



## Environmental Liabilities

This document summarizes key themes and information regarding environmental liabilities on Enoch Cree Nation lands, drawing upon the provided excerpts from "ENOCH Environmental 3.0.pdf".

### Main Themes:

- 1. Significant Unremediated Oil & Gas Liabilities:** Enoch Cree Nation lands contain a considerable number of abandoned, orphaned, and inactive oil and gas wells and associated infrastructure dating back to the 1950s. This poses risks such as groundwater contamination, hazardous gas leakage, and restricted land use.
- 2. Inadequate Government Response & Funding:** Federal and Provincial remediation programs and funding have been insufficient to address the full scope of environmental liabilities. The distribution of existing funds has been criticized for lacking transparency and failing to prioritize the remediation of orphaned wells on First Nations lands.
- 3. Potential for Legal Action Based on Treaty Rights:** Recent legal precedents, including the landmark *Yahey v British Columbia* case, demonstrate growing legal viability for First Nations to hold the government accountable for the cumulative impacts of industrial development on Treaty rights, including environmental damage. This extends to potential claims related to climate change impacts.

### Important Ideas & Facts:

#### Well Liabilities:

- An estimated 240 wells on Enoch Cree Nation lands are suspended or decommissioned.
- The report identifies 165 wells as suspended or decommissioned.
- An estimated 10,000 wells are orphaned in Alberta, with no clear responsibility for decommissioning and remediation costs.

1 • Nearly 100,000 wells in Alberta exist in a "grey zone" as "zombie wells,"  
2 indefinitely suspended and avoiding regulatory enforcement of end-of-life  
3 liabilities.

4 • \$33 billion is estimated for remediation of Alberta's conventional wells,  
5 highlighting the substantial financial burden associated with these  
6 liabilities.

7 **Pipeline Liabilities:**

8 • 228 pipelines are present within Enoch Cree Nation territory, categorized  
9 as discontinued, operating, or permitted.

10 • The report emphasizes exploring the status of discontinued pipelines as  
11 they could become priority liabilities.

12 **Climate Change & Cumulative Impacts:**

13 • First Nations are disproportionately vulnerable to climate change impacts  
14 due to geographical constraints, socioeconomic inequity, and dependence  
15 on the environment for traditional ways of life.

16 • The report highlights the increasing number of lawsuits globally related to  
17 climate change inaction and its violation of fundamental rights.

18 • It suggests that the Yahey decision could support legal claims arguing that  
19 industrial development and regulatory failures contributing to climate  
20 change violate Treaty rights.

21 **Quotes:**

22 • "Canada's failure to adequately prepare for and address end-of-life issues  
23 for oil and gas wells has a significant detrimental impact on First Nations'  
24 ability to exercise Treaty rights to use of their land and traditional  
25 territories."

26 • "These 'suspended' assets should be considered a priority for liability  
27 assessment and management."

28 • "The Yahey decision's outcome on the rights of First Nations to have Treaty  
29 rights protected against cumulative industrial development may have  
30 bearing on the ability of Indigenous peoples to pursue claims against the  
31 Government of Canada..."

- 1       • "First Nations in Canada are uniquely vulnerable to the impacts of climate  
2       change due [to]... socioeconomic inequity, and lack of funding and support  
3       for climate adaptations."

4       **Recommendations:**

- 5       • **Conduct a comprehensive analysis of all oil and gas liabilities on Enoch  
6       Cree Nation lands, including pipelines, facilities, and potential gas  
7       leakages.**
- 8       • **Advocate for increased access to Federal and Provincial funding for  
9       remediation, prioritizing orphaned wells and ensuring transparency in fund  
10      allocation.**
- 11      • **Explore legal options based on the violation of Treaty rights due to  
12      cumulative environmental damage, including exploring potential claims  
13      related to climate change impacts.**
- 14      • **Prioritize community engagement and communication regarding  
15      environmental liabilities and remediation efforts.**

16      **This briefing document underscores the pressing need to address environmental  
17      liabilities on Enoch Cree Nation lands. It highlights the inadequacy of current  
18      government responses and explores potential avenues for legal action based on  
19      Treaty rights. Ensuring environmental justice and protecting the health and well-  
20      being of the Enoch Cree Nation requires urgent and sustained action.**

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