



Government of
Northwest Territories

March 07, 2023

The Honourable Sonya Savage
Minister of Environment and Protected Areas
Government of Alberta
224 Legislature Building
10800 – 97 AVENUE NW
EDMONTON AB T5K 2B6

Dear Minister Savage:

Information Sharing and Notification: Spills at Kearl Mine Site

On March 1, 2023 I was advised by an Indigenous government that there has been seepage from Imperial Oil's Kearl Oil Sands Mine Site since at least May 2022 and that a spill of approximately 5.3 million litres occurred in early February 2023. The Government of the Northwest Territories (GNWT) did not receive formal notification of this spill.

This lack of notification from the Government of Alberta is very concerning, given the clear information sharing provision in our Bilateral Water Management Agreement (Agreement). The Agreement states the parties shall, as early as practicable and on a regular basis, exchange sufficient available information that will support the informed bilateral water management of the transboundary waters including information about current and future developments and activities that might affect the ecological integrity of the aquatic ecosystem of the other party (clause 5.1 a) ii.). Under the emergency response provision, each party is to have protocols in place to ensure the party within whose jurisdiction the emergency originates will, without delay, notify the other party (clause 12 b)). No information or notification was shared previous to March 2, 2023 related to the seepage and spill at the Kearl mine site, despite regular Bilateral Management Committee, Deputy Minister, Assistant Deputy Minister and staff level meetings and communications.

We understand that the leakage and spill occurred into muskeg and forested lands and not directly into water. However, given the proximity to tributaries that feed the Firebag and Muskeg Rivers, which flow into the Athabasca River, the duration of the leakage and lack of understanding of where the leaked substance may travel, and concern of how freshet may further transport the contaminants, notification to our government under the terms of our Agreement was and is necessary. In addition, in the past Alberta has notified the GNWT of spills in another transboundary watershed which had not entered water but had the potential to do so. It was our expectation that Alberta would act consistently, particularly with such a sizeable spill very near a tributary to the Athabasca River, which flows into the Slave River and into the Northwest Territories (NWT).

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Unfortunately, this is not the first time that information related to the Agreement has not been shared, with our government finding out through a third party and then having to request more information from your government.

I appreciate that you have agreed to meet with me on this issue and that senior officials from the Alberta government made themselves available promptly to discuss this matter. Alberta government officials committed to share information on the seepage and spill going forward and agreed that the dispute resolution provision of our Bilateral Water Management Agreement is the right tool to resolve this and set a plan to avoid this kind of incident happening in the future. We hope this signals a more productive way forward.

Open information sharing and cooperative engagement between our governments regarding our shared waters, as well as a continued commitment to science and monitoring, is essential to building trust and addressing public concerns in the NWT, particularly while Alberta and Canada are working towards potential regulations to allow the release of treated oil sands tailings effluent.

Sincerely,



Shane Thompson
Minister
Environment and Natural Resources

c. Honourable Caroline Cochrane
Premier

Shaleen Woodward
Principal Secretary

Martin Goldney
Secretary to Cabinet/Deputy Minister
Executive and Indigenous Affairs

Dr. Erin Kelly
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