



To What Extent Does Abuse of Power Help Oil & Gas Development in Canada?

by Jessica Ernst

ACORRDS Frac & Alternate Energy Conference

May 13, 2017 Cochrane Alberta

Andrew Nikiforuk

SLICK WATER

Fracking

and One Insider's Stand

Against the World's

Most Powerful Industry



Canadian Association
of Petroleum Producers



Migration of Methane into
Groundwater from Leaking
Production Wells near
Lloydminster

Report for Phase 2 (1995)

March 1996
CAPP Pub. #1996-0003

1986 Historic Record on Ernst Well Filed with Alberta Environment



Water Well Drilling Report

The data contained in this report is supplied by the Driller. The province disclaims responsibility for its accuracy.

Well I.D.:	0123548
Map Verified:	Map
Date Report Received:	1986/05/14
Measurements:	Imperial

1. Contractor & Well Owner Information			2. Well Location					
Company Name:	UNKNOWN DRILLER		Drilling Company Approval No.:	1/4 or Sec Twp Rge West of LSD				
			99999	SE	13	027	22	M
Mailing Address:	City or Town:	Postal Code:	Location in Quarter					
UNKNOWN	UNKNOWN AB CA		0 FT from	Boundary				
Well Owner's Name:	Well Location Identifier:		0 FT from	Boundary				
FECKLEY, F.L.			Lot	Block	Plan			
P.O. Box Number:	Mailing Address:	Postal Code:	Well Elev:					
723	ROSEBUD	T0J 2T0	FT					
City:	Province:	Country:	How Obtain:					
			Not Obtain					
3. Drilling Information			6. Well Yield					
Type of Work: Chemistry	Reclaimed Well		Proposed well use:		Test Date			
Date Reclaimed:	Materials Used:		Domestic		(yyyy/mm/dd):			
Method of Drilling: Drilled			Anticipated Water Requirements/day		Start Time:			
Flowing Well:	Rate: Gallons		0 Gallons		Test Method:			
Gas Present: No	Oil Present: No				Non pumping FT static level:			

Method of Drilling

Flowing Well:

Gas Present: No

Historic Alberta Water Well Records:

 Water Well Drilling Report <small>The data combined in this report is supplied by the Driller. The province disclaims responsibility for its accuracy.</small>		Well I.D.: 0123548 Map Verified: Map Date Report Received: 1989/05/14 Measurements: Imperial	
1. Contractor & Well Owner Information		2. Well Location	
Company Name: UNKNOWN DRILLER Mailing Address: UNKNOWN Well Owner's Name: PECKLEY, F.L. P.O. Box Number: 729 City:		Drilling Company Approval No.: 00000 City or Town: UNKNOWN AB CA Well Location Identifier: Mailing Address: ROSESUD Province:	
3. Drilling Information Type of Work: Chemistry Reclaimed Well Date Reclaimed: Method of Drilling: Drilled Flowing Well: Gas Present: No		Proposed well use: Domestic Anticipated Water Requirements/day 0 Gallons	
4. Formation Log		8. Well Yield	
Depth from ground level (feet)		Test Date: (yyyy/mm/dd) Start Time: Test Method: Non pumping rate level: Rate of water removal: Gallons/Min Depth of pump intake: Water level at end of pumping: Distance from top of casing to ground level: Depth To water level (feet) Elapsed Time Drawdown Minutes:Sec Recovery	
Lithology Description		Total Drawdown: FT If water removal was less than 2 hr duration, reason why:	
Date Started (yyyy/mm/dd): Date Completed (yyyy/mm/dd): Well Depth: 190 FT Casing Type: Size OD: 0 Inches Well Thickness: 0 Inches Bottom at: 0 FT Perforations: from: 0 FT to: 0 FT from: 0 FT to: 0 FT from: 0 FT to: 0 FT Perforations Size: 0 Inches x 0 Inches 0 Inches x 0 Inches 0 Inches x 0 Inches Perforated by: Seal: from: 0 FT to: 0 FT Seal: from: 0 FT to: 0 FT Seal: from: 0 FT to: 0 FT Screen Type: from: 0 FT to: 0 FT Screen ID: 0 Inches Slot Size: 0 Inches Screen Type: from: 0 FT to: 0 FT Screen ID: 0 Inches Slot Size: 0 Inches Screen Installation Method: Fittings: Top: Bottom: Pack: Grain Size: Amount: Geophysical Log Taken: Retained on File: Additional Test and/or Pump Data Chemistry taken by Driller: No Vols: 1 Documents Held: 1 P/Bless Adapter Type: Drop Pipe Type: Length: Diameter: Comments:		Recommended pumping rate: Gallons/Min Recommended pump intake: FT Type pump installed: Pump type: Pump model: H.P.: Any further pumped information?	
7. Contractor Certification			
Driller's Name: UNKNOWN DRILLER Certification No.: This well was constructed in accordance with the Water Well regulation of the Alberta Environmental Protection & Enhancement Act. All information in this report is true. Signature: Yr Mo Day			

About time frac'ing started,
0.18% had methane present

Natural gas in fresh water wells

Usually at low levels, does not dramatically change.

Dr. Muehlenbachs: Microbial gas doesn't produce ethane

CAPP "baseline" study, dissolved levels very low, **most < 1 mg/l**
(Risk of explosion at 1 mg/l if water passes confined space)

Regulator study: methane/ethane not detected in 90% water wells in coal.

Dr Bernard Mayer: free gas seldom in water wells

~ 2300 historic water well records 50 km²
around my home completed prior to the
arrival of shallow frac'd Coalbed Methane
(~2001)

4 (0.17%) noted the presence of a gas that
could be methane

1998: Ernst moves to Rosebud



The Canadian Council of Ministers of the
Environment 2002 report:

Unconventional natural gas drilling poses a
real threat to groundwater
quality & quantity

Canada needs “baseline hydrogeological
investigations....to be able to recognize and
track groundwater contaminants.”

Instead,



Encana's secret frac experiments into drinking water aquifers begin without "baseline" hydrogeological assessments

2001-2004

Encana intentionally perforates & fracs into
Rosebud's drinking water aquifers, violating laws
& regulations

Regulators help Encana keep this secret

More and more citizen water wells become
dangerously contaminated

To this day, Encana has still not disclosed the
chemicals injected

2003 – Frac'd Life begins

With Noise

**EnCana continues to violate my legal right
to quiet enjoyment of my home & land**

2003: Test by EnCana on my well

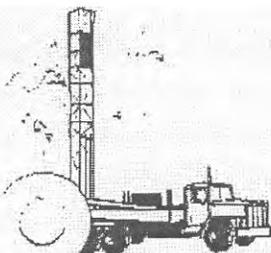
Water appearance: *Clear*

Tester did not report visible gas in my water

M & M Drilling Co. Ltd.

Box 1, Site 22, RR 2, Strathmore, AB T1P 1K5

(403) 934-4271 • Fax (403) 934-4865



Name: ERNST, JESSICA **Test #:** 1061 - 2211
Address: BOX 753 **Date:** 6/20/2003
Location: ROSEBUD, ALBERTA **Start Time:** 8:45 AM
Post. Code: T0J 2T0 **Phone:** 677-2074 **Static Level:** 28' 5"
Tested For: ENCANA CORP., G. PEKRUL **Well Name:** ECA/ECOG REDLANDS
Well Location/Description: SE-13-27-22-W4 HOUSE WELL **Land Location:** 14-12-27-22-W4
Pumping Rate: STATIC & SAMPLES ONLY **AFE Number:** CD05391
GPS: N-51-18-02.2 W-112-57-41.1 **Readings By:** DAVID SAWYER
PRE-TEST POST TEST REALESTATE

Well Location On Site: IN OLD BARN NORTH OF HOUSE

Pit Type: WELL HEAD

Pit Condition: N/A

Pump Size and Type: 2 WIRE SUBMERSIBLE

Tank Size and Type: MARK IV CONSTANT PRESSURE

Casing Size and Type:

Liner Size and Type: N/A

Well Depth: N/A

Water: - Appearance

Clear Colour

- Odor

None Yes

SLIGHT H2S

- Suspended Solids:

None Yes

FEW BLACK PARTICLES

Pumping Procedure: - Open Discharge:

No Yes

- Pressure Tank

No Yes

- Pressure Reading

N/A

- Special Fitting

None Yes

3/4" PUMP OUT HOSE

Samples Taken: Chemical23:

Other Sample

Chemical51:

Coliform Bacteri.

Heavy Metals:

TOC

H2S:

OilAndGrease:

Lab where samples were tested:

WSH Other

Measurement Taken From:

CASING TOP

Miscellaneous test information:

SAMPLES TAKEN FROM PUMP OUT HOSE
WELL OFF FOR ONE HOUR BEFORE STATIC TAKEN

Well Depth: N/A

Water: - Appearance Clear Colourt

EUB COMPANY INFORMATION
CURRENT TO June 29, 2007

ENCANA CORPORATION

Box 2850, 150 - 9 Avenue SW Calgary, AB T2P 2S5

403-645-2000

BUSINESS ASSOCIATE CODE:

00

EUB WELL PRODUCTION DATA
CURRENT TO MAY 25, 2007

AVERAGE DAILY PRODUCTION RATE

JANUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
	0	0	0	0	0	96	0	0	0	0

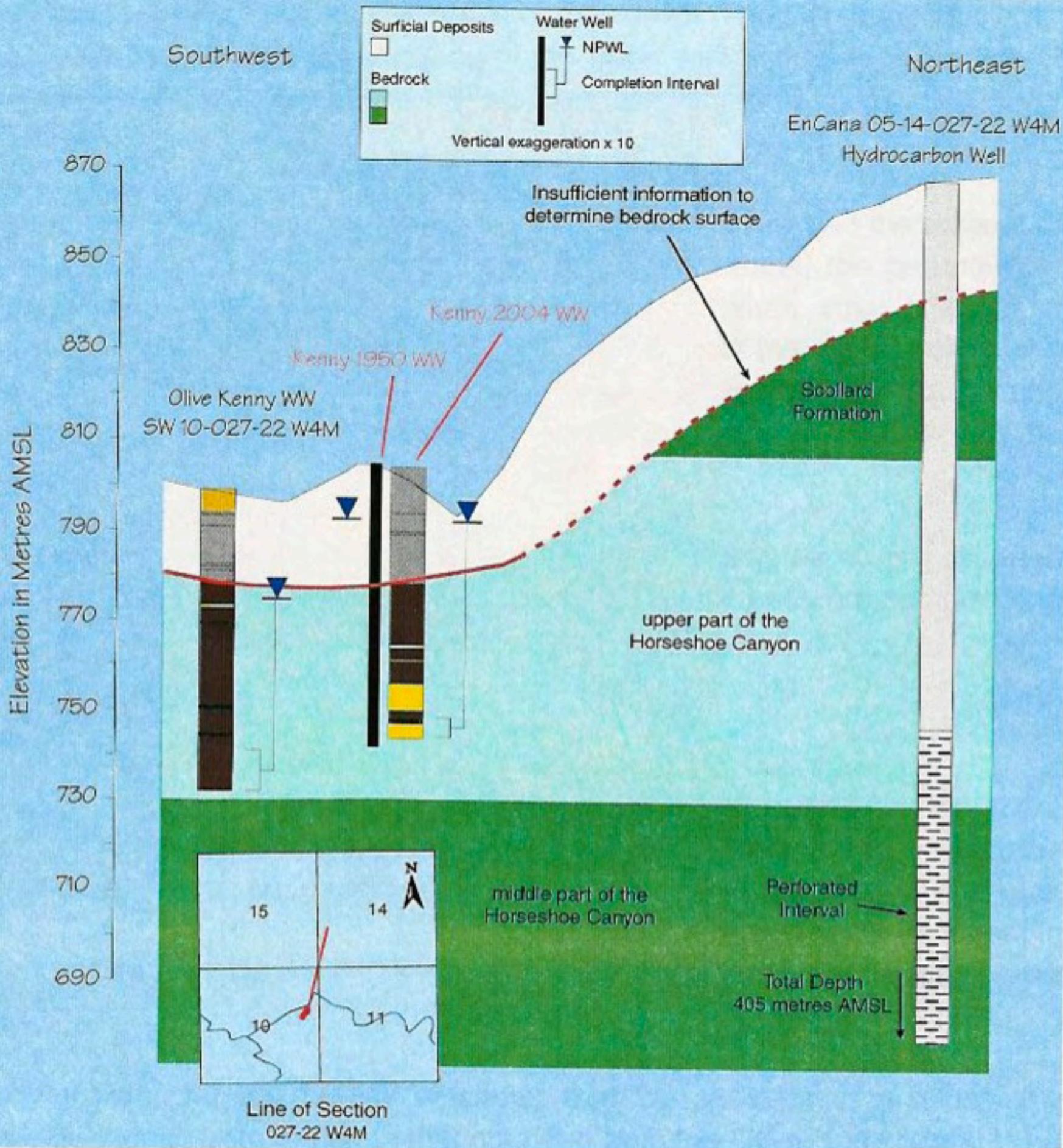
EUB WELL LICENSING DATA

	0274221405000	WELL LICENCE NUMBER:	0293679
	Section 2.020	WELL LICENCE DATE:	SEPTEMBER 24, 2003
	05-14-027-22 W4	SURFACE OFFSETS:	N 570 E 40
DE:	51.304912	LONGITUDE:	113.004771
ATITUDE:	0	LONGITUDE:	0
	ENCANA CORPORATION		

EUB WELL TOUR - PERFORATION / TREATMENT DATA

DATE	TYPE	INTERVAL TOP	INTERVAL BASE	SHOT
Feb 15 2004	JET PERFORATION	418.9	419.9	13
Feb 15 2004	JET PERFORATION	415.5	416.5	13
Feb 15 2004	JET PERFORATION	374.3	375.3	13
Feb 15 2004	JET PERFORATION	371.7	372.7	13
Feb 15 2004	JET PERFORATION	358.4	359.4	13
Feb 15 2004	JET PERFORATION	354.5	355.5	13
Feb 15 2004	JET PERFORATION	347.8	348.8	13
Feb 15 2004	JET PERFORATION	342.6	343.6	13
Feb 15 2004	JET PERFORATION	284.9	286.9	13
Feb 15 2004	JET PERFORATION	283.5	284.5	13
Feb 15 2004	JET PERFORATION	259.3	260.3	13
Feb 15 2004	JET PERFORATION	248	250	13
Feb 15 2004	JET PERFORATION	244.9	245.9	13
Feb 15 2004	JET PERFORATION	238.6	239.6	13
Feb 15 2004	JET PERFORATION	234.6	235.6	13
Feb 15 2004	JET PERFORATION	228.7	230.7	13
Feb 15 2004	JET PERFORATION	222	223	13
Feb 15 2004	JET PERFORATION	220.1	221.1	13
Feb 15 2004	JET PERFORATION	186.1	187.1	13
Feb 15 2004	JET PERFORATION	177.1	178.1	13
Feb 15 2004	JET PERFORATION	141.4	142.4	13
Feb 15 2004	JET PERFORATION	133	134	13
Feb 15 2004	JET PERFORATION	131.7	132.7	13
Feb 15 2004	JET PERFORATION	125.5	126.5	13
Mar 2 2004	FRACTURED	131.7	419.9	0
Jul 12 2004	CEMENT SQUEEZE	141.4	142.4	0

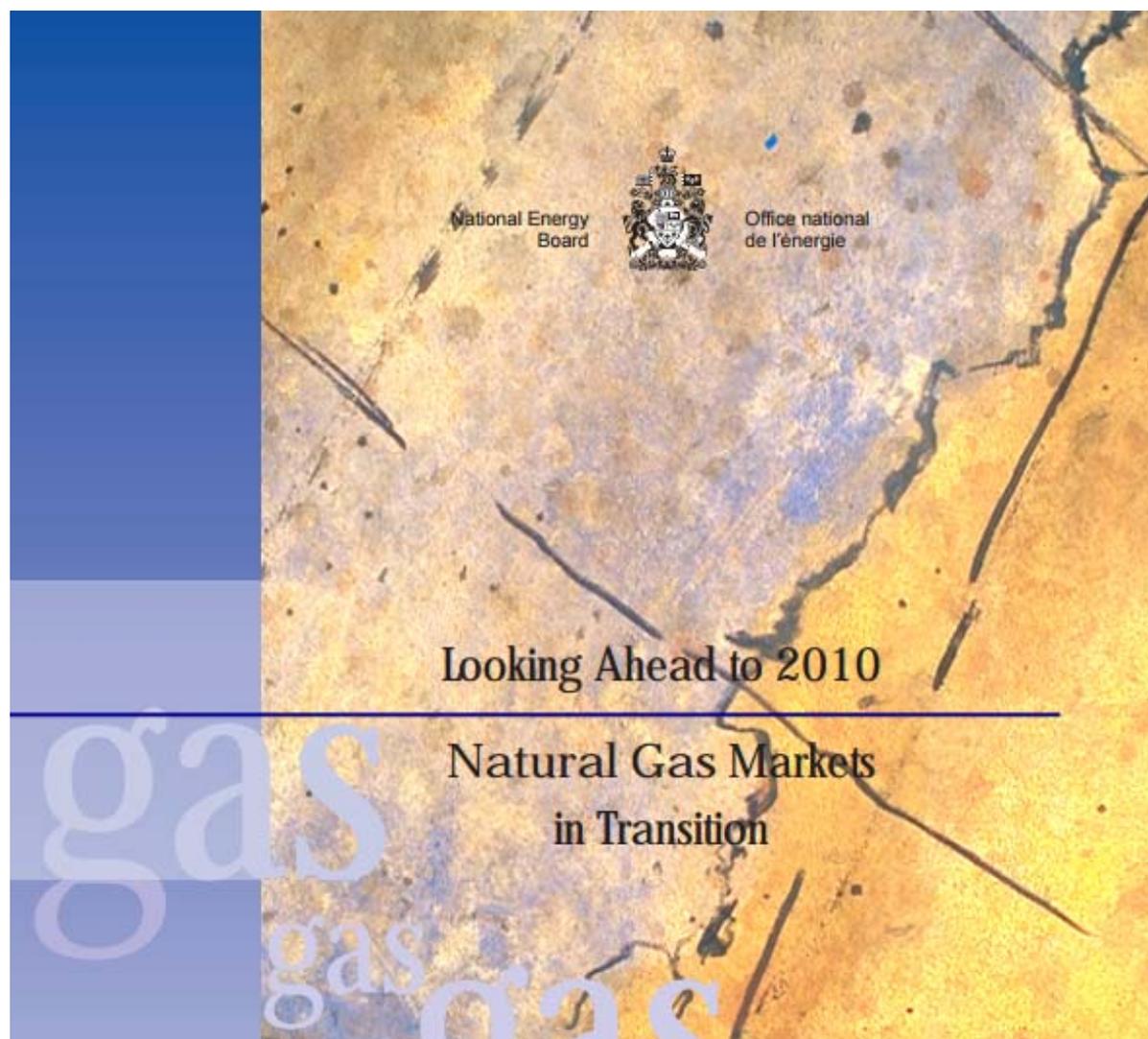
Intervals**(Liner Bottom at: 463.0 m****-- Completion Interval(s) --****Slotted: 121.5 to 122.5 m - 2 - Method: Other****Slotted: 127.7 to 130.0 m - 2 - Method: Other****Slotted: 137.4 to 138.4 m - 2 - Method: Other****Slotted: 173.1 to 174.1 m - 2 - Method: Other****Slotted: 182.1 to 183.1 m - 2 - Method: Other****Slotted: 216.1 to 219.0 m - 2 - Method: Other**



South-North Cross-Section

2004: Encana landman cons citizens in my
community to sign “blanket approval”
documents

2004: Companies ask govts & regulators for blanket approval for unconventional oil & gas



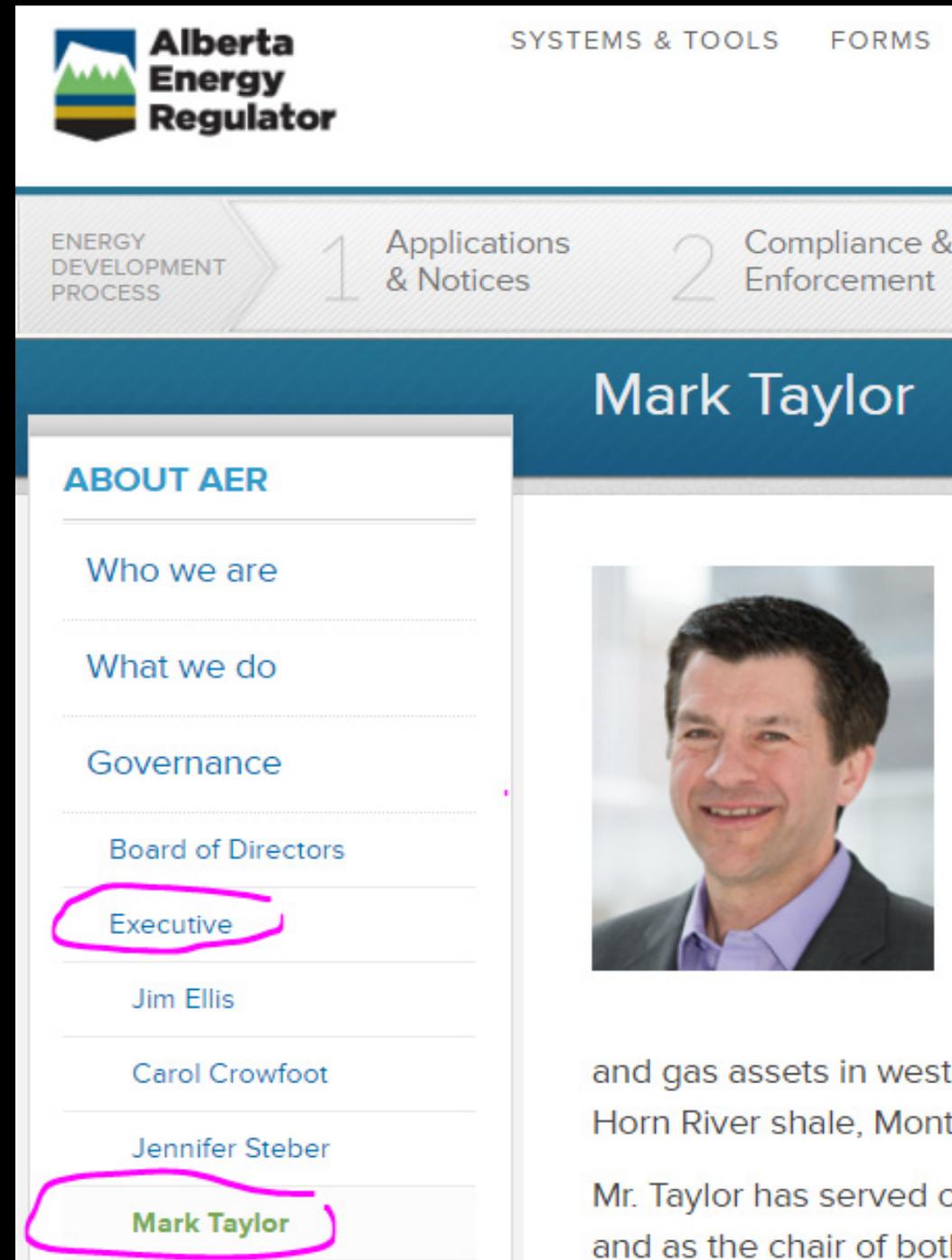
Ten years later,

The Alberta regulator granted blanket approval in Fox Creek (home of world record 4.8M frac quake).

Blanket approval is now province-wide.

Encana Manager Mark Taylor

Now on AER
Executive



Alberta Energy Regulator

SYSTEMS & TOOLS FORMS

ENERGY DEVELOPMENT PROCESS

1 Applications & Notices

2 Compliance & Enforcement

Mark Taylor

ABOUT AER

- Who we are
- What we do
- Governance
 - Board of Directors
 - Executive
 - Jim Ellis
 - Carol Crowfoot
 - Jennifer Steber
 - Mark Taylor



and gas assets in west
Horn River shale, Mont
Mr. Taylor has served o
and as the chair of both



Open House Oct 21, 2004

EnCana promised that they would only frac far below our fresh water aquifers and below the impermeable layer to prevent gas migration into our water.

\$150,000 promise to Rosebud Theatre

January 11, 2005, Rosebud water tower blows up in an explosion

“Investigators say an accumulation of gases appears to have caused the Jan. 11 explosion that destroyed the Rosebud water reservoir building and sent a Wheatland County employee to hospital with injuries.”

Strathmore Standard, Jan 27, 2005



PROVING THAT COAL SEAM GAS MINING USING HYDRAULIC FRACTURING DOESN'T HAVE AN IMPACT ON THE WATER TABLE

INKCINCT

My water dramatically changed

Whistling taps/blowing gas

Caustic burns to skin/irritated eyes.

Painful cracks on hands after doing dishes

Soaps/shampoos no longer make suds

Gas spurting water out of tub & toilets

Dogs repulsed by the water



ARROWHEAD
BOTTLED
WATER

18.9L



November 24, 2005: Instead of Regulating Law-Violating Encana, EUB (now AER):

Lies and deregulates to match Encana's non-compliances

**Tries to intimidate Ernst into obedient
Alberta silence**



CANADIAN
CHARTER OF RIGHTS
AND FREEDOMS

EUB judges Ernst a criminal & punishes her without evidence or due process, copies RCMP, AB AG & EUB security

Violates Ernst's Charter Rights

Interrogates Ernst 6 months later, tries to fabricate evidence

Neil McCrank

Chair EUB 1998 - 2007





- 1989 – 1998: AB Deputy AG and Deputy Minister Justice
- 1998 – 2007: Chair EUB (now AER)
- 2007: Chair Task Force to review Alberta's Agencies, Boards and Commissions
- 2007 – 2012: Appointed by Steve Harper to Chair Canada's Advisory Council on **National Security**
- Now counsel for Borden Ladner Gervais LLP in Calgary



December 13, 2005 Edmonton Journal

edmontonjournal.com

EDMONTON'S NEWSPAPER SINCE 1913

Tainted water lights fire under gas fears



Feb 28, 2006

Alberta Legislature



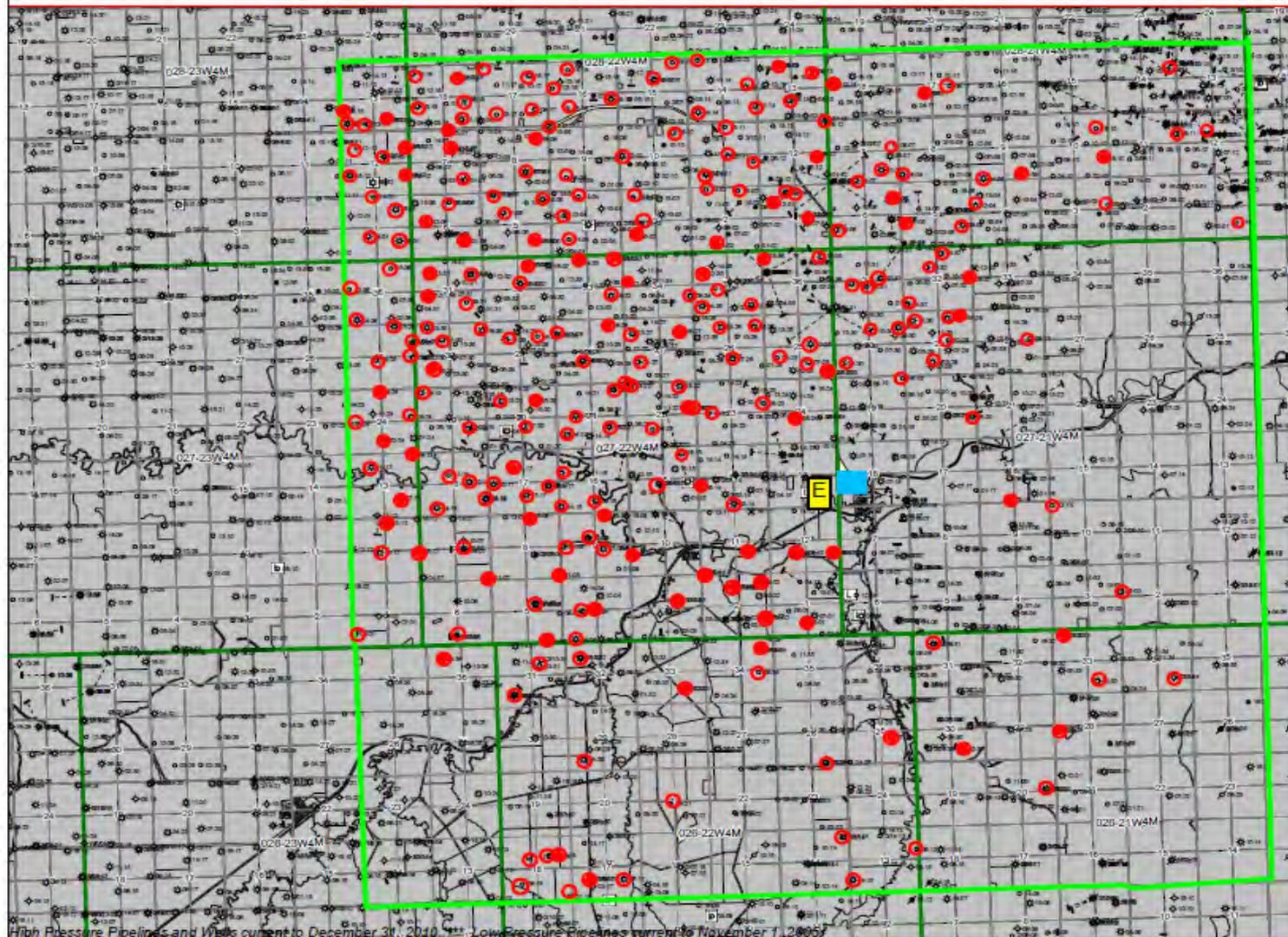
Environment Minister
promised affected
families

safe alternate water
“now and into the future”

regardless if
the methane is from
“natural flow”
or not.

Shallow Gas Wells Drilled and Frac'd Near Rosebud, Alberta

Circles: EnCana Wells Perforated and or Hydraulically Fractured Above the Base of Groundwater Protection before April 2006
Solid dots: EnCana Wells Perforated and or Hydraulically Fractured Above 200m before April 2006



E = approximate location of Ernst property

■ = Rosebud Community Water Tower that exploded in 2005

~ 1 mile

March 3 2006: Alberta Environment tests Ernst's water. Al Straus blames her for the contamination (before results in) because she doesn't run cattle, doesn't use enough water



March 3, 2006: Alberta Environment trainee, Leslie Miller (right), at lab with Ernst water samples



3 days later, Edmonton:

Emergency meeting with:

- Alberta Environment Minister Guy Boutilier
- Deputy Minister Peter Watson (now Chair NEB)
- Assistant Deputy Minister Bev Yee
- Government Hydrogeologist Rob George and others

Ernst is blamed for using **too much water!**

Environment Minister Boutilier refused to look at the documented evidence proving Encana frac'd Rosebud's drinking water aquifers and broke the law.

To this day, Alberta Environment has not released the complete bacteriological test results on Ernst's water.





2006: Blame Nature Fraud

After Ernst went public with Encana's data proving Encana broke the law and frac'd Rosebud's drinking water aquifers,

Regulators & politicians tell harmed citizens & the public

most water wells are "naturally" contaminated with methane

April 2006: Regulators *knew* Encana had contaminated our water!!



Two Labs:

- 1) Maxxam: “(3-14-27-22-w4m and 102/8-27-22-w4m) it is a likely source of this water well gas”
- 1) Dr. Karlis Muehlenbachs: “indicates a source from or near the shallower wells, 27-22-W4M”

(obtained via FOIP, 2 years later)

2006: Toxic chemicals found by the regulator in Rosebud Hamlet water:

Petroleum distillates,
bromodichloromethane,
phenanthrene,
toluene,
methyl ethyl ketone,
xylene,
benzene,
butylbenzyl phthalate,
di-ethyl phthalate,
di-n-butyl phthalate,
bis(2-ethyhexyl) phthalate and
benzothiazole.

Hexavalent chromium (of Erin Brokovich fame) was found by the regulator in a monitoring well in the Hamlet [via FOIP results]

Toxic Chemicals found by the regulator in my water

- March 3, 2006: 0.21 mg/L of F-2 petroleum hydrocarbons (primary components of various fuels including gasoline, kerosene, diesel fuel and jet fuel);
- **March 3, 2006: Chromium increased in my water by factor of 45 after EnCana fractured the aquifer that supplies my well.**
- June 6, 2007: 2.0 µg/L of 2-Propanol 2-Methyl. 2-Propanol 2-Methyl is a product of degrading methyl *tert*-butyl (MTBE), and may indicate MTBE contamination. Both 2-Propanol 2-Methyl and MTBE are hazardous;
- June 6, 2007: 3.6 µg/L of Bis (2-ethylhexyl) phthalate (BEHP). BEHP can cause cancer as well as damage to the liver after prolonged exposure.

Regulator's "Baseline" Testing Fraud

- Only required if frac'ing CBM wells in fresh water zones, not other energy wells frac'd in fresh water zones or
- any energy wells frac'd deeper.

Not even lawyers can get companies to conduct "baseline" water well tests before frac'ing shales.

Companies were previously testing water wells 1 miles from conventional or unconventional energy wells no matter what depth frac'd

Even though these were found by regulator in Rosebud drinking water after Encana's fracturing, "baseline" testing not required:

- BTEX
- Petroleum Distillates
- Propane, butane, pentane, hexanes, heptanes, *etc*
- Metals *eg*, increase in methane in groundwater may cause strontium & barium to increase (Omni McCaan, 2007)

Canada-wide:

No testing required for the
chemicals injected in drilling,
cementing, acidizing, frac'ing,
servicing

[Fracfocus Fraud created by industry 6 years later]

Dissolved vs. Free Gas

If only test for presence of gas in water, impossible to prove an increase after frac'ing.

Dissolved methane test is voluntary!

“the standard is currently restricted to analyzing the composition and isotopic values of free gas, and hence does not provide baseline information for the dissolved gas phase” Dr. Bernard Mayer

Some companies, including Encana, refuse to provide this \$100 test. Why?

Gas well vs. water well gas

Only gases from water wells are fingerprinted

What will the fingerprints be matched to?

After your water is frac'd & contaminated, how will you make the guilty company provide fingerprints from their wells?

John McDougall, President & CEO
Alberta Research Council
(No MSc or PhD) 1997 - 2009



2006 CEO John McDougall Briefing Note:

To blame bacteria *before* Research Council is retained to review the cases, ***after*** regulator tests showed Encana guilty!

“landowners may not willingly accept the findings determined by Alberta Environment and Alberta Research Council”

[Ernst obtained by FOIP in 2008]

EnCana frac'd & still frac's biogenic naturally occurring methane

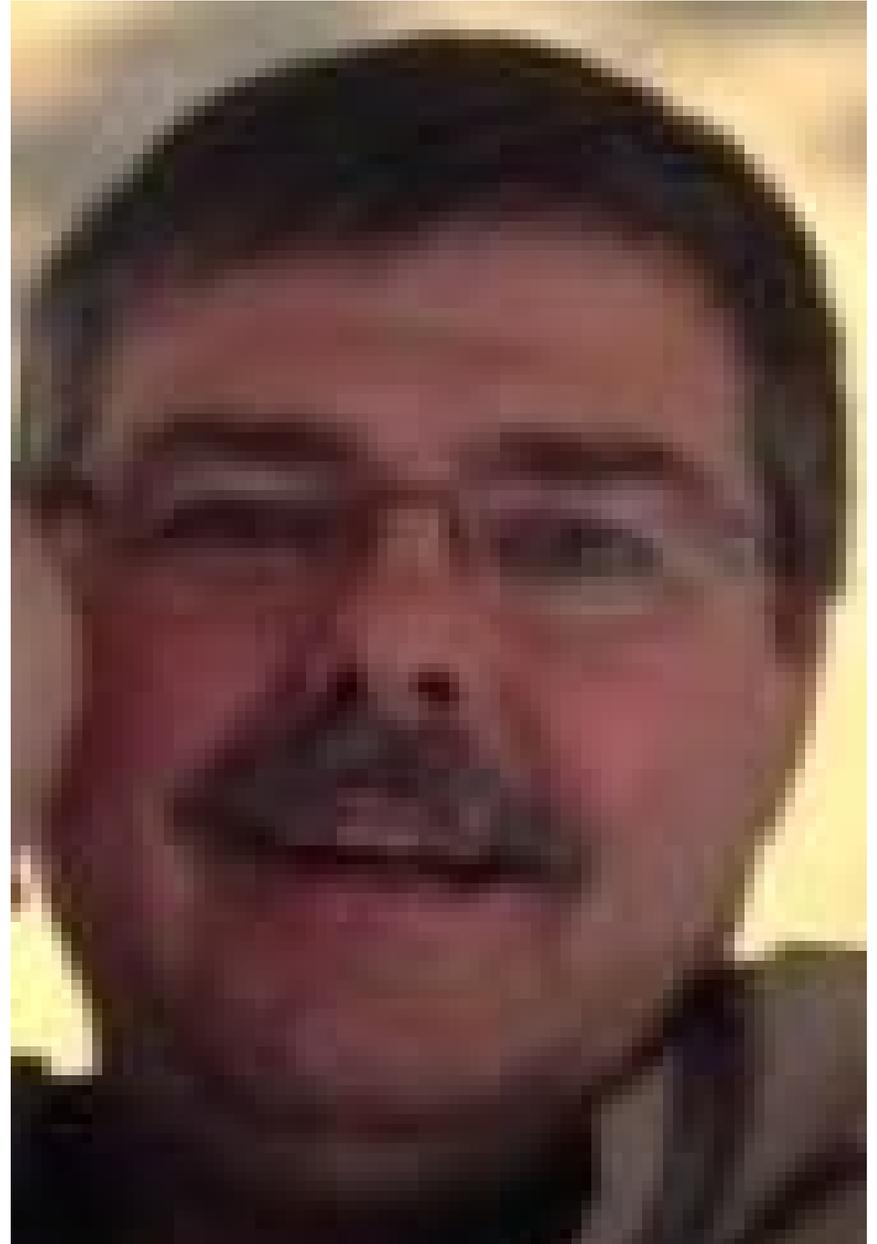


Kevin Pilger, Alberta Environment
Lead Investigator on **community-wide**
drinking water **contamination** at Rosebud



Kevin Pilger, 20 years experience:

Refused to
review *any*
Encana shallow
frac data
because the
company
promised it only
frac'd deep



Alberta Environment **Lead Investigator** Kevin Pilger:
“We can’t look at Encana’s data at the ERCB
because you broke in and altered it all”



Kevin Pilger said he could not read the hydrogeological report that admitted Encana frac'd our aquifers because



Prepared by
Hydrogeological Consultants Ltd.
1-800-661-7972
Our File No.: 04-510

January 2005

PERMIT TO PRACTICE
HYDROGEOLOGICAL CONSULTANTS LTD.

Signature _____
Date 13 April 05

PERMIT NUMBER P 385
The Association of Professional Engineers,
Geologists and Geophysicists of Alberta

A large, stylized handwritten signature in blue ink, appearing to be a cursive or scribbled name.

© 2005 hydrogeological consultants ltd.

Ernst fraudulently fabricated it and forged the signatures and professional seal!



2006 Kevin Pilger's Gopher Shit Sampling of Signer's Drinking Water

No *E. coli* detected in Pilger's 1st sampling
of Signer's water



After Pilger introduced
mud with gopher feces
into Signer's well, *E. coli* detected

This fraudulent data from 1 sampling event on 1 citizen water well was used to dismiss contamination in everyone's contaminated water citing:

“naturally occurring methane”

“maintenance issues”

“bacteria”

Kevin Pilger's later experiences:

- Town of Cochrane: Development Appeal Board Member
- **ERCB (became AER) Compliance Section Lead & Enforcement Advisor !!!**
- Suncor, Senior Advisor, Regulatory Compliance Manager

Methane in Rosebud Water

30 – 110 mg/l

Risk of Explosion at 1 mg/l (if water passes confined space, CAPP Gas Migration Report 1996)

Compare to Ernst Historic Record on File
with Alberta Environment: **Gas Present No**

CAPP Testimony to Parliamentary Committee, Environment & Sustainable Development, Evidence, May 8, 2007

On testing for methane in water wells:

Mr. David Pryce, CAPP:

“If it is present, the **presumption** is that it’s
naturally occurring....”

2007: Regulator's Monitoring Fraud

3 monitoring water wells drilled 6 years too late, after Encana illegally frac'd aquifers

Data collected to be used as "baseline" to "monitor" frac impacts to groundwater













2007 Regulator Lab Switch Fraud

Finally commits to comprehensive investigation,
but, switches to U of C lab with least accurate
equipment to avoid fingerprinting ethane in
contaminated water wells

GCHEM Thermo MAT 253 needs 5ppm v/v ethane

U of A Thermo MAT 252 needs 10ppm v/v ethane

U of C Thermo Delta needs 300ppm v/v ethane

Harmed citizens ask regulator for duplicate
samples, sent to U of A for ethane
fingerprinting

Regulator gas samples from contaminated Rosebud water wells, **ethane** fingerprinted by U of A:

2006 before regulator lab switch

Dahm	-44.27
Kenney	-41.66
Ricard	-42.00

2007 after lab switch, duplicates

Lauridsen	-41.26
Signer	-40.40
Ernst	-44.70

Hamlet water: Regulator collected too little to analyze, refused to collect more

Regulator study industry wells -38.95 to -45.89

Encana gas well frac'd in fresh water zone -43.33

(Only sampled 1/200 gas wells frac'd into fresh water zones)

Microbial gas in fresh groundwater No ethane

Regulator (& Corporate) Sampling Fraud

Over & Beyond the Gopher Shit Technique

Not collecting data from law violating energy wells, not even those frac'd in community drinking water supplies!

Regulator (& Corporate) Sampling Fraud

Over & Beyond the Gopher Shit Technique

Not purging water wells appropriately

Not collecting enough water

Avoids gases in aquifers (affects concentration & fingerprints)

Signer water well accidentally purged appropriately by regulator (**110 mg/l methane, numerous other hydrocarbons collected**)

Regulator (& Corporate) Sampling Fraud

Over & Beyond the Gopher Shit Technique

Putting filthy equipment into water wells, not wearing gloves, not washing hands

Collecting from kitchen tap, not water well

Collecting gas samples slowly, leaving vials open to let gases escape, **especially detrimental to ethane fingerprinting**

Letting samples sit in Alberta Research Council lab beyond allowable date for analysis



2007

Alberta Environment retains
the Alberta Research Council

to review the 5 water well
contamination cases
that had been reported in the
media



“Understanding Alberta’s Water Resources”

**“Funding for this research comes
from Alberta Environment,...
EnCana....”**

2007: Ernst files lawsuit against AER, Alberta Environment & Encana

Action No. 0702-00120

IN THE COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL DISTRICT OF DRUMHELLER/HANNA

BETWEEN:

**JESSICA ERNST and
611640 ALBERTA INC. d.b.a. ERNST ENVIRONMENTAL SERVICES**

Plaintiffs

and

**ENCANA CORPORATION, ALBERTA ENERGY AND UTILITIES BOARD,
NEIL McCRANK, JIM REID, ALBERTA ENVIRONMENT, KEVIN PILGER,
ALBERTA HEALTH AND WELLNESS, and
HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA**

Defendants

STATEMENT OF CLAIM

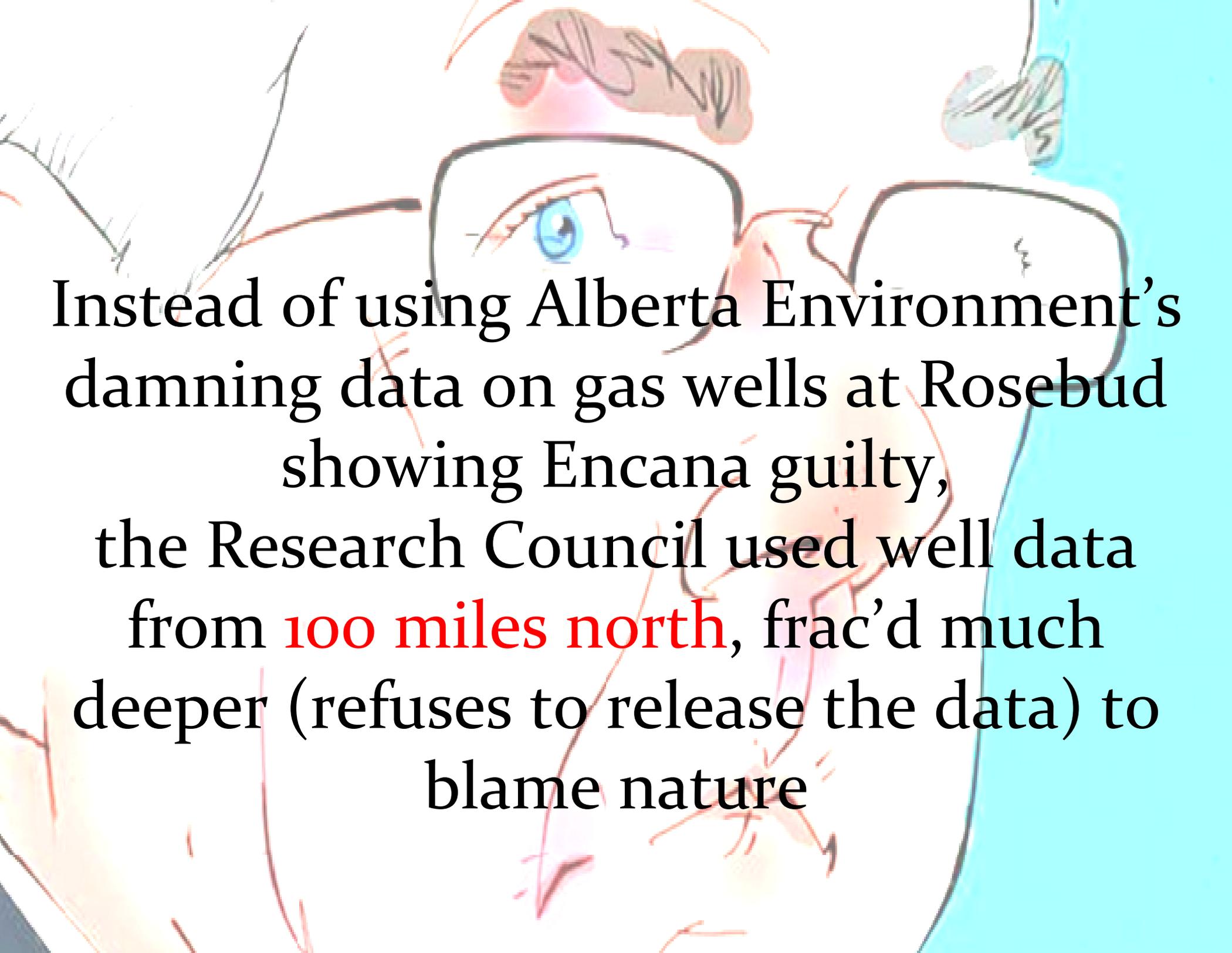
2007 Alberta Environment's Editing Fraud: Steve Wallace secretly edited Research Council's "independent" reports, even the conclusions



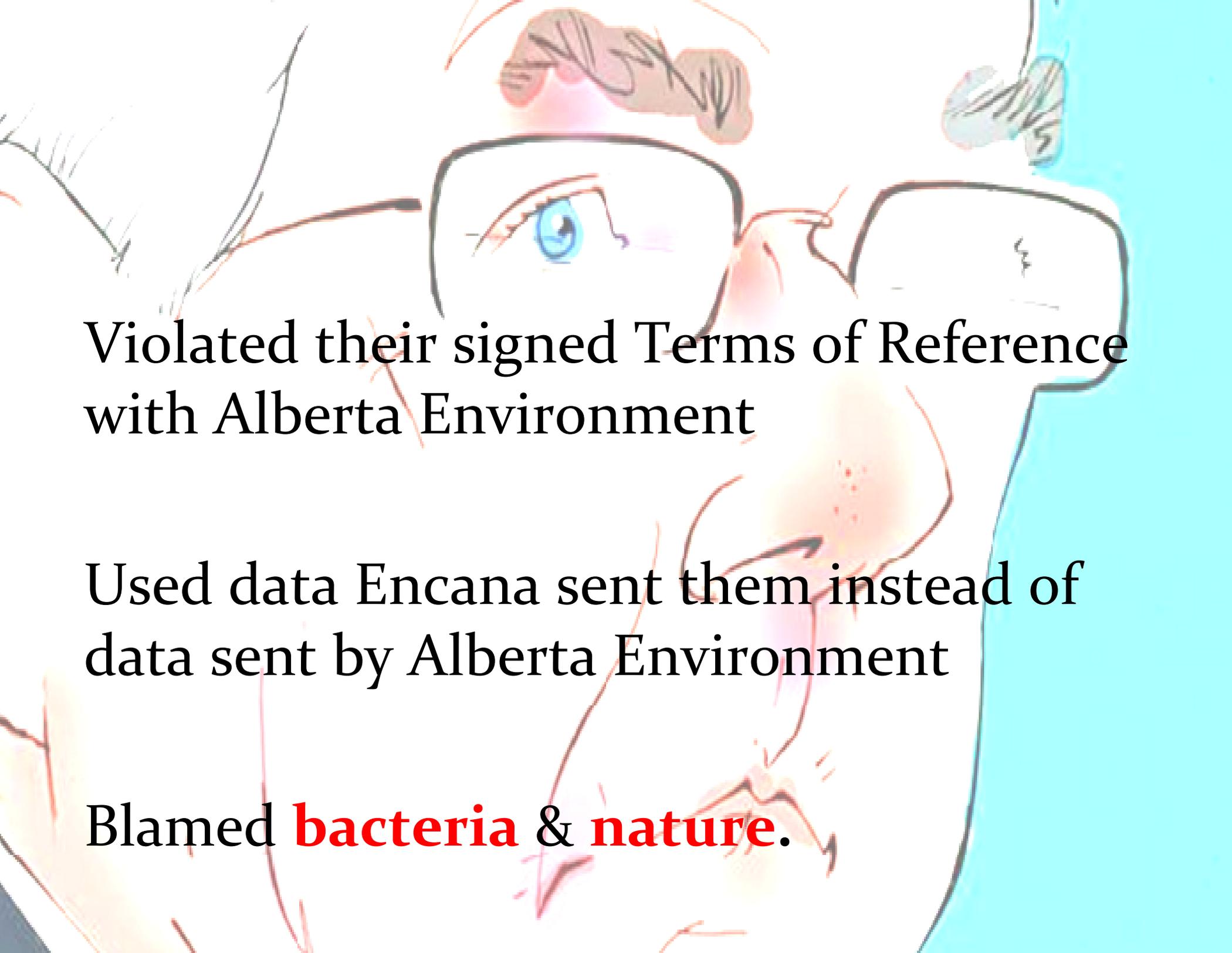
January 2008 Alberta Research Council's "edited" reports:

Ignored:

- The damning **ethane** data
- 1986 historic record on Ernst well: *Gas Present **No*** (used unsubstantiated stories of historic methane in water wells elsewhere)
- 2003 Encana testing of Ernst water well
- Encana illegally fractured the aquifer supplying Ernst's water well



Instead of using Alberta Environment's damning data on gas wells at Rosebud showing Encana guilty, the Research Council used well data from **100 miles north**, frac'd much deeper (refuses to release the data) to blame nature



Violated their signed Terms of Reference
with Alberta Environment

Used data Encana sent them instead of
data sent by Alberta Environment

Blamed **bacteria & nature.**

April 2008: Alberta Environment Breaks Legislature Made Promise

Takes away the water deliveries

**Declares our dangerously
explosive & toxic water safe**



Some days, there's a line up



**2 thousand gallons takes about an hour to fill
I forgot to bring a book**



My turn. 185 gal tank.



WARNING



Water tanks
in my
house

I had to give
up my
storage
and
laundry
room

December 2008

**Legal papers served
on the defendants**

**Feb 7, 2009 CTV W5
National News**

**Aired segment on my water and
the ERCB's treatment of me**

The next week ...

The Intimidation of Ernst









**If the contamination in my water is natural,
would they send the RCMP?**

RCMP = Royal Canadian Mounted Police

2010: Regulator Changing History Fraud

Removed historic water well records that said:

3. Drilling Information	
Type of Work: Chemistry	
Reclaimed Well	
Date Reclaimed:	Materials Used:
Method of Drilling: Drilled	
Flowing Well:	Rate: Gallons
Gas Present: No	Oil Present: No

Replaced with:

<i>Did you Encounter Saline Water (>4000 ppm TDS)</i>	_____	<i>Depth</i>	_____	<i>ft</i>	
	<i>Gas</i>	_____	<i>Depth</i>	_____	<i>ft</i>

Records above on Ernst Water Well



Under CEO John McDougall's Watch:

Fraud – Allowed secret editing of “independent” expert reports & data changing

Cover-up of life threatening methane/ethane drinking water contamination cases



Violated FOIP Law Repeatedly in Response to Ernst's Request, Official Inquiry Results:

4 years Obstruction of Information

Over-charged Ernst nearly **\$4,000.00** to punish her asking for public records

Records ordered released to Ernst but vital records remain withheld including "public" baseline water testing records



2010: Reward? Steve Harper appointed
McDougall President of National Research
Council (to turn it into tool for industry)



National Research
Council Canada

National Institute
for Nanotechnology

Conseil national
de recherches Canada

Institut national
de nanotechnologie

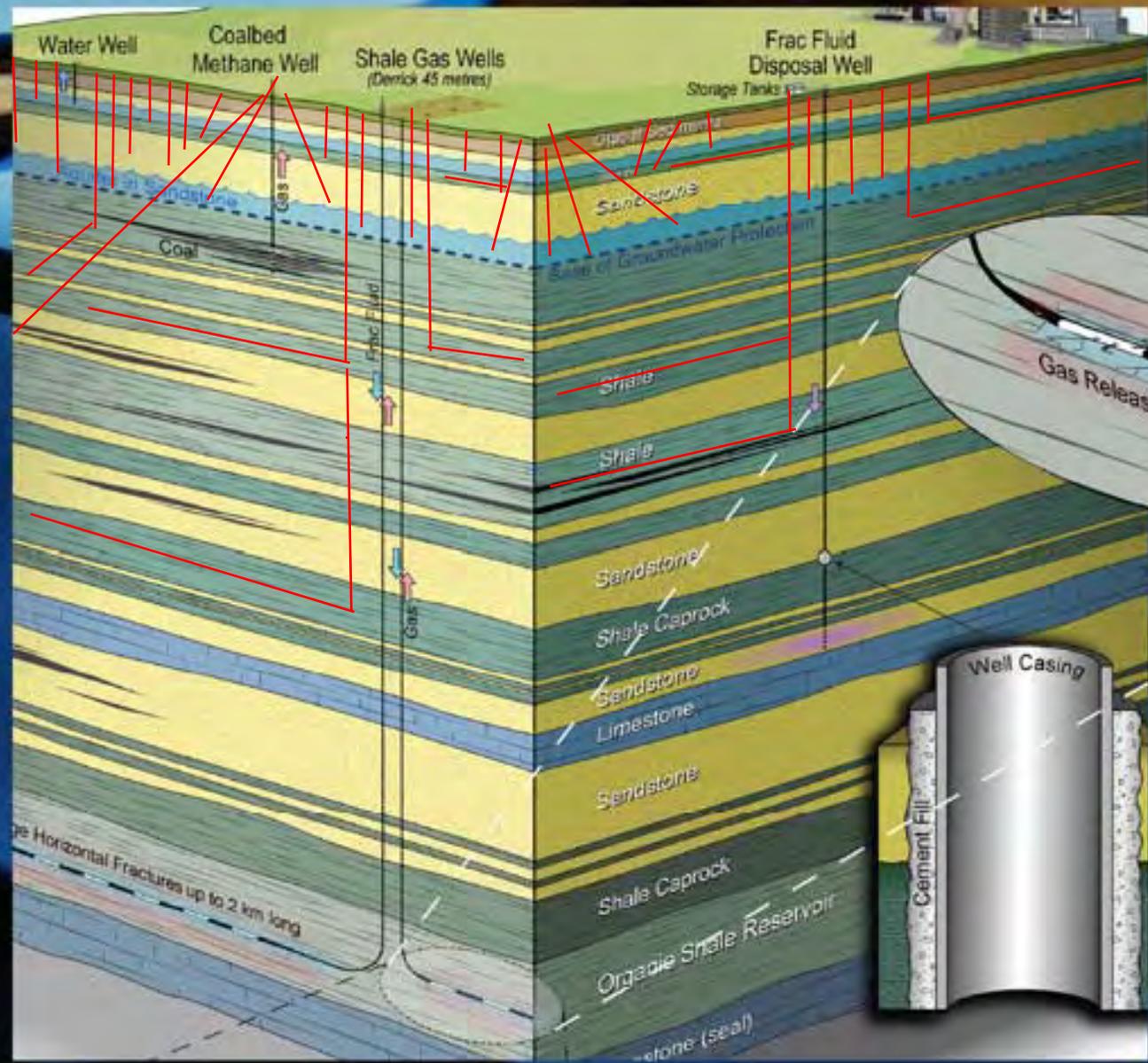
After Slick Water published, McDougall took
abrupt leave of absence, never returned.

October 6, 2011
ERCB Bulletin 2011-29

Removes limits for unconventional oil and gas



RED LINES =
What Alberta's
frac regulations allow



PM Steve Harper, after I filed my lawsuit:

- Created anti-terrorist squad that harassed & intimidated Ernst
- Appointed Justice Veldhuis to AB Court of Queen's Bench
- Appointed Justice Neil C Wittmann Chief Court of Queen's Bench
- Promoted Justice Veldhuis, removing her from Ernst case
- Appointed 7/9 of SCC justices that heard Ernst case against AER.



STEPHEN HARPER'S IDEA OF THE PERFECT JUDICIARY



of the
deadend

April 2012, Justice Barbara Veldhuis

Harper/Encana Directed Delay & Cost Increase Tactics?

- Asks for shorter Statement of Claim (Court of Appeal of Alberta complained 2 years later the shortened claim was not long enough)
- Volunteers to be Case Management Judge (which makes cases languish in expensive nowhere land)

October 1, 2012

Case Management Call

The Defendants want my case moved to Calgary

“It clearly tips in favour of the defendants’ position, that it ought to be in Calgary and not in Drumheller”

Justice Veldhuis: According to Alberta’s Chief Justice, the case is to be heard in Drumheller



Encana's Drumheller Office

Encana lawyers: will not drive to Drumheller
The case is subsequently moved to Calgary.

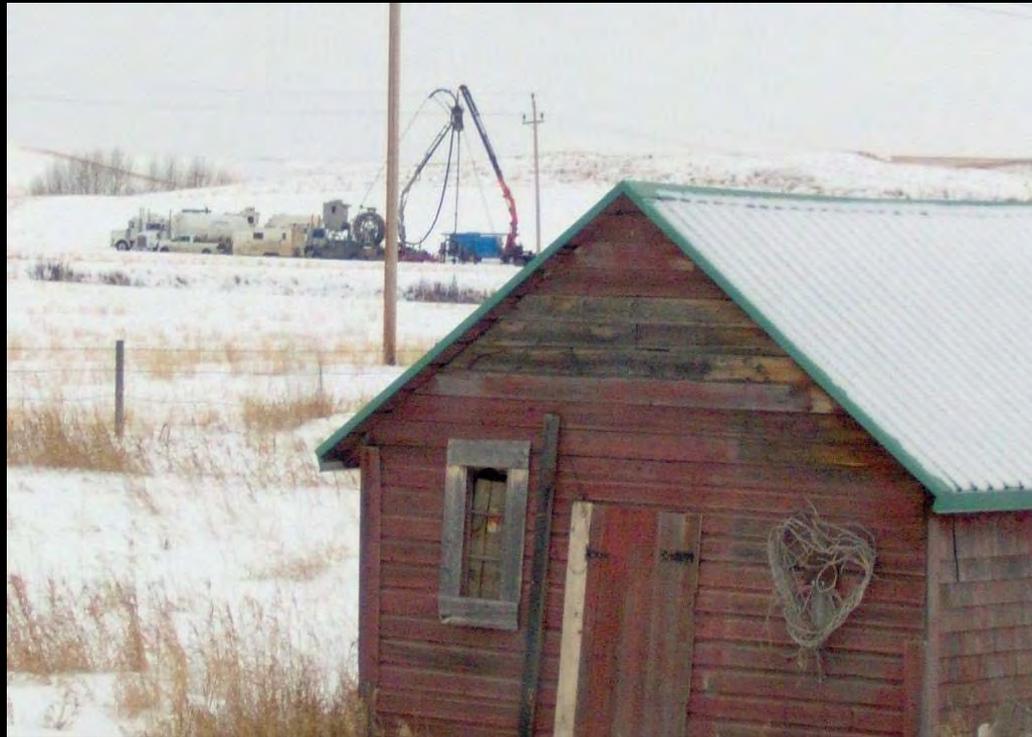
2013 Alberta: **Fracfocus Fraud**

Industry created & controlled

- Trade Secrets allowed
- 30 days **post** frac'ing, too late for "baseline" water well testing
- Drilling, acidizing, perforating, cementing servicing chemicals **not** disclosed
- Zero disclosure for the 100,000's of frac'd wells before Jan 1, 2013, including into drinking water aquifers.

January 18, 2013 . 10AM–4PM
Hearing in Calgary Court

Encana rig near my home
Encana argued **nothing** in court!



Court is packed, not enough seats

**Ernst attends Drumheller Court 10AM-4PM
where by law the hearing would ordinarily be heard**



Best in the World, World Class

ERCB argued for my case against them to be
thrown out:

I am a terrorist, they can violate my rights

“No duty of care” to Albertans and
groundwater;

Legally immune from all acts and **omissions**,
gross negligence, bad faith, deliberate acts.

Alberta Environment

Argued to have “contamination”
removed from my statement of claim

And, all paragraphs mentioning the
other contaminated water wells at
Rosebud

February 8, 2013

The Harper Government

Appoints Justice Barbara L. Veldhuis to the Court of Appeal of Alberta

Rule on the Jan 18 hearing? “Not an option”

The screenshot shows the top of the Department of Justice Canada website. It features the Canadian flag, the text "Department of Justice Canada" and "Ministère de la Justice Canada", and the word "Canada" in a large font. Below this is a green banner with a red maple leaf and the text "Department of Justice" and "www.justice.gc.ca". A navigation bar contains links for "Français", "Home", "Contact Us", "Help", "Search", and "canada.gc.ca". The main content area has a breadcrumb trail: "Home > NewsRoom > Judicial Appointments". A sidebar on the left lists "Newsroom" categories: "Latest News", "News Releases", "Media Notices", "Judicial Appointments", "Contacts for the Media", and "Links". The main headline is "ALBERTA JUDICIAL APPOINTMENTS ANNOUNCED". The text below reads: "OTTAWA, February 8, 2013 – The Honourable Rob Nicholson, P.C., Q.C., M.P. for Niagara Falls, Minister of Justice and Attorney General of Canada, today announced the following appointments: The Honourable Barbara L. Veldhuis, a judge of Her Majesty's Court of Queen's Bench of Alberta in Calgary, is appointed a judge of the Court of Appeal of Alberta to replace Mr."

2013: Deregulating Regulator Fraud Encana VP Gerard Protti to Chair AER



Gerard J. Protti

Executive Vice-President, Corporate Relations
President, Offshore & International Division
EnCana Corporation



Gerard Protti is Executive Vice-President, Corporate Relations, and President, Offshore & International Division, for EnCana Corporation. His Corporate Relations responsibilities include regulatory services and international, aboriginal, public and community relations. In addition, he is accountable for EnCana's programs regarding corporate responsibility, environment, health and safety, and security.

2013: REDA - Responsible Energy Development Act

Public Interest Mandate Removed from AER

No Public Health Mandate

How can AER rule hydraulic fracturing is safe with no health mandate, no health studies, no impact assessments, no complete chemical disclosure?

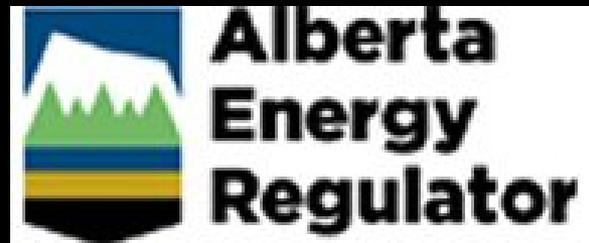


September 19, 2013

Chief Justice Neil Wittmann rules

Regulator judged me a terrorist

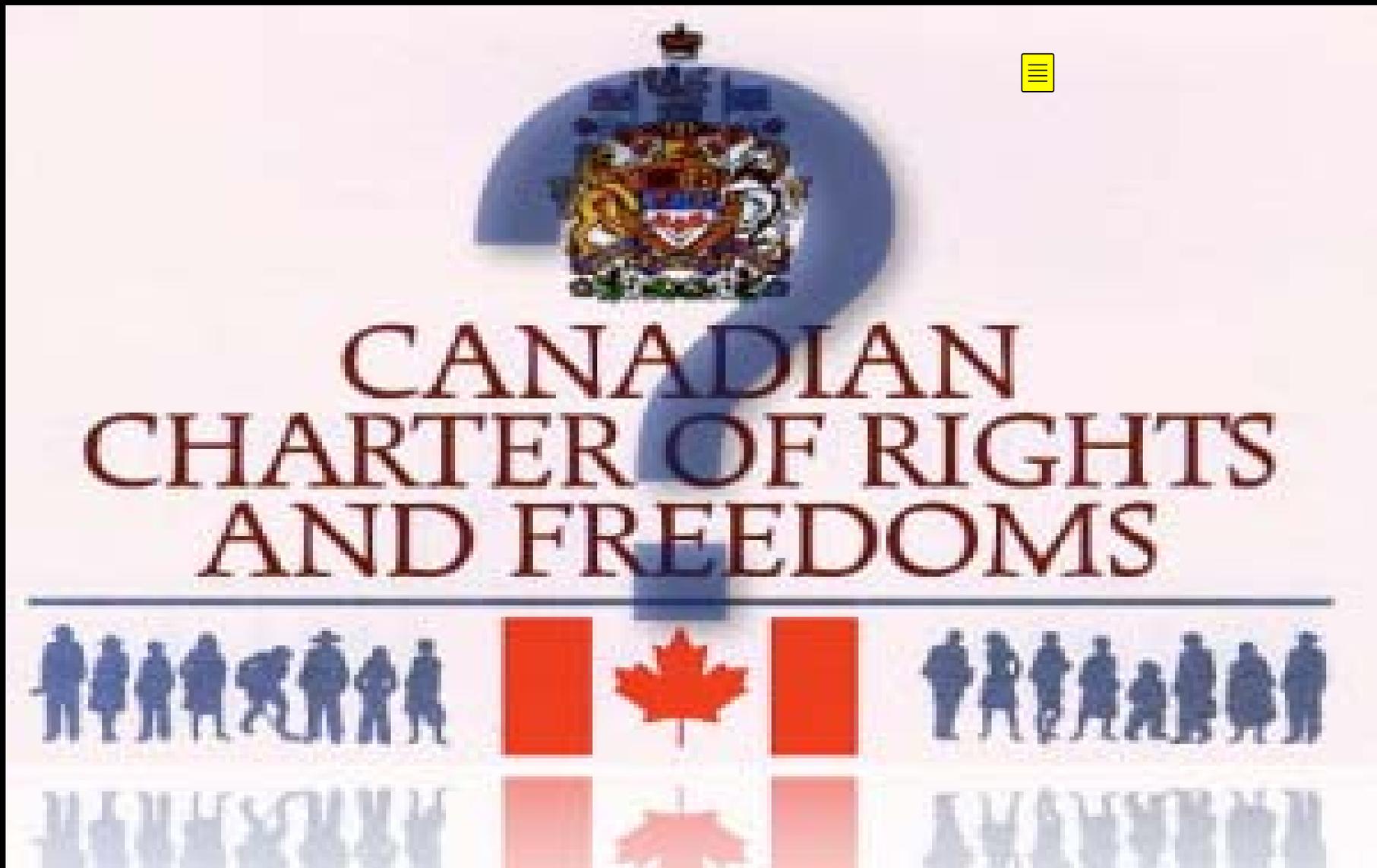
“in the **total** absence of evidence. There is none.”



But grants regulator **complete legal immunity**
even for violating my Charter Rights

Justice Wittmann:

Ernst has valid Charter claim against the ERCB



To prevent others
coming “to the
litigation process
dressed in their
Charter clothes
whenever possible”

Justice
Wittmann
ruled
against
Ernst



“Contamination” stays in my Statement of Claim



Justice Wittmann rejected the Alberta government’s attempt to attack parts of the lawsuit, my claim against the government can proceed



Had filed nothing
And argued nothing in court

February 25, 2014

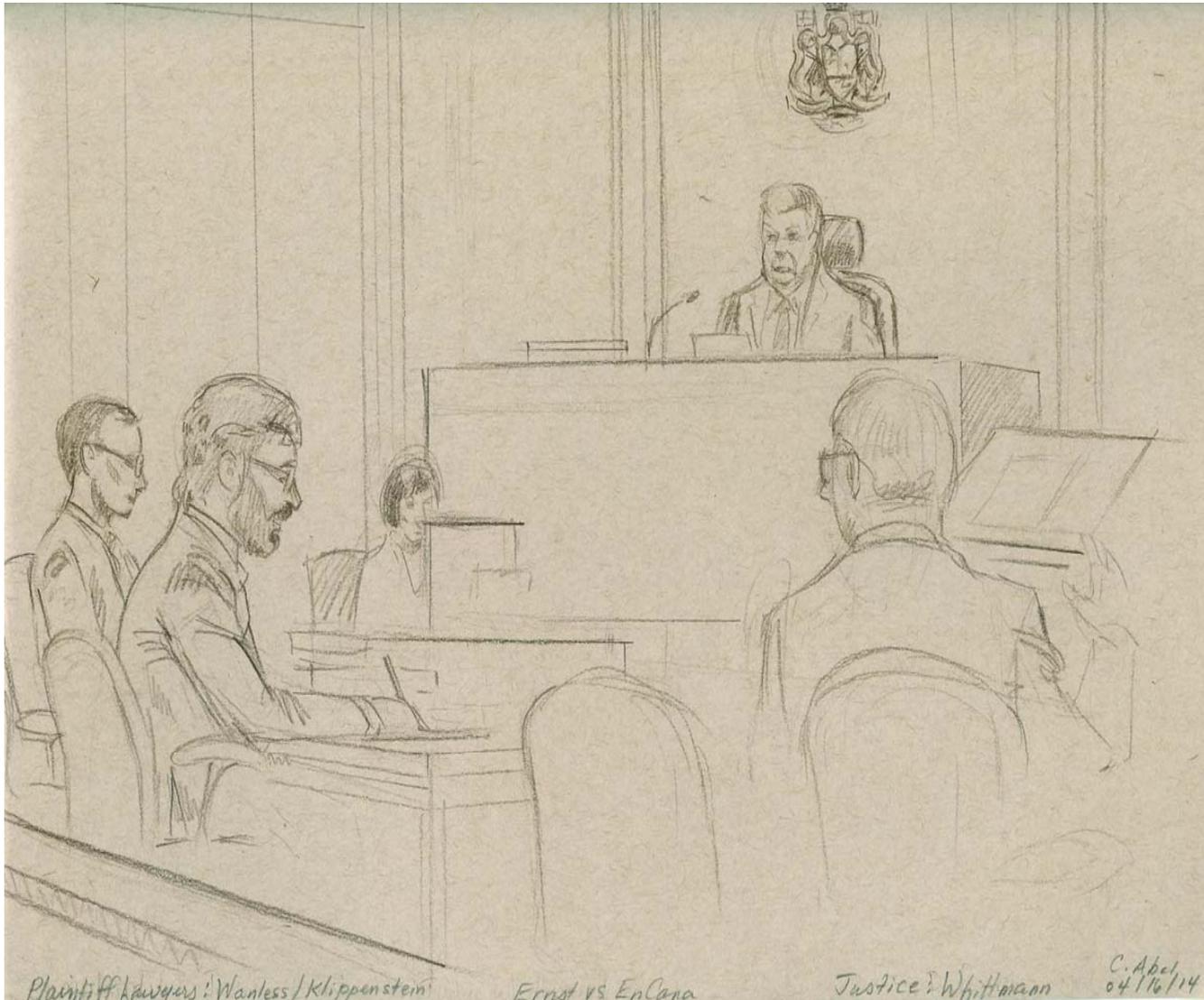
Craig Knaus Compliance Manager Calgary

on Albertans asking for help because of frac'ing
stated with gleeful animation:

“These people will get nowhere”



“There could be millions or billions of dollars worth of damages”



April 16, 2014
Crown Counsel
Neil Boyle's
3rd attempt to
get Ernst
lawsuit tossed

Federal Energy Regulator Fraud?

2014 06 13: Harper gov't appoints Peter Watson
to Chair National Energy Board



Watson engaged in
bullying & fraud
covering-up
drinking water
contamination by the
oil & gas industry

2014 08 24 CAPP Confession by Alex Ferguson in Calgary Herald:

“[CBM fracking] did occasionally contaminate water resources, he says. **In some of the more infamous instances, affected landowners could light their well water on fire.**”

Ferguson was [Commissioner and CEO of BC Oil and Gas Commission](#) 2007-2011

CAPP = The Canadian Association of Petroleum Producers,
Canada's largest oil & gas lobby group

Fall 2014:

- Alberta Court of Appeal rules Ernst can **not** sue **industry-funded** AER, upholds immunity. (Ernst ordered to pay regulator \$22,000 in costs)
- Justice Wittmann rules Ernst **can** sue **taxpayer-funded** Alberta Environment, even though it also has immunity.
- Ernst files Leave to Appeal, Supreme Court of Canada

2015 Alberta Environment Shred Fraud



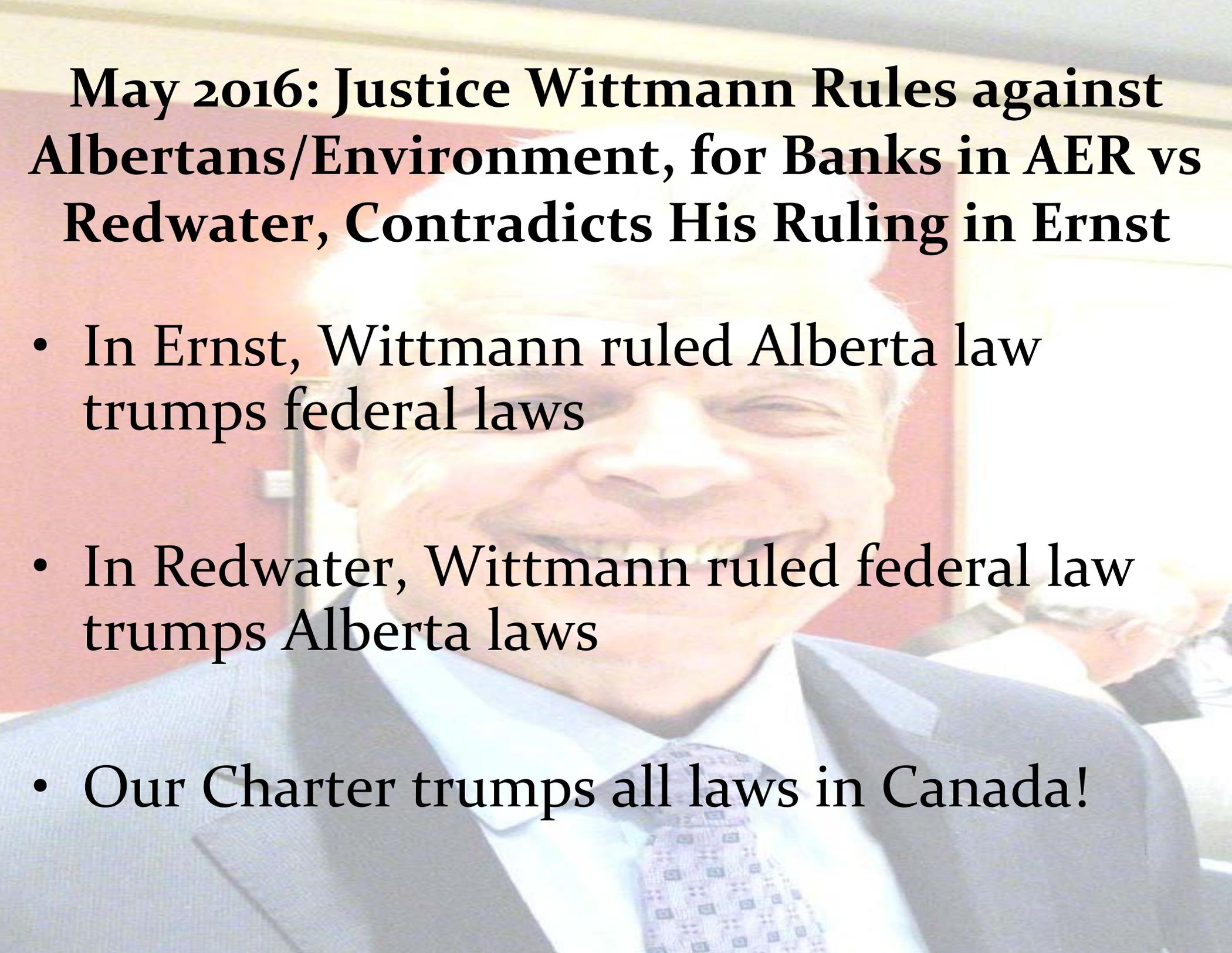
Illegally shreds 344 boxes of executive records,
“including related to litigation”

2016 January 12: Supreme Court of Canada (SCC) hearing Ernst vs AER



March 6, 2016: SCC Justice Rosalie
Abella on Access to Justice:

*If justice is the application of law to life
but some are denied access, then
what's the point?*



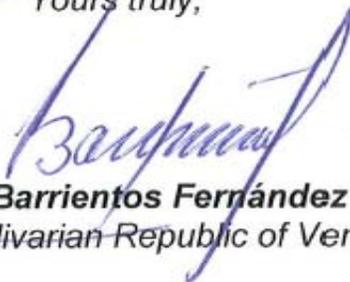
May 2016: Justice Wittmann Rules against Albertans/Environment, for Banks in AER vs Redwater, Contradicts His Ruling in Ernst

- In Ernst, Wittmann ruled Alberta law trumps federal laws
- In Redwater, Wittmann ruled federal law trumps Alberta laws
- Our Charter trumps all laws in Canada!

August 18, 2016 Ambassador letter
inviting Ernst to present in Montreal:

“we recognize [Fracking] is one
of the most serious
environmental problems that
humanity faces today.”

Yours truly,



Wilmer Omar Barrientos Fernández

Ambassador of the Bolivarian Republic of Venezuela



Waiting...

Canadian Judicial Council:
Court rulings to be released
within 6 months

2.5 yrs later,
still waiting
on complete
disclosure
from Encana

SCC took 1 year & a day
on merely a
preliminary
motion
in Ernst
vs AER!





2017 January 13: SCC Rules **4/1/4** Against Ernst & all Canadians

- Ernst can't sue AER for her **valid** Charter claim. SCC orders Ernst to pay AER's legal costs even though her case is clearly in the public interest

Damaging the Charter: *Ernst v. Alberta*

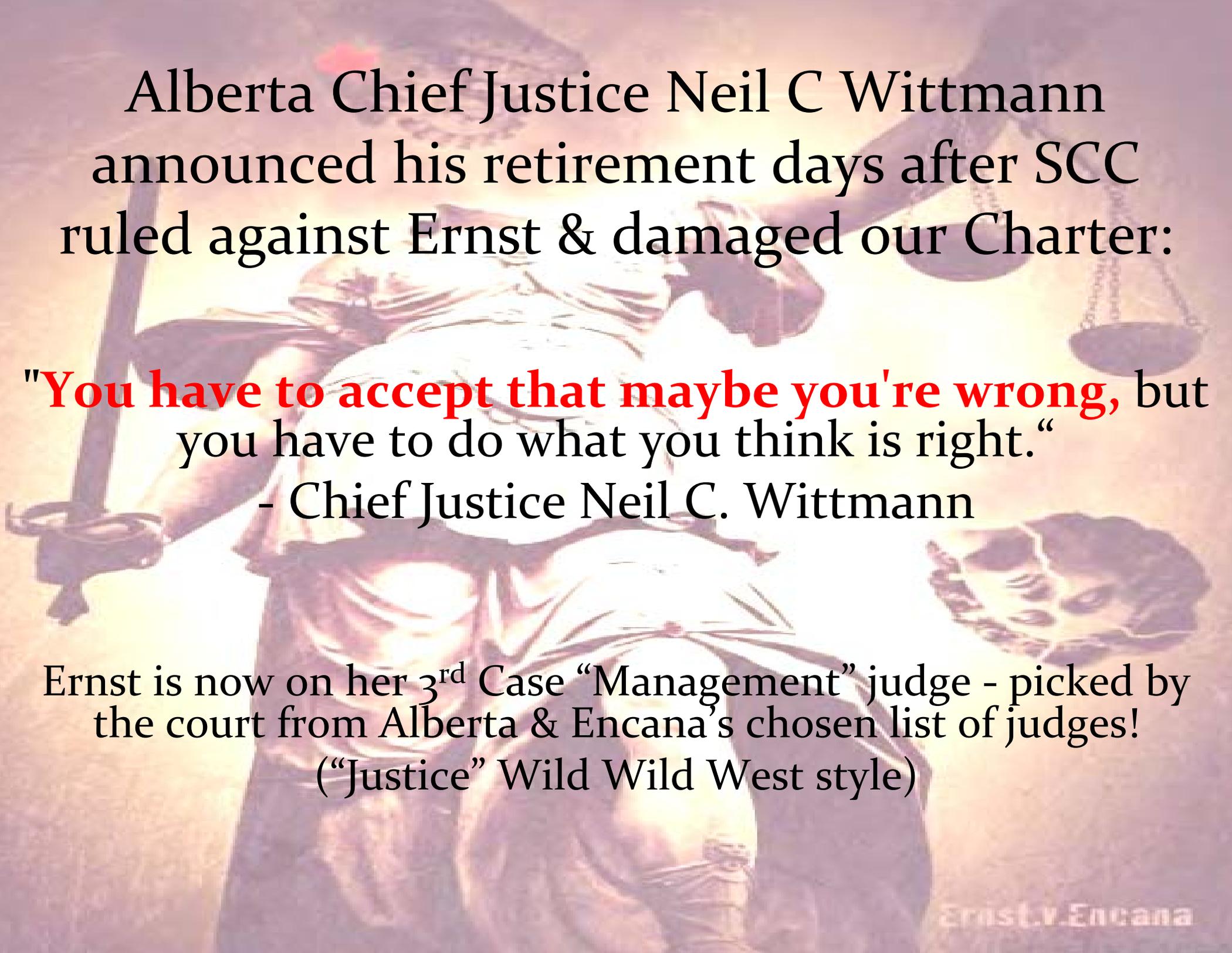
Energy Regulator

Damaging Canada's Charter Wasn't Enough. SCC Also Defames Ernst

Justice Rosalie Abella:

- fabricates facts
- names Ernst “vexatious litigant”
attributes it to AER -- when AER had maliciously judged **Ernst a criminal**

**SCC judged & punished Ernst without due process, without any evidence,
Just like AER did!**



Alberta Chief Justice Neil C Wittmann
announced his retirement days after SCC
ruled against Ernst & damaged our Charter:

**"You have to accept that maybe you're wrong, but
you have to do what you think is right."**

- Chief Justice Neil C. Wittmann

Ernst is now on her 3rd Case "Management" judge - picked by
the court from Alberta & Encana's chosen list of judges!

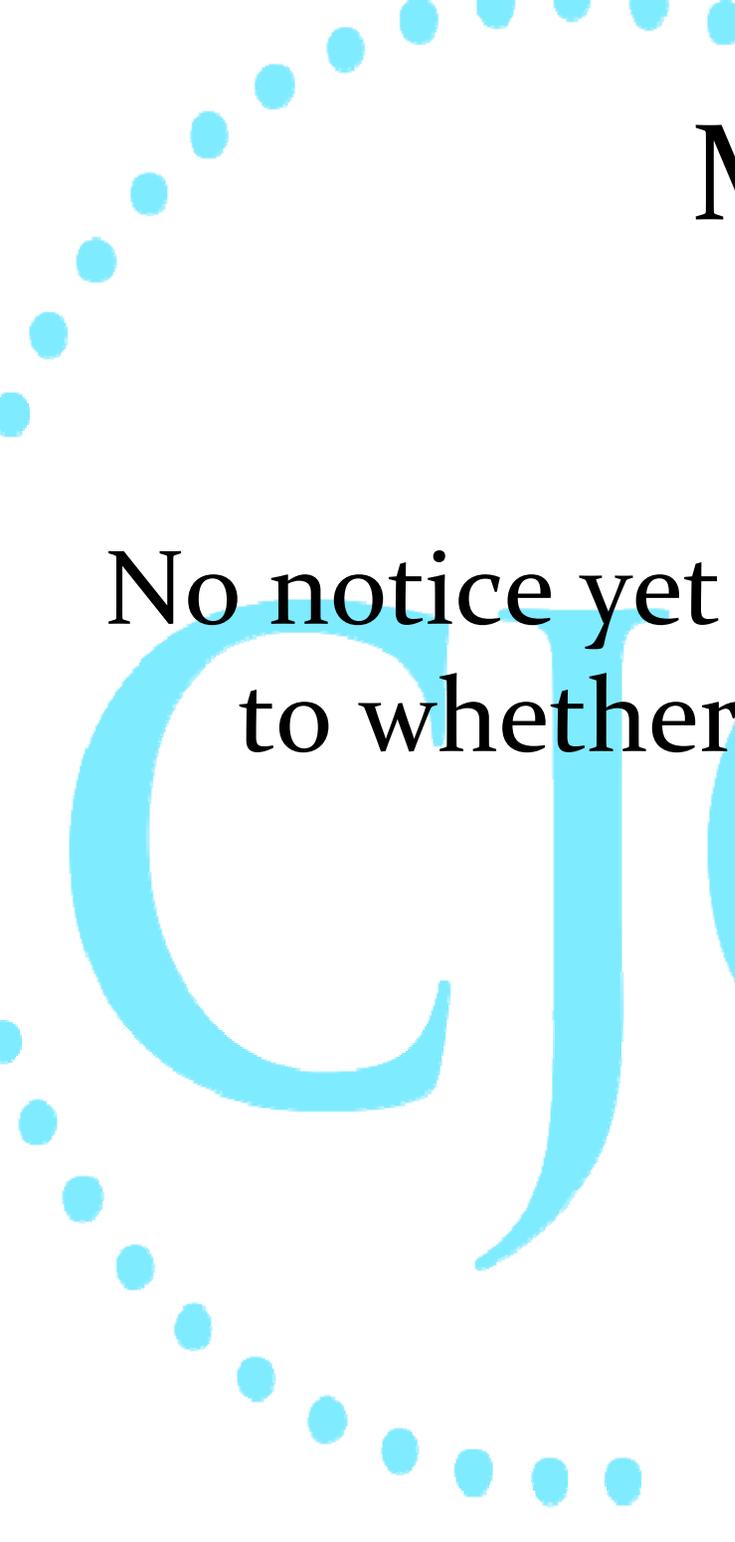
("Justice" Wild Wild West style)

2017 January 25: Ernst Files Complaint
about J Abella's conduct
with Canadian Judicial Council (File #16-0545)

- Any member of public can, provided complaint is about judicial conduct & made in writing
- Most complaints come from general public
- Every complaint seriously considered
- Legal representation not required
- No deadline
- No fee

2017 05: Lexin Resources sues AER
for \$200 Million

What about the immunity clause?



May 13, 2017

No notice yet from the judicial council as to whether or not they will conduct a review.

Canadian

Judicial Council

*Many fleas make big dog
move*

Ernst's water too dangerous to use
for even flushing toilets







When you're frac'd, **there's no after care**, not even in Canada's legal system for ten years and spending > \$380,000 in legal costs (so far)

Chevron plans to frac under world-record frac-quaking sour gas Town of Fox Creek



May 9, 2017: Exit Poll asked to Fox Creek residents after Chevron Open House:

Are you as a resident of Fox Creek, in favour of the proposed pad site going ahead?

No = 35

Yes = 26





CANADIAN CHARTER OF RIGHTS AND FREEDOMS



Section 1 of the Charter states that its purpose is to give effect to the principles of fundamental justice.

Section 2 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 3 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 4 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 5 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 6 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 7 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 8 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 9 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 10 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 11 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 12 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 13 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 14 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 15 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 16 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 17 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 18 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 19 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 20 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 21 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 22 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

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Section 24 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 25 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 26 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Section 27 of the Charter states that the rights and freedoms set out in it are guaranteed only if they can be justified in a free and democratic society.

Enforcement
The Charter is enforceable by the courts. If a person believes that their rights have been violated, they can apply to the courts for a remedy. The courts have the power to strike down laws or government actions that violate the Charter.

General
The Charter is the supreme law of Canada. Any law that is inconsistent with the Charter is void. The Charter also applies to the actions of government officials and agencies.

Application of Charter
The Charter applies to all government actions, including laws, policies, and programs. It also applies to the actions of government officials and agencies.

Minority Language Educational Rights
The Charter guarantees the right of minority language educational institutions to exist and to be supported by the government. This includes the right to have their children educated in their own language.

Citation
The Charter is cited in the Canadian Charter of Rights and Freedoms, which is part of the Constitution of Canada.

Signature
The Charter was signed by the Prime Minister of Canada, Pierre Elliott Trudeau, on April 17, 1982.

P. E. Trudeau