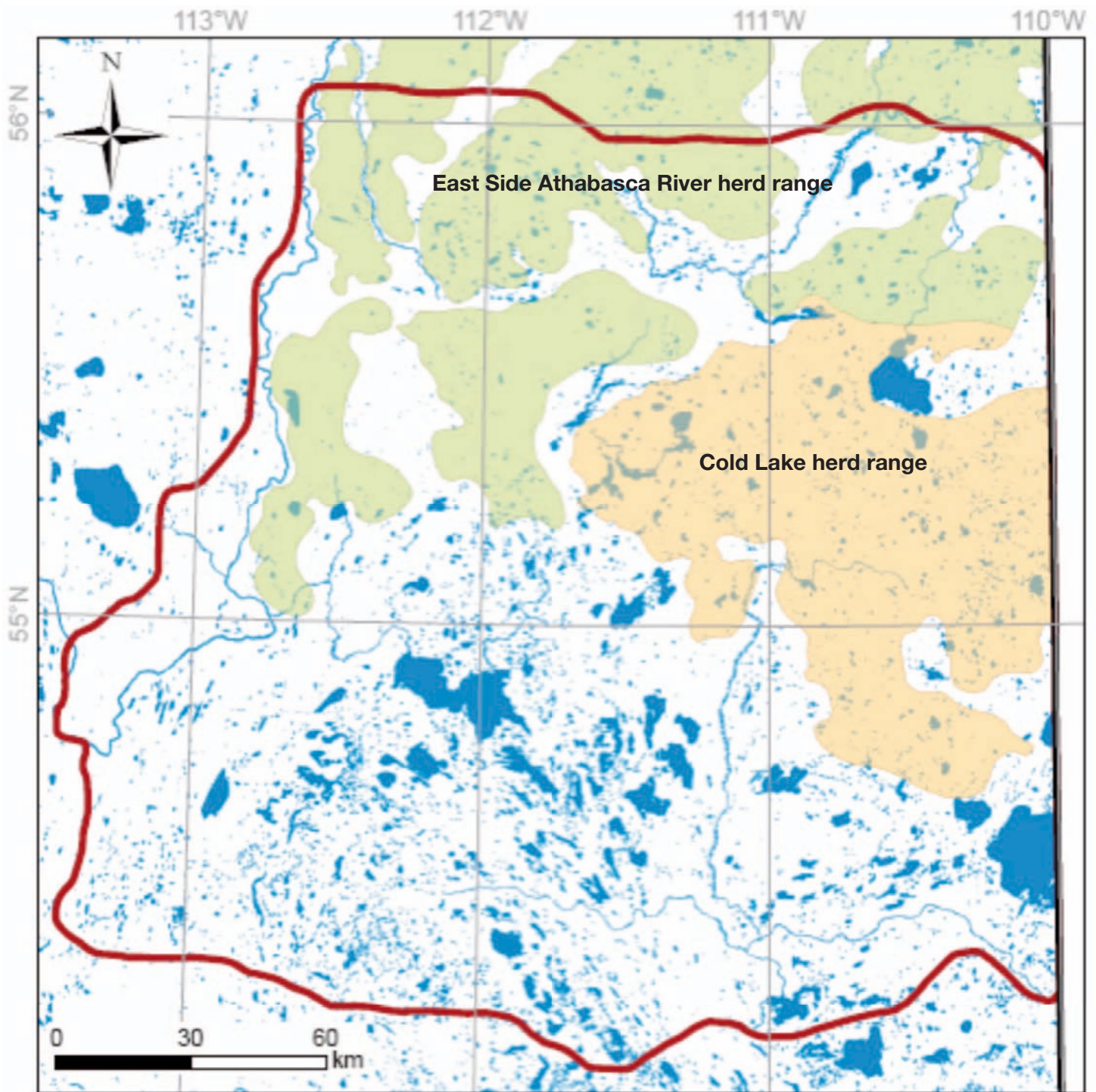
Seismic lines







Seismic lines

Well pad clearings and linear features such as seismic lines, pipelines and roads have degraded the habitat value of 66% of the East Side Athabasca River herd range and 51% of the Cold Lake herd range

Caribou range map



-  Beaver Lake Cree Nation's Traditional Territory in Alberta
-  Major rivers and lakes
-  CLAWR caribou range
-  ESAR caribou range





Satellite image of Exxon Cold Lake in-situ tar sands project

Loss of habitat and avoidance

Within the Beaver Lake Cree's traditional territories there are 34,773 oil and gas well sites and of those 11,111 are within the caribou herd ranges. Each well site accounts for roughly 1 hectare of habitat loss. Within these ranges there are also 21,700 km of seismic lines, 4,028 km of pipelines and 948 km of roads. Caribou are known to avoid habitat within 250 metres of these linear features, a 5-8 metre wide seismic line therefore degrades the habitat value of the forest for 500 metres. Linear features and the area of avoided habitat around them now cover 66% of the East Side Athabasca River herd range and 51% of the Cold Lake herd range.

Some linear features also form physical barriers to caribou movement within herd ranges leading to further habitat loss. Roads have been found to be semi-permeable barriers, whilst above ground pipelines, which tend to be less than 0.8 metres above ground, are completely impassable. The satellite image above is of Exxon's Cold Lake tar sands project,

the largest development currently operating within the Beaver Lake Cree's traditional territories producing 140,000 bpd. This particular project extends north to the southern boundary of the Cold Lake herd range. Much larger projects than this are planned for within caribou critical habitat producing up to 240,000 bpd each. These new developments will similarly create a 'spiders web' of pipelines carving up the forest over a huge area and will effectively destroy that forest as caribou habitat.

Forest harvesting within the herd ranges also has an impact, but as only 2.8% of caribou habitat has been clear-cut within the last 30 years, forest harvesting will only have played a small role in the caribou's local decline. Historically, the spread of agriculture in the southern part of the Beaver Lake Cree's traditional territories will have played a part in reducing the size of caribou habitat. However, this is not deemed to have contributed significantly to the caribou's decline in recent decades.



Exxon Cold Lake in-situ tar sands project and pipelines

Increased mortality

Woodland caribou normally exist at low densities in very large range areas that contain lower densities of alternative prey and hence lower densities of predators. Habitat change through forest cutting and the creation of well sites and linear features leads to an increase in the density of other prey species, which in turn increases wolf density. The creation of linear features also provides access for wolves to travel into previously inaccessible caribou habitat and prey on the caribou. The fragmentation of the forest also leads to a reduction in large, intact patches of habitat where caribou can space themselves out and away from moose and deer and wolves.

Small changes in predation pressure can trigger caribou population declines and the availability of other prey species means that wolves have the potential to hunt the caribou herds to extinction because of no negative feedback effect on their own populations. If wolves reach a density of more than 6.5 wolves per 1000 km², caribou populations are expected to decline. Recent surveys suggest that the wolf density is now 10-11 per 1000 km² in the Beaver Lake Cree caribou ranges.

Recommendations

Expert recommendations for the recovery of woodland caribou within the Beaver Lake Cree traditional territories include aggressive restoration of seismic lines, well pad clearings, and disused pipelines, no further increase in industrial activity (i.e. protection), and measures to reduce caribou mortality risk. Long-term risk to the caribou herds will be minimised if these management actions cover the whole of caribou herd ranges and begin as soon as possible.

Save the woodland caribou



Government (in)action

Woodland caribou are listed as 'threatened' nationally under Canada's Species at Risk Act (SARA) and within Alberta have been determined to be 'at risk'. The Canadian Government is required by law to prepare a recovery plan that identifies and protects 'critical habitat' for species listed as 'threatened'. For caribou, a final recovery strategy was legally required by June 2007 but to date it has not been released. Lack of identification of 'critical habitat' was given as the reason for its delayed release by Environment Canada. Expert opinion is that the information necessary to act to conserve caribou habitat has been available for the past 3-5 years. The Canadian Government has said it needs more time to consult with aboriginal groups. This may be true, in part; but there is wide agreement that caribou critical habitat should be protected in the meantime while a full recovery plan is prepared and consulted upon. Neither the Alberta nor Canadian Governments have implemented any conservation-based land use plans in the Beaver Lake Cree's traditional territories.

The Lower Athabasca Regional Plan is currently under development but there are no explicit conservation strategies for woodland caribou. Recommendations made by Athabasca Landscape Team (ALT) included the establishment of Zone 1 areas within each caribou range that have caribou conservation as a priority. The management elements included caribou mortality management, restoration of current energy sector footprint and establishment of areas with no further industrial development. The location and size of these zones were not made explicit and to date, the Alberta Government has not acted to implement the ALT recommendations.

Judicial review to enforce critical habitat protection

There is ample evidence to support the claim that any delays in the implementation of conservation actions for caribou greatly increase the risk of failure. Given the rapid rates of decline that are now well-documented for the herds within the Beaver Lake Cree's traditional territories, the number of animals left is fast approaching levels where management actions are less and less likely to be effective.

In the absence of government intervention to protect caribou critical habitat, the Beaver Lake Cree will bring a judicial review in the Canadian courts to force the Canadian Government to take the action required.

For example, under section 80(1) of SARA, the Canadian Government “may, on recommendation [of the Environment Minister], make an emergency order to provide for the protection of a listed wildlife species.” Under section 80(2), the Environment Minister “must” make this recommendation “if he or she is of the opinion that a species faces imminent threats to its survival or recovery.” The Beaver Lake Cree’s judicial review application may seek to force the Environment Minister to make this recommendation to Government, on the basis that woodland caribou (particularly within the Beaver Lake Cree’s traditional territories) very clearly face imminent threats to their survival and recovery.

As for the content of the emergency order, such orders may “identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates” and “include provisions prohibiting activities that may adversely affect the species and that habitat.” The Beaver Lake Cree’s application would seek an order protecting all of the remaining ranges of woodland caribou within Beaver Lake Cree traditional territories, and would seek a moratorium on any new industrial developments in those ranges.

Impact upon the tar sands industry

Tar sands consist of bitumen trapped in a complex mixture of sand, water and clay. There are two methods of bitumen extraction: strip mining, which extracts two tonnes of material to produce one barrel of oil, washing the bitumen out with huge quantities of water; and ‘in-situ’, which pumps huge quantities of steam into the ground and pumps out the loosened bitumen. The bitumen is then upgraded into synthetic crude oil. Both processes are energy intensive and emit up to 5 times more greenhouse gases than conventional oil production.

The oil industry is calling for \$379 billion to be invested in the tar sands by 2025 to massively increase production. Canada has proven tar sand reserves of 174 billion barrels of oil, second only to Saudi Arabia’s conventional oil reserves.

The tar sands developments currently operational within Beaver Lake Cree traditional territories account for around 30% of all of Canada’s tar sands production. Most of the Cold Lake tar sands field falls within the eastern part

of the traditional territories and a large proportion of the southern Athabasca tar sands field covers the northern part of the traditional territories. All of the tar sands developments within these lands extract the tar sands ‘in-situ’. Around 70% of all existing ‘in-situ’ operations are within Beaver Lake Cree traditional territories. As things stand, tar sands exploitation is set to more than triple within these territories over coming years, with planned expansion from 546,000 bpd today to 1,746,000 bpd.

“All the projects around Christina Lake are messing up things for the caribou.”

Elder Floyd Cardinal



Tar Sands projects within Beaver Lake Cree traditional territories

Southern Athabasca field			
Company	Project	Operating bpd	Planned bpd
BP / Devon	Kirby*	0	105,000
Cenovus	Christina Lake	10,800	218,800
	Foster Creek	120,000	210,000
	Narrows Lake	0	120,000
CNRL	Kirby	0	45,000
Devon	Jackfish	35,000	105,000
KNOC	Blackgold	0	30,000
MEG	Christina Lake	25,000	210,000
Petrobank	Whitesands	1,800	3,600
Statoil	Kai Kos Dehseh	0	240,000
	Total:	192,600	1,287,400

Cold Lake field			
Company	Project	Operating bpd	Planned bpd
Baylex	Mann Lake**	3,503	3,503
CNRL	Primrose / Wolf Lake / Burnt Lake	120,000	150,500
CNRL	Edward Lake / Ashmont / Seibert Lake / Ranger Cold Lake / Fort Kent**	37,941	37,941
Devon	Mann Lake East / Mann North / Iron River / Manatokan**	11,987	11,987
Husky	Tucker	30,000	30,000
Imperial (Exxon)	Cold Lake	140,000	170,000
Osum	Taiga	0	35,000
Shell	Orion / Hilda Lake	10,000	20,000
	Total:	353,431	458,931

Total bpd production within traditional territories:	546,031	1,746,331
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* Newly announced: 105,000 bpd conservative estimate based on Devon statement that Kirby will support 3 phases of development and has greater recoverable resources than Jackfish (Jackfish has 300 million barrel reserves and plans to produce 105,000 bpd by 2014 after 3 phase development).

All operating and planned bpd figures as at Feb 2010 except ** which use operating bpd figures as at Dec 2006. These are the most recent figures publicly available; no planned expansion bpd figures are available for these projects.

All of the Athabasca field tar sands leases and operations and the most northerly leases and operations within the Cold Lake field are within or near caribou critical habitat. Current tar sands production within or near caribou habitat is 452,600 bpd, with plans to increase production to 1,642,900 bpd. If the Beaver Lake Cree's judicial review application successfully protects all remaining woodland caribou ranges within their traditional territories and a moratorium is ordered on all new industrial developments, it will have huge implications for these expansion plans, potentially prohibiting many new developments. A successful judicial review would also prohibit the exploitation of many of the undeveloped leases in the north of the traditional territories, which form a significant proportion of the southern Athabasca tar sands field.

Beaver Lake Cree vs the Tar Sands

The Beaver Lake Cree Nation is a small indigenous community in the boreal forest of northeast Alberta. Around 700 people live 'on reservation' close to the town of Lac La Biche. In 1876, the Beaver Lake Cree signed a treaty with the government ceding vast tracts of land in return for guaranteed rights to hunt, fish and gather plants and medicines on these lands, as they had always done, forever.

These traditional territories are now being destroyed, degraded and threatened by tar sands developments, which damage huge areas of formerly pristine forest, disturb wildlife and cause significant air and water pollution. These developments are eroding the Beaver Lake Cree's treaty rights and now threaten their culture and traditional way of life.

The Beaver Lake Cree have therefore commenced legal action to protect the ecological integrity of their traditional territories. This includes a planned judicial review to protect caribou critical habitat, which covers 35% of those lands, and a legal challenge to enforce recognition of their constitutionally protected treaty rights.

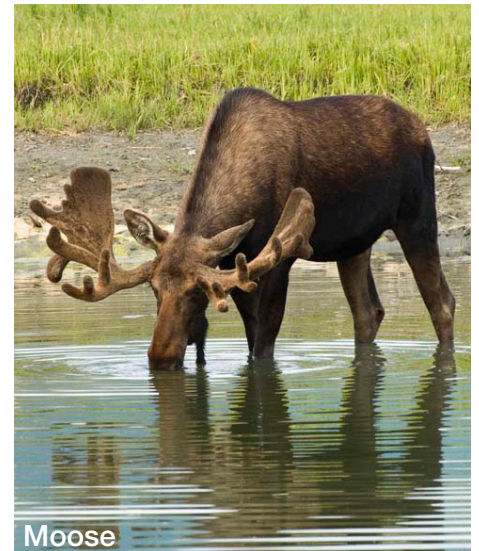
The Beaver Lake Cree say that in order for their treaty rights to have meaning, the habitats of the wildlife upon which they depend must be protected throughout their ancient homeland. Launched in May 2008, the legal challenge cites 17,000 infringements of their treaty rights and seeks to force the Governments of Alberta and Canada to halt the wholesale destruction of their ancestral lands.

In undertaking these legal challenges, this brave and inspiring community is taking on not just the Governments of Alberta and Canada, but also some of the world's largest oil companies including Exxon Mobil, Shell and BP.



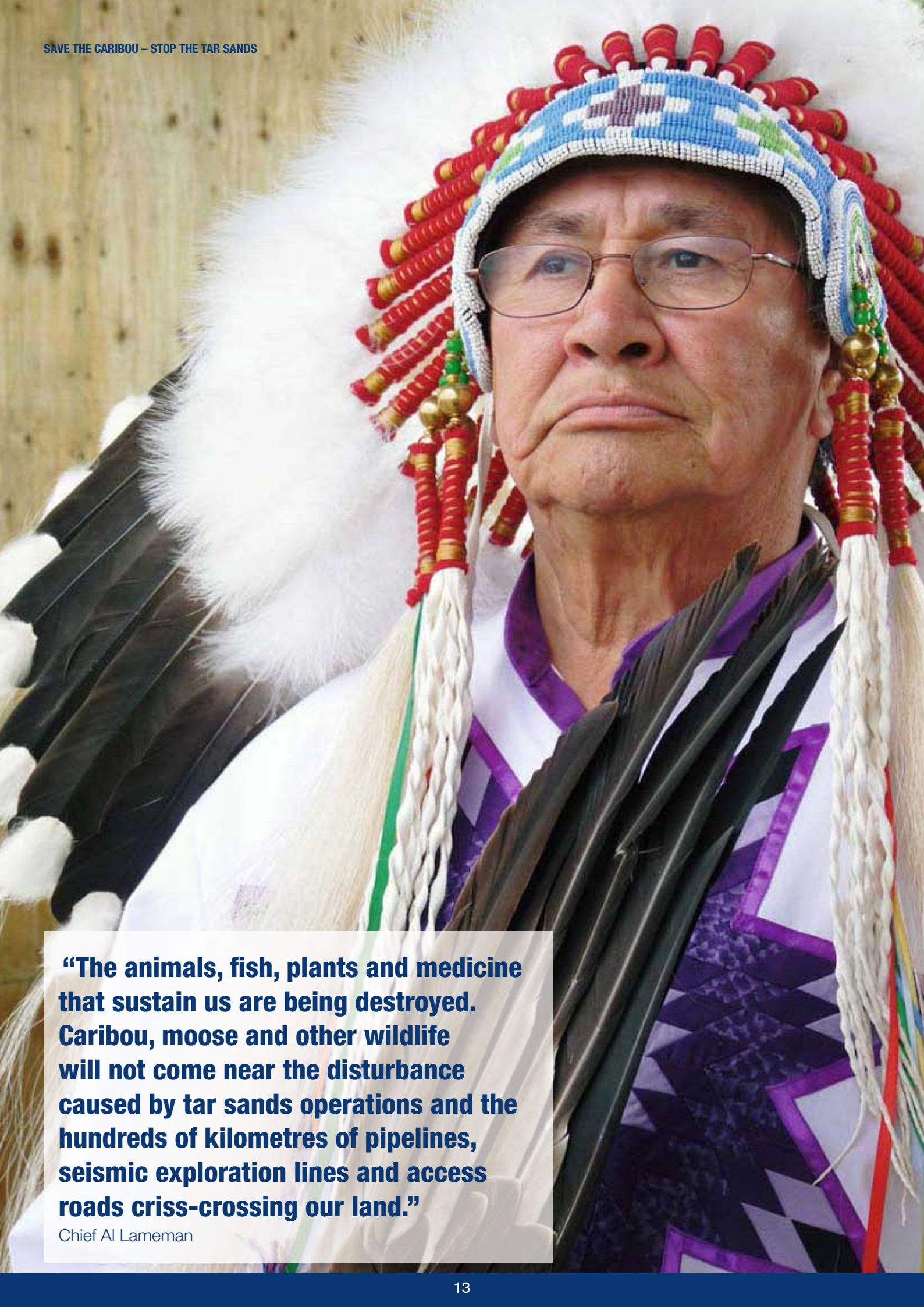
“Lots of places where we used to go hunting or to pick medicine, we cannot go there anymore because they have put up gates for oil and gas wells.”

Donald and Christine Twin



“These people that are digging up our forest, the oil and gas exploration crews, have frightened off all the animals. They have had to find other places to move to. Very rarely can you track animals here.”

Elder Rene (Rainy) Cardinal

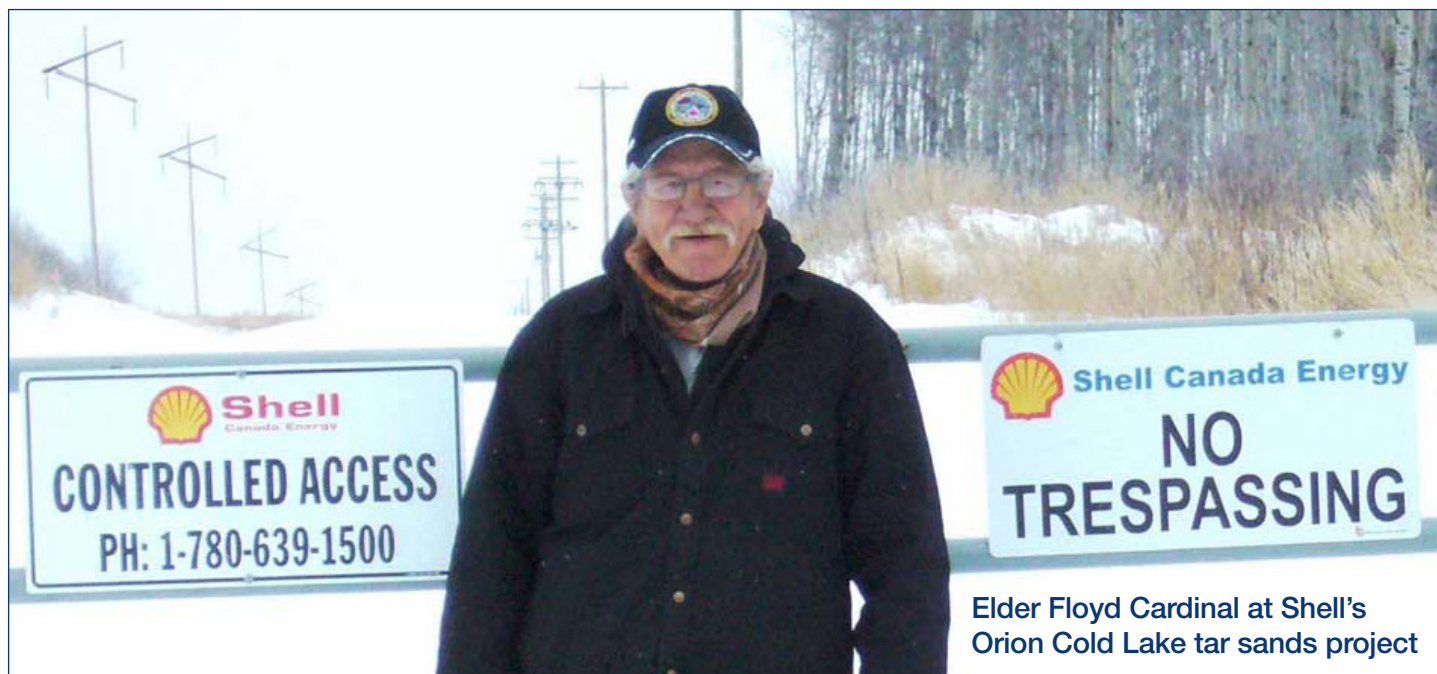


“The animals, fish, plants and medicine that sustain us are being destroyed. Caribou, moose and other wildlife will not come near the disturbance caused by tar sands operations and the hundreds of kilometres of pipelines, seismic exploration lines and access roads criss-crossing our land.”

Chief Al Lameman

Support the Beaver Lake Cree and Woodland Caribou

Donate to the RAVEN Trust, a charitable trust set up to support the Beaver Lake Cree's legal action at:
www.goodwithmoney.co.uk/beaverlakecree



Elder Floyd Cardinal at Shell's Orion Cold Lake tar sands project

The Co-operative is supporting the Beaver Lake Cree legal action to protect the ecological integrity of their traditional territories and has provided funding for woodland caribou impact assessments and legal costs as part of its Toxic Fuels campaign. This campaign seeks a halt to the alarming global trend of exploiting unconventional fossil fuels such as tar sands and oil shale. Tar sands exploitation alone risks a local environmental disaster and would take us to the brink of runaway climate change. The Co-operative views the Beaver Lake Cree's legal action as perhaps the best chance we have to stop this disaster from happening. For more information on the campaign go to:

goodwithmoney.co.uk/toxicfuels

The **co-operative**



BEAVER LAKE
CREE NATION