

The Honourable Stéphane Dion
Minister of Environment
House of Commons
Parliament Buildings
Ottawa, Ontario K1A 0A6

December 15, 2005

Dear Minister Dion:

RE: Petition in support of an Emergency Order pursuant to section 80 of the *Species at Risk Act*, 2002, c.29 for protecting Woodland Caribou in Alberta

We are retained by the Canadian Parks and Wilderness Society, Alberta Wilderness Association, Federation of Alberta Naturalists, Athabasca Bioregional Society, ForestEthics, Greenpeace, Nature Canada and the Sierra Club of Canada for the purpose of requesting that you recommend to cabinet that an emergency order issue pursuant to section 80 of the *Species at Risk Act* seeking protection of critical habitat in Alberta until such time as recovery planning is completed on the basis that Woodland Caribou in Alberta face imminent threat to their survival or recovery.

The basis for this request, which is described in detail below, may be summarized as follows:

1. The Little Smoky herd is part of the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population. This herd has been well studied for decades and serves as an example of how the Alberta government is failing to maintain its caribou populations. This herd occupies part of the 'West Central Range', which also includes a number of Southern Mountain population herds (although the Little Smoky herd is non migratory and therefore considered boreal). The Boreal population is legally listed as threatened under SARA. It extends across Canada from the Northwest Territories and BC to Newfoundland.
2. COSEWIC last assessed the Boreal population in May, 2002, confirming its status as threatened; however, a study in 2004 projected significant population declines for particular herds in Alberta over the next 20 years, and a recent simulation suggested that caribou will be extirpated from north eastern Alberta within 37 years.
3. The *Alberta Woodland Caribou Recovery Plan* indicates that herds in Alberta, including the Little Smoky herd, are currently at "immediate risk of extirpation" and that such herds require "immediate and significant actions in order to avoid herd loss." This information is consistent with that which has been in the public domain for approximately two decades and which indicates that the decline of caribou in Alberta can be directly related to resource extraction activities that

degrade their habitat. The Alberta government has ignored the Recovery Team's recommendation for immediate and significant action and has refused to curtail resource extraction activities which destroy habitat *on even an interim basis while recovery planning is ongoing for herds at immediate risk of extirpation.*

4. Currently, logging tenures are approved in all caribou range in west-central Alberta and most range in northern Alberta.
5. The Alberta government has indicated that in these tenures logging will take precedence over caribou conservation even for herds such as the Little Smoky herd that are considered 'at immediate risk of extirpation' and for which habitat supply analysis indicates there is currently not sufficient habitat available.
6. The Alberta government has demonstrated a willingness to permit southern caribou herds to be extirpated.
7. Lastly, Alberta has no stand-alone endangered species legislation and has ignored calls to implement laws to protect caribou habitat.

We look forward to hearing from you.

Sincerely,

Devon Page
Staff Lawyer

TABLE OF CONTENTS

I.	<u>THE LAW</u> -----	3
II.	<u>FACTS</u> -----	4
	A. <u>SUMMARY AND CURRENT STATUS OF THE WOODLAND CARIBOU IN ALBERTA WITH A FOCUS ON THE LITTLE SMOKY HERD</u> -----	4
	B. <u>CAUSE OF DECLINE OF WOODLAND CARIBOU IN ALBERTA</u> -----	8
	C. <u>A DETAILED HISTORY OF GOVERNMENT FAILURE TO PROTECT ALBERTA WOODLAND CARIBOU AND THE LITTLE SMOKY HERD IN PARTICULAR</u> -----	9
	D. <u>LEGAL PROTECTION FOR THE WOODLAND CARIBOU IN ALBERTA</u> -----	10
III.	<u>APPLICATION OF THE LAW TO THE FACTS</u> -----	53
IV.	<u>CONCLUSION</u> -----	53
V.	<u>TABLE OF EXHIBITS</u> -----	55

I. THE LAW

The relevant sections of *Species At Risk Act* (SARA) related to s.80(2) are as follows:

6. The purposes of this Act are to prevent wildlife species from being extirpated or becoming extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity and to manage species of special concern to prevent them from becoming endangered or threatened.

Emergency order

80(1) The Governor in Council may, on the recommendation of the competent minister, make an emergency order to provide for the protection of a listed wildlife species.

Obligation to make recommendation

(2) The competent minister must make the recommendation if he or she is of the opinion that the species faces imminent threats to its survival or recovery.

Consultation

(3) Before making a recommendation, the competent minister must consult every other competent minister.

Contents

(4) The emergency order may

(a) in the case of an aquatic species, ...

(b) in the case of a species that is a species of migratory birds protected by the *Migratory Birds Convention Act, 1994*, ...

(c) with respect to any other species,

(i) on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada, ...

(ii) on land other than land referred to in subparagraph (i),

(A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and

(B) include provisions prohibiting activities that may adversely affect the species and that habitat.

II. FACTS

A. SUMMARY AND CURRENT STATUS OF THE WOODLAND CARIBOU IN ALBERTA WITH A FOCUS ON THE LITTLE SMOKY HERD

1. The woodland caribou was formerly abundant throughout Canada, but now the boreal and southern mountain populations are considered ‘threatened’ by the Committee on the Status of Endangered Wildlife in Canada.

COSEWIC. 2000. Canadian species at risk. Committee on the Status of Endangered Wildlife in Canada. URL: <http://www.cosewic.gc.ca> [Revision date: 13 July 2000].

2. *The size and distribution of Alberta’s caribou populations has decreased considerably in recent years. The 1966 provincial population was estimated at 7,000-9,000 caribou whereas 1973 estimates were set at 4,800-5,200 animals while current 1980 estimates do not exceed 1,500-3,500 caribou. Further evidence for a major decline is evidenced by an extremely low calf production and the scarcity or absence of caribou in much of their historic range.*

Fish and Wildlife Division. 1981. The Strategy of Today for Fish and Wildlife Tomorrow. A plan outlining the outdoor recreation and commercial demand for, the supply of, and the goals for, the fish and wildlife of Alberta for 1980 to the year 2000. Alberta Fish and Wildlife. Edmonton. AB. At Tab 1.

3. Interviews in 1987 with government personnel and members of the public indicated “...caribou numbers and range in west central Alberta [including the Little Smoky herd] have declined steadily in the past 20-30 years. Based on estimates of numbers in the early 1970’s, caribou have declined by at least 50%. Habitat loss has also been extensive since timber harvest began in the study area in 1958. Since the early 1960s approximately 750 km² of known caribou range has been clear-cut.”

Ibid. P. 817.

4. A draft 1993 Strategy for Conservation of woodland Caribou in Alberta noted: “Woodland caribou in Alberta declined during the 1970s and 1980s. Concern for the welfare of the remaining populations resulted in a provincial policy classification of threatened in 1985 and a provincial restoration plan in 1986. The plan recommended inventory of caribou, public education to reduce man-caused mortalities and habitat protection measures.” and “During the 1980s and early 1990s, several forest management agreements committed large tracts of public lands on caribou range to logging. Because woodland caribou are highly dependent on old growth forest, the planned logging is considered at threat.” P. vii

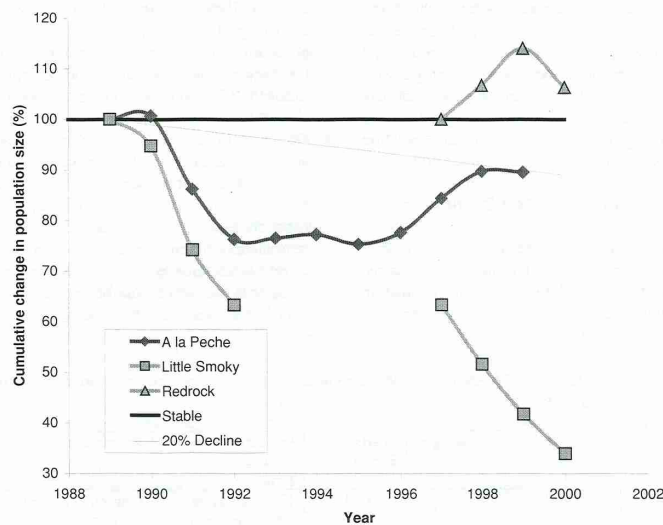
Alberta Fish and Wildlife Services. 1993. Strategy for Conservation of Woodland Caribou in Alberta. Edmonton, Alberta. Draft for discussion. 32 pp. At Tab 2

5. “Woodland caribou and their habitat are threatened in Alberta and the Wildlife Act lists them as an endangered species. These caribou are likely to become extirpated in Alberta if the factors causing their reduction in numbers are not reversed. Caribou distribution and numbers have declined since the turn of this century along the southern edge of their range where human encroachment has been greatest.”

Alberta Environmental Protection. 1998. Alberta’s Threatened Wildlife: Woodland Caribou. http://www3.gov.ab.ca/srd/fw/threatsp/wcar_stat.html 6 pp. At Tab 3

6. The 2001 Alberta status report on woodland caribou reported:
- Current total caribou population estimates are consistently much less than 1000 for all identified ranges in Alberta. P.13
 - Minimum count for the Little Smoky herd was 62. P.13

An analysis of cumulative percent change indicated high levels of population decline in the Little Smoky herd from 1989 to 2000. See graph below.



Dzus, Elston. 2001. Status of the Woodland Caribou (*Rangifer tarandus caribou*) in Alberta. Alberta Wildlife Status Report No. 30. Alberta Environment. 49 pp. At Tab 4

7. In 2002 Alberta Newsprint Company’s Detailed Forest Management Plan was approved by government. The approval document indicated that the government considers the company’s right to log takes priority over Little Smoky caribou conservation:

SRD also determined that a requirement to defer harvest for a 10-20 year period in large portions of the ANC FMA that comprise the caribou zone, would be inconsistent with the rights granted ANC in the FMA. [Bold added] P. 6.

Detailed Forest Management Plan Approval Decision. March 22, 2002. ANC Timber Ltd. Alberta Sustainable Resource Development. Edmonton, Alberta. At Tab 5

8. A recent simulation of caribou conservation and management in Alberta estimated that caribou will be extirpated from north eastern Alberta within 37 years under business as usual conditions. P. 84

Weclaw, P. and R.J. Hudson. 2004. Simulation of Caribou Conservation and Management in Alberta. *Ecological Modelling*. 177, 75-94 at www.sciencedirect.com at Tab 6

9. A 2004 thesis focusing on west-central Alberta caribou herds reported:

The Little Smoky herd is projected to decline significantly throughout the 20-year projection. P. 21

Smith, K. 2004. Woodland Caribou Demography and Persistence Relative to Landscape Change in West-central Alberta. MSc. Thesis. Environmental Biology and Ecology, Department of Biological Sciences, University of Alberta, Edmonton, AB. www.fmf.ca/WC/WC_report4.pdf At Tab 7 (CD)

10. In 2004 the Alberta Woodland Caribou Recovery Team identified the Little Smoky herd as *at immediate risk of extirpation*.

Alberta Woodland Caribou Recovery Team. 2004. Alberta Woodland Caribou Recovery Plan 2004/2005- 2013/20014. Alberta Sustainable Resource Development. Tab 8 (on CD)

11. An October 18, 2004 assessment of the caribou habitat in the Little Smoky, and adjacent A La Peche regions, was produced by the logging companies active in their ranges and the Alberta Government. It made the following points:

- **The combined range or each individual range “...does not currently provide habitat conditions sufficient to maintain stable caribou population growth, as determined by the BCC formula.”** P. 3 (bold added)
- The project did not include an analysis of existing seismic lines and future activities of the petroleum industry, even though the report states: “...*the distribution and impact of all these landscape disturbances [including seismic lines] must be factored into any habitat quality analysis.*” P. 6.
- A forecast predicted increased high quality habitat over time but that analysis did not include activities of the petroleum industry. This was identified as a limitation of the prediction: “... *the analysis incorporated currently planned (2003) future timber harvesting areas but did not include a projection of other activities, including future landuse developments from the oil and gas sector.*” P. 30

ANC Timber, Canfor, Weldwood, Weyerhaeuser, Alberta Fish and Wildlife. 2004. Caribou Habitat Assessment in the Little Smoky/A La Peche Region, West Central Alberta. At Tab 9

12. The government continues to permit logging in both the Little Smoky and A La Peche ranges and will not even defer logging just until the range teams are established and have developed a plan to maintain the caribou. (Petroleum development continues in these ranges as well.)

Letter dated May 9, 2005 from Brad Pickering Deputy Minister of Alberta Sustainable Resource Development to the Canadian Parks and Wilderness Society- Edmonton Chapter. At Tab 10

B. CAUSE OF DECLINE OF WOODLAND CARIBOU IN ALBERTA

13. The cause of decline of woodland caribou in Alberta is well documented in the Alberta Wildlife Status Report No. 30 by Elston Dzus, which can be summarized as follows:

In the past caribou have avoided predation by wolves by being sparsely distributed in a landscape not used by other prey species such as moose and deer. Industrial use of caribou habitat is making that impossible.

Forest Industry: Logging removes the old-growth forests preferred by caribou and changes these areas into the younger forest stages preferred by moose and deer. This reduces the amount of area usable by caribou and causes them to be more concentrated. Logging also causes moose and deer to move closer to where caribou are. The wolves that use the moose and deer as prey are then far more likely to encounter and kill caribou.

Petroleum Industry: Seismic lines, pipelines, power lines all fragment caribou habitat and affect their movements, distribution and survival. These linear corridors provide increased access by humans and predators to vast areas of wilderness to the detriment of caribou populations.

Dzus, Elston. 2001. Status of the Woodland Caribou (*Rangifer tarandus caribou*) in Alberta. Alberta Wildlife Status Report No. 30. Alberta Environment. 49 pp. At Tab 4

C. LEGAL PROTECTION FOR THE WOODLAND CARIBOU IN ALBERTA

14. Alberta, however, has no stand-alone endangered species legislation and Alberta's *Wildlife Act*¹ contains no provision for protecting habitat of species at risk. Under Alberta's Act, the Woodland Caribou is prescribed as an 'endangered' species (which presumably includes both the Boreal and Southern Mountain populations since no specific population is specified)². As a result, the *Wildlife Act* and *Wildlife Regulations* apply to the Woodland Caribou as if it is a 'non-game animal'³, which in turn implies it is a 'wildlife'⁴ and a 'subject animal'⁵. The Regulation also states that s.36(1) of the *Wildlife Act* applies to the nests and dens of 'endangered' animals.⁶ No open season is specified for the Woodland Caribou under the regulations⁷ and, as a result, hunting of Woodland Caribou is illegal under the *Wildlife Act* s.25 and has not been allowed since 1981.
15. No other provisions in Alberta legislation to protect habitat. This is illustrated *Timber Management Regulation* AR 60/73 which makes ample provision for endangered "timber" but none for endangered species.

¹ *Wildlife Act*, R.S.A. 2000, c. W-10.

² *Wildlife Regulation*, A.R. 143/97, Schedule 6. 'Endangered' here is not to be confused with 'endangered' under SARA – Alberta's *Wildlife Act* only has one designation for species at risk, namely 'endangered', although Alberta's Department of Sustainable Resource Management classifies species as 'endangered' or 'threatened', with the Woodland Caribou classified as 'threatened'. The Woodland Caribou is also listed as a 'controlled animal' under *Wildlife Regulation*, Schedule 5, and explicit mention of the Woodland Caribou does not otherwise appear in the regulation.

³ *Wildlife Regulation*, s.7.

⁴ *Wildlife Act*, s.1(1)(ll), 'wildlife' includes 'non-game animals' and hence includes the Woodland Caribou.

⁵ *Wildlife Act*, s.1(1)(dd).

⁶ *Wildlife Regulation*, s.96(a)(i).

⁷ *Wildlife Regulation*, Schedule 15.

D. A DETAILED HISTORY OF GOVERNMENT FAILURE TO PROTECT ALBERTA WOODLAND CARIBOU AND THE LITTLE SMOKY HERD IN PARTICULAR

16. As early as 1929 it was recognized that Alberta caribou would soon need some protection and that their range was becoming limited. P.2

Alberta Forestry Lands and Wildlife. 1986. Woodland Caribou Provincial Restoration Plan. 74 pp. At Tab 11

17. In 1973 the Environment Conservation Authority, an autonomous body, advisory to the Minister of Environment, held province-wide public hearings and conducted a public opinion poll to determine how Albertans wanted their Eastern Slopes managed [location of the Little Smoky herd]. P. 1

Government of Alberta. 1984. A Policy for Resource Management of the Eastern Slopes, Revised 1984. 19 pp. At Tab 12

18. As a result of this public consultation, in July 1975 the government issued a policy statement for the development of the eastern slopes. The document stated:

- *The eastern slopes “...contain an incredible array of resources—water, timber, coal, gas, land, scenery, wildlife and people. As time passes, pressures will increase for the expanded development of the Eastern Slopes.”* P 1
- *To date, minimum development has occurred.*
- Recognizing the major challenges involved in the development of the Eastern Slopes, the Alberta Government undertook an extensive resource study and public hearings.
- *The sentiments of our citizens regarding the natural and wilderness areas of the region were strongly expressed.* P. 2
- *Development of the Eastern Slopes will adopt a Multiple-Use Policy as the basic concept. This will ensure that while some carefully selected projects will proceed in certain designated areas, **vast tracts of land will be kept in natural and wilderness state. A conservative estimate is that a minimum of 70% of the Eastern Slopes will be maintained in present natural or wilderness areas.*** [Bold added.] P. 3

Alberta Government. July 28, 1975. Policy Statement: The Development of the Eastern Slopes. At Tab 13

19. In 1977 A Policy for Resource Management of the Eastern Slopes was approved by government. P.1.

This 1977 Eastern Slopes Policy lists nine priorities including:

- *Decisions for development of the Eastern Slopes and management of its resources are based on a comprehensive, integrated planning system.*

- *Critical wildlife habitat will be protected to maintain those species presently found in the Eastern Slopes.*
- *The resources of the Eastern Slopes will be utilized and developed, consistent with principles of conservation and environmental protection. P. 4*

Alberta Energy and Natural Resources. 1977. A Policy for Resource Management of the Eastern Slopes. July. 18 pp. At Tab 14

20. In 1978 a caribou management outline for Alberta was prepared by the Fish and Wildlife Division. It presented the following points among others:

A. *Habitat Protection, Evaluation and Maintenance.*

- *Identify Areas of Special Significance and Safeguard These Locations from Disturbance or Alteration.*
 - a. *travel corridors and migration routes*
 - b. *wintering areas*
 - c. *calving and rutting areas*
 - d. *mineral licks*
- *Maintain Suitable Climax Habitat.*
- *Establish Wildlife Sanctuaries, Preserves, Reservations, and Management Areas to Ensure Caribou Survival.*
- *Identify Population limiting Factors and Develop Management Programs Required to Minimize These Impacts.*

Bloomfield, M. 1978. Caribou management outline for Alberta. Recreation, Parks and Wildlife Division. 4 pp. At Tab 15

21. During November 1978, timber development proposals were invited by the Department of Energy and Natural Resources under forest management agreements for the Berland and Fox Creek areas, home to the Little Smoky and A La Peche herds. A submission was written by government biologists to outline concerns and research required for proper management and make recommendations. This submission made the following points:

- *...caribou survival is contingent upon the maintenance of critical habitats and suitable travel corridors interconnecting areas of special significance. Further habitat alienation will exacerbate an already serious problem through loss of critical areas, range discontinuity, increased access, creation of barriers to movement, disruption of normal social patterns, increased human access and harassment.*
- *Caribou are a migratory and nomadic species and require a flexible home-range. Range rotation is a key component of resource utilization and prevents over-use of caribou range. Climax plant communities provide the essential elements of food and shelter. Mature and over-mature lichen producing forests are critical to winter survival (Bloomfield*

1979). As a result, caribou exhibit high sensitivity to successional change and are therefore strongly affected by forestry practices.

- *Development in critical caribou habitats should be guided by special management procedures devised for activity in caribou ranges and based on the results of proposed research (Bloomfield 1978). Activity in critical areas should not commence prior to these studies and evaluation of the influence of logging on caribou.*

3. *Pierre Greys, A La Peche, Joachim Lakes Area*

- *The Pierre Greys, A La Peche, Joachim Lakes area (B-6) provides critical range for caribou, particularly during the winter. Mature and overmature forests are necessary for winter survival of caribou. The decline of climax communities providing habitat for caribou typically results in a reduction of those populations (Bloomfield 1979).*
- *Logging has a direct effect on the status of a climax forest. Secondary influences of logging activity also are important and may include barriers to movement, range discontinuity, increased human access and harassment.*
- *The B-6 unit should be designated a special management area to protect climax forest stands necessary for caribou. Timber harvesting programs should be designed according to patterns of caribou activity. Special management guidelines for development in caribou range need to be implemented. Certain critical areas, particularly wintering, breeding and calving sites and essential travel corridors must not be disturbed.*
- *It is recommended that the area be established as a model management area designed to reduce the conflict between caribou and logging management. Pp. 27-28*

Alberta Energy and Natural Resources, Fish and Wildlife Division. 1979. Background Paper on Fish and Wildlife Resources in the Proposed Berland-Fox Creek Timber Development Areas. 50 pp. At Tab 16

22. In 1979, in response to declining numbers of caribou and increasing human activity the Alberta Fish and Wildlife Division began a study of woodland caribou in the mountains and foothills of west central Alberta. P. 817

Edmonds, E.J. 1987. Population status, distribution, and movements of woodland caribou in west central Alberta. Can. J. Zool. 66: 817-826. At Tab 17

23. A 1980 letter from the Alberta government to the Alberta Wilderness Association (AWA) recognized the decline of caribou in Alberta and gave assurances that they would be protected:

Considerable public concern has been expressed about the need to protect our remaining caribou and we are sensitive to the great interest in protecting caribou and their range. We realize that caribou may be affected by a variety of factors and that in recent years the size, the distribution and quality of caribou populations in Alberta have declined greatly. As a result, we are carefully examining the role of each potential cause of population decline and are approaching caribou management cautiously. Our department shares your view that caribou need protection and we are quickly moving in that direction. I can assure you that caribou are now a high priority and will continue to receive our best efforts regardless of our management strategy. Thank you again for your helpful suggestions and your concerns.

July 7, 1980. Letter to Alberta Wilderness Association from J.E. Bud Miller, Associate Minister of Public Lands and Wildlife. At Tab 18

24. Another July 1980 letter from government to the AWA indicated that the habitat of the Little Smoky herd was already an issue of concern and ensured that special management practices would be implemented in the Berland/Fox Creek Fisheries Management Area [Little Smoky herd's area] to protect wildlife populations and their range including the designation of Special Wildlife areas:

A few additional areas may require protective measures as they are identified. In addition, the current area boundaries also may be adjusted as required to protect critical habitat. These adjustments largely will be a function of continuing caribou management studies.

Letter to AWA July 17, 1980. from Gordon R. Kerr, Assistant Deputy Minister, Alberta Energy and Natural Resources. At Tab 19

In 1980 the Alberta government undertook a review of the need for a caribou hunting closure. The report concluded:

A total hunting closure is necessary for proper caribou management and to prevent further declines in the size, reproduction and social organization of Alberta's remaining populations. However, caribou survival also is contingent upon maintenance of critical habitats and suitable travel corridors which interconnect these areas. Further habitat alienation resulting from indiscriminate land development will exacerbate an already serious problem through loss of critical areas, range discontinuity, increased access, creation of barriers to movement, reductions in carrying capacity and disruption of normal patterns of social interaction and resource utilization. Although the hunting closure is urgently needed (and overdue) successful caribou management largely will be dependent on population and habitat studies, the subsequent development of a comprehensive management plan and implementation of guidelines for industrial and recreational activity in caribou range. The technological and

professional expertise is available. Therefore, all that is required is the resolve and inter-departmental commitment to solve the problem. P.16

Bloomfield, M. 1980. Closure of the caribou hunting season in Alberta: Management of a threatened species. Provincial Caribou Management Coordinator, Energy and Natural Resources, Fish and Wildlife Division. 39 pp. At Tab 20

25. An 1981 Alberta Fish and Wildlife report said this about woodland caribou:

The size and distribution of Alberta's caribou populations has decreased considerably in recent years. The 1966 provincial population was estimated at 7,000-9,000 caribou whereas 1973 estimates were set at 4,800-5,200 animals while current 1980 estimates do not exceed 1,500-3,500 caribou. Further evidence for a major decline is evidenced by an extremely low calf production and the scarcity or absence of caribou in much of their historic range.

As a reaction to this decline, hunting was reduced in 1979 and the season was closed in 1980. In addition a study was initiated to determine the cause or causes for this decline and more importantly to define population limiting factors and develop a comprehensive management plan.

Potential: The potential is dependent on the amount of prime and critical habitat which can be maintained. As mentioned these habitats consist of mature lodgepole pine and lodgepole pine/white spruce forests interspersed with open grass-shrub meadows. The provision of protected travel corridors is equally important.

Preliminary results from the above mentioned study indicates that the greatest effect, both positive and negative, result from land use practices, such as logging and/or industrial operations in this habitat.

Goals:

- 1. To protect and maintain all present caribou populations and their habitat.*
- 2. To protect and manage the current and historically important caribou ranges so as to increase the total provincial caribou population to a minimum of 5,000 animals with a projected goal of 10,00 animals.*
- 3. To allow limited harvests where numbers warrant such harvests. Pp 147-148*

Fish and Wildlife Division. 1981. The Strategy of Today for Fish and Wildlife Tomorrow. A plan outlining the outdoor recreation and commercial demand for, the supply of, and the goals for, the fish and wildlife of Alberta for 1980 to the year 2000. Alberta Fish and Wildlife. Edmonton. AB. At Tab 1

26. An April 1981 government study of the Berland A La Peche caribou [Little Smoky area] provided this information on the historic status of caribou in Alberta:

During 1966 the caribou population in northern Alberta was estimated to consist of 6860-9060 animals (Stelfox, 1966) whereas by 1973 estimates in the same area were reduced to 4800-5200 caribou (Lynch and Pall 1973). Although additional population data is required, current caribou numbers (liberally estimated) probably do not exceed 1500-3000 animals. This represents a decline of caribou numbers in Alberta by at least 50% within 17 years (Bloomfield 1980). Furthermore, caribou area scarce or absent in much of their historic range (Bloomfield and Sword 1981b). P. 42

M. Bloomfield, J. Edmonds and J. Steel. 1981. First Annual Report of the Berland-A La Peche Caribou Study. Alberta Energy and Natural Resources, Fish and Wildlife Division. Edson, Alberta. 54 pp. At Tab 21

27. A 1981 Alberta government report to COSEWIC indicated that:

- *”Both mountain and woodland caribou had markedly declined in numbers and distribution in recent years. In fact, provincial populations have declined by at least 50% since the mid-1960s and currently only a few thousand caribou remain in Alberta. The decline largely can be attributed to hunting and development pressure.” And “ The prospects for improvement are uncertain and without marked changes in management strategies and land-use practices recovery is unlikely.”* (from Abstract first page)
- Loss of critical range as the most serious threat to the continued survival of Alberta’s caribou. It reported that an intensive effort was being made to have critical areas identified in government policies and land management programs. Also that land-use practices were being reviewed with the goal of the development of a comprehensive management plan and implementation of stringent guidelines for industrial and recreational activity. (from Abstract second page)

Bloomfield, M. and M. Sword. 1981. Report to COSEWIC on the Status of Caribou Populations in Alberta. Alberta Energy and Natural Resources, Fish and Wildlife Division, Edson, Alberta. At Tab 22

28. In 1981 recreational hunting for caribou was completely closed and has not been re-opened. P. 1.

Alberta Fish and Wildlife Services. 1993. Strategy for Conservation of Woodland Caribou in Alberta. Edmonton, Alberta. 32 pp. At Tab 2

29. In 1982 the government produced a fish and wildlife policy for Alberta. It stated that:

A comprehensive ten-year fish and wildlife outdoor recreational plan will be developed by the Division. Included in the plan should be: A description of the

habitat base necessary to achieve fish and wildlife resource supply requirements.
P. 6.

The Wildlife Policy included this statement:

Wildlife is a replenishable Crown resource; it is incumbent upon the Government, as the resource steward, to ensure that appropriate use is made of the wildlife resource and that it is passed on to succeeding generations as it was received. The primary consideration of the Government is to ensure that wildlife populations are protected from severe decline and that viable populations are maintained. By virtue of the fact that all fish and wildlife resources and the relevant legislation are the responsibility of the Fish and Wildlife Division, it is to function as the advocate within government in the pursuit of this goal. P. 8

Alberta Energy and Natural Resources. 1982. Fish and Wildlife Policy for Alberta. Government of Alberta, Edmonton. 24 pp. At Tab 23

30. In 1984 a government status report on Fish and Wildlife in Alberta stated the following:

- *Historically, caribou ranged over the whole boreal northlands, however, caribou are currently limited to localized areas. Caribou need extensive areas of mature coniferous forest, particularly during the winter season. They require a good supply of lichen for winter food. Thus fire, logging and settlements impact this species.*
- *The current numbers are estimated to be fewer than 4,000 animals*
- *The goal is to increase the total population to 5,000. This can only be achieved if: a) current and historically important caribou ranges can be protected.*
- *Protect currently occupied habitat of about 166,000 square kilometers (64,000 square miles) within the current range.*
- *Maintain historically important caribou ranges.*

Government of Alberta. 1984. The Status of Fish and Wildlife Resource in Alberta. Edmonton, AB. At Tab 24

31. In 1984 the government produced a revised version of the 1977 policy for resource management of the Eastern Slopes. The preface to this document states:

The 1984 revision is intended to reflect the realities of the economic situation in Alberta, and to provide for the maximum delivery of the full range of values and opportunities in this important region.

Resource potentials and opportunities for development are identified with a view to assisting in the economic progress of Alberta. The policy is sufficiently flexible so that all future proposals for land use and development may be considered. No

legitimate proposals will be categorically rejected. Should a proposal not be in keeping with the provisions of the policy for that area, alternative means will be explored for accommodating the proposal in a more appropriate location in the region.

The on-going integrated resource plans will make the policy work—to provide opportunities and stimulate economic growth and security while maintaining the key watershed and recreation values of the area.

Under the objectives for wildlife are listed:

- *To ensure that wildlife populations are protected from severe decline and that viable populations are maintained.*
- *To maintain wildlife on the basis of fundamental ecological principles.* P. 7
Government of Alberta. 1984. A Policy for Resource Management of the Eastern Slopes Revised 1984. Edmonton, Alberta. 19 pp. At Tab 12

32. In 1984 the Alberta Wilderness Association produced a critique of the 1984 Eastern Slopes Policy and a comparison of it with the 1977 policy. It states:

*What the government released in 1977 as a public policy- “a positive policy to preserve the environment in a significant part of this province” – has been replaced by a policy that appears to encourage exploration, development, resource extraction and sale of our Eastern Slopes lands. Contrary to the 1977 Policy which very closely represented the desires of Albertans, the new policy does not **recognize as priorities the resources of fish, wildlife, wildlands and scenery, nor even public ownership of the Eastern Slopes. Nor, are water quality and the maintenance of natural stream flows any longer considered priorities.***

Alberta Wilderness Association. 1984. A Policy for Resource Management of the Eastern Slopes Revised 1984 REJECTED. 11 pp. At Tab 25

33. In 1985 the Woodland Caribou was listed as ‘threatened’ in Alberta. An Alberta government report stated the following:

Historically, woodland caribou ranged throughout the boreal forest of Alberta. Their present distribution is limited to less than twenty distinct populations, distributed throughout the boreal and subalpine regions of the province. Presently, less than ten non-migratory (woodland) and two migratory (mountain) caribou populations exist in the province.

Caribou range use and population success has been linked to the availability of lichen forage. Mature and over-mature forest stands are necessary for winter

survival and provide other seasonally important sites such as migration routes and calving areas.

Population surveys in the early 1970's determined an estimated 4,800 to 5,200 animals in the province. Recent surveys estimate between 1,500 and 3,500 animals (275 mountain caribou). This represents a minimum reduction of 30 percent in the population over a ten year period (previous surveys indicate a 50 percent reduction over seventeen years). The migratory mountain caribou and non-migratory woodland caribou numbers have declined approximately 55 and 28 percent, respectively, over the same time period.

A variety of factors appear to have contributed to these population declines. These include: loss of habitat due to clear-cutting and coal development; disruption of range use due to man-made barriers such as highways and railways; predation; illegal hunting; and legal overharvesting.

Continuation of current land use practices could conceivably seriously affect at least 20 percent of the known caribou wintering areas in the province. Pp 31-32

One of the management objectives related to this designation was “to maintain viable populations”. P 13

The Land Use Guidelines were thus:

*Crown land use guidelines to reduce the impact of industrial, recreational, and agricultural activities on **Threatened Wildlife** will be upgraded or developed and made available to government and private land use agencies. Once again the adequacy of underlying research and field investigations is extremely important in ensuring that guidelines realistically address the requirements of the species. P. 15*

Alberta Fish and Wildlife Division. 1985. A Policy for the Management of Threatened Wildlife in Alberta. Alberta Energy and Natural Resources, Fish and Wildlife Division. 34 pp. At Tab 26

34. In 1986 a provincial restoration plan included the following points: (Few of these recommendations were adopted, Dzus, 2001, P. 27.)

- Caribou in Alberta had declined rapidly since the 1960s from approximately 7,000 to 2,000. P. 2
- A major issue was to ensure that adequate habitat is available. P. 20
- The Little Smoky herd was “...already reduced to a vulnerable relict herd, and is the most southerly population of forest-dwelling woodland caribou in Alberta...” P. 23
- Guidelines for timber harvest that specifically pertain to maintaining caribou habitat are essential.

- Logging companies would implement a modified logging plan with the goal of maintaining 30-50 % of the forest habitat at 80-120 years of age; ensuring adequate cover along travel corridors; and minimizing disturbance due to access and the logging activity itself. P. 27
- Habitat protection is a key factor in maintaining viable caribou populations and is of primary importance for managing caribou in Alberta. P. 28
- The goal of the restoration plan was to increase the provincial population of caribou to 4,500 and maintain a minimum of seven sub-populations with not less than 600 caribou each. P. 29
- In west-central Alberta, all of the caribou winter range is scheduled for timber harvest or is currently being logged. The potential for habitat loss, permanent of short term is substantial. P. 39

Alberta Forestry Lands and Wildlife. 1986. Woodland Caribou Provincial Restoration Plan. 74 pp. At Tab 11

35. A 1987 report on a study of caribou in west central Alberta included the following information:

- *Much of the habitat in the southern range of woodland caribou (*Rangifer tarandus caribou*) in western Canada is experiencing extensive and intensive industrial activity, primarily timber harvest, coal mining, and oil and gas development. The Alberta Fish and Wildlife Division began a study of woodland caribou in the mountains and foothills of west central Alberta in 1979 in response to declining numbers of caribou and increasing human activity (Bjorge 1984; Edmonds and Bloomfield 1984). Lynch and Pall (1973) estimated that 600- 700 caribou inhabited the study area in the early 1970s. This was an adjustment of a mid-1960's estimate for caribou populations of 1200-1600 (Stelfox 1966). Our interviews with government personnel and members of the public had one common theme: caribou numbers and range in west central Alberta [including the Little Smoky herd] have declined steadily in the past 20-30 years. Based on estimates of numbers in the early 1970's, caribou have declined by at least 50%. Habitat loss has also been extensive since timber harvest began in the study area in 1958. Since the early 1960s approximately 750 km² of known caribou range has been clear-cut. The remaining 3300 km² of forested winter range is scheduled for timber harvest in the next 30 years. In addition several decades of coal exploration and road and railroad construction have dissected the winter ranges and probably disrupted movements between seasonal ranges. P. 817*
- *Timber harvest on land to the southeast of the A La Peche mountain caribou winter range has removed approximately 600 km² of caribou range that was formerly occupied (as recently as the mid-1960s). P. 824*

Edmonds, E.J. 1987. Population status, distribution and movements of woodland caribou in west central Alberta. Can. J. Zool. 66: 817-826. At Tab 17

36. In 1988 a report entitled Wildlife Concerns Relative to the Berland Resources Road Proposal presented a caribou habitat management plan for West-Central Alberta, which stated:

A 30 year deferral on all industrial and motorized recreational activity is required for the Prairie Creek Mountain Caribou winter range and the Little Smoky Forest Caribou winter range. No motorized access will be allowed.

The Prairie Creek and Little Smoky ranges are the best choice for maximum protection:

- 1. *no recent or current timber harvest (habitat is undisturbed)*
- 2. *access is minimal or can be easily controlled*

These winter ranges have the most to gain from protection. Page 6.

Smith, K and J. Edmonds. 1988. Wildlife Concerns Relative to the Berland Resources Road Proposal. Forestry, Lands and Wildlife. Fish and Wildlife Division. 18 pp. At Tab 27

37. In June 1989 Alberta Newsprint Company was given a new forest management allocation that included much of the Little Smoky range and some of the A La Peche. Appendix 1.

Alberta Newsprint Company. 1999. Detailed Forest Management Plan. Revised October 2002. At Tab 28 (on CD)

38. In 1991 the government issued an information letter that stated:
Petroleum and natural gas exploration and development activities can occur on caribou range, provided the integrity of the habitat is maintained to support its use by caribou.

Alberta Energy Forestry Lands and Wildlife. 1991. Procedural Guide for Oil and Gas Activity on Caribou Range. Information letter 91-17
<http://www.energy.gov.ab.ca/51.asp> Information Letters. At Tab 29

39. In 1992 the West Central Alberta Caribou Standing Committee (WCACSC) was formed. The primary goals were to provide a forum for multi-stakeholder decision making to help conserve caribou in west central Alberta.

- *To date the Habitat Supply Subcommittee of the WCACSC has been unable to reach consensus on a unified approach to evaluate, plan, or maintain habitat supply. This is because of direct conflict between caribou habitat requirements and forestry activities. P. 28*

Dzus, Elston. 2001. Status of the Woodland Caribou (*Rangifer tarandus caribou*) in Alberta. Alberta Wildlife Status Report No. 30. Alberta Environment. 49 pp. At Tab 4

40. A draft 1993 Strategy for Conservation of woodland Caribou in Alberta noted:

“Woodland caribou in Alberta declined during the 1970s and 1980s. Concern for the welfare of the remaining populations resulted in a provincial policy classification of threatened in 1985 and a provincial restoration plan in 1986. The plan recommended inventory of caribou, public education to reduce man-caused mortalities and habitat protection measures.” and

“During the 1980s and early 1990s, several forest management agreements committed large tracts of public lands on caribou range to logging. Because woodland caribou are highly dependent on old growth forest, the planned logging is considered a threat.”

It indicated that efforts for maintaining the Little Smoky herd, among others, would “...be directed at mitigating impacts of other land uses to the extent possible.” P. vii

Alberta Fish and Wildlife Services. 1993. Strategy for Conservation of Woodland Caribou in Alberta. Edmonton, Alberta. Draft for discussion. 32 pp. At Tab 2

41. This report also stated:

Of all impacts on woodland caribou, none are more severe than timber harvest. Timber harvest approximates the impact of forest fires; however, terrestrial lichens are more severely impacted and access development is much greater for timber harvest. Logging removes old-growth forest, arboreal lichen food resources and terrestrial lichens are normally disturbed to a degree that requires a long regeneration period. Openings created by logging receive greater amounts of snow and it is more likely to become hard when compared with closed-canopy forest. Hard snow reduces access by caribou to remaining terrestrial lichens and may enhance the terrain for predation by wolves. Logging creates new access to formerly inaccessible ranges. Logging removes calving and winter ranges. Logging interrupts migration routes and isolates small segments of caribou populations. Habitats are fragmented. While caribou appear to have been tolerant of the effects of fire, the cumulative effects of natural fire and widespread logging is of concern.

Several timber harvest strategies are being used in an attempt to minimize impact on caribou. However, these efforts are still experimental. Some impacts on caribou populations are unavoidable when logging occurs on caribou range and no approach has been demonstrated to be effective in maintaining caribou populations in association with timber harvest in the long term. P. 12

Ibid

42. The 1993 strategy categorized Alberta’s herds into three groups and accepted the loss of caribou herds in Alberta *Management planning at the provincial level is*

not proposed for Group C herds- including the Little Smoky herd- with the Principle: These are secondary lands for caribou preservation. Emphasis on these lands may be management if other species; caribou may have lower priority. The goal and objective was: Continue the management of caribou to reduce risks and maintain caribou herds as long as possible. [This plan received considerable criticism from government agencies, public and industry—Dzus P. 27]. P. 20

Ibid

43. Alberta developed a woodland caribou conservation strategy in 1996. Its stated intent was:

...to establish a planning and management framework that would lead to healthy caribou populations in perpetuity throughout Alberta's caribou range. Consequently, woodland caribou could ultimately be removed from the endangered species list in Alberta. P. vii

Where severe conflicts exist between caribou habitat and timber supply needs, then adjustments should be considered to existing timber commitments (e.g., reduction of the AAC or incorporation of longer rotations to maintain adequate amounts of high lichen producing stands). Compensation mechanisms that deal with honouring existing commitments should be implemented where necessary.”
4.3.2.4 [This was not done.]

Recommended actions to be taken included:

- *“A population and habitat monitoring program to understand the status of caribou should be maintained, coordinated and implemented by Alberta Environment Protection.” And “Standard habitat mapping scales should be established along with standard population- monitoring techniques.”*
- *Caribou conservation methods, utilized by regional and herd standing committees, will be guided by the principles and management tools in this document. The choice of which specific tools are utilized may vary from one herd to another. The tools associated with habitat supply and sustainability, predator management, access management, protected area designations another limiting factors assessments will be used to develop specific caribou management plans. In all cases, direct predator control will only be considered as a final option. Other creative management approaches may be considered provided they respect the principles and intent of this plan.*
- *No significant new clearing of coniferous forests beyond existing commitments should be considered until caribou habitat supply analyses are completed on a regional or herd basis. Partnerships should be established to ensure these analyses are undertaken. P. 27*

Alberta Woodland Caribou Conservation Strategy Development Committee. 1996.
Alberta's Woodland Caribou Conservation Strategy. 58 pp. At Tab 28

44. . In 1997 Alberta produced a forest conservation strategy. It called for:

...significant change in how activities are planned and carried out in forest ecosystems at the legislative, commercial and personal level. The change has to do with giving forest ecosystems first consideration in all that we do to ensure that the forest and forested lands of Alberta will continue to provide a sustainable flow of goods (such as timber, recreation, and tourism opportunities) and services (such as clean air, clean water, fish and wildlife habitat) for many generations to come. P. 1.

AFCS (Alberta Forest Conservation Strategy). 1997. Information Centre, Alberta Environmental Protection, Edmonton, Alberta. 29pp. Available at:
<http://www.borealcentre.ca/reports/afcs.html> At Tab 31

45. The 1996 caribou conservation strategy was not approved by government. The lack of endorsement of senior government officials has been viewed by some as a lack of commitment to caribou conservation efforts. P. 27

Dzus, E. 2001. Status of the Woodland Caribou (*Rangifer tarandus caribou*) in Alberta. Alberta Environment, Fisheries and Wildlife Management Division, and Alberta Conservation Association, Wildlife Status Report No. 30, Edmonton, AB. 47 pp. At Tab 4

46. In 1996 the National Accord for the Protection of Species at Risk in Canada was signed by Alberta. It called for assessing status of ‘threatened’ or ‘endangered’ species and development of recovery plans for endangered within one year, and for threatened within two years. It committed provincial governments to provide protection for the habitat of threatened and endangered species.

Environment Canada. 1996. National Accord for the Protection of Species at Risk.http://www.ec.gc.ca/press/wild_b_e.htm At Tab 32

47. In 1996 woodland caribou were placed on Alberta’s ‘Blue List’ of species that may be at risk of declining to non-viable population levels in the province and are designated ‘threatened’ under the provincial Wildlife Act. Blue listing: Current knowledge suggests that these species may be at risk. These species have undergone non-cyclical declines in population or habitat, or reductions in provincial distribution. Threatened: A species that is likely to become endangered if the factors causing its vulnerability are not reversed.

Alberta Wildlife Management Division. 1996. The status of Alberta wildlife. Alberta Environmental Protection, Natural Resources Service, Wildlife Management Division, Edmonton, AB. 44 pp. At Tab 33

48. In a 1996 produced by the Alberta government to determine the best remaining places for establishing new protected areas in Alberta, the Little Smoky Caribou Range was identified as one of the 13 best candidate protected areas within the

Foothills Natural Region. This recommendation was based on the presence of some important relatively intact areas with a declining caribou herd. Logging was identified as the greatest threat to its long-term viability. P. 58

Alberta Environmental Protection. 1996. Selecting Protected Areas: The Foothills Natural Region of Alberta. Alberta Environmental Protection, Edmonton, AB. 77 pp. At Tab 34

49. In 1996/1997 operating guidelines were developed for industrial activity in caribou ranges in west central Alberta. The following points from the report indicate an understanding of what is necessary to maintain caribou populations, however these points were not accomplished.
- *As part of the effort to protect caribou, management plans are being prepared to facilitate industrial activity on caribou range and insure the integrity and supply of caribou habitat is maintained.*
 - *The following key principles apply to the West Central caribou ranges and provide the framework for the specified operating guidelines:*
 - A. Industrial activity can occur on caribou range provided the integrity and supply of habitat is maintained to permit its use by caribou.*
 - B. These guidelines apply to all West Central caribou ranges, within which herd management plans can be developed.*
 - C. The key principles and resulting guidelines will be reviewed periodically, and may be revised based on operating experience, new research information, and/or efficacy in conserving caribou populations and habitats.*
 - *An adequate current and long term supply of quality caribou habitat within each caribou range will be specifically identified, planned for, and provided.*

West Central Alberta Caribou Standing Committee. 1996. 1996/1997 Operating Guidelines for Industrial Activity in Caribou Ranges in West Central Alberta. At Tab 35

50. Project level management of industrial activities on provincially managed caribou ranges has largely been conducted through use of operating guidelines (West Central Caribou Committee 1996, Boreal Caribou Committee 2001, Alberta Energy 2003). It is noted, however, that the application of operating guidelines has not been consistent across the province. Although they consider many elements, current guidelines focus on minimizing the size, amount, tenure, and extent of individual industrial developments. All guidelines advocate use of temporary access routes where practical, to reduce highway vehicle intrusion onto caribou range. P. 21

Alberta Woodland Caribou Recovery Team. 2004. Alberta Woodland Caribou Recovery Plan 2004/2005- 2013/20014. Alberta Sustainable Resource Development. 48 pp. At Tab 36

51. In 1997 the Little Smoky was identified as an Environmentally Significant Area (ESA) of provincial significance with “*critical caribou habitat*”. (P. 275) While nominated for protection under Alberta’s Special Places program (Karen Stroebel, Pers. Comm.), the area did not receive any protection. Below is some information on the significance of an ESA designation:

- *Various national and international programs and agreements commit Canada to completing a network of protected areas and to conserving biodiversity in the overall landscape. Special Places 2000 is the strategic plan which has been established by the Alberta government to provide direction for the identification and establishment of protected areas in the province.*
- *ESAs have become a useful tool in the implementation of Special Places 2000, a strategic plan for identifying and protecting diverse and representative landscapes in Alberta. ESA inventories serve as a valuable source of information for future protected area selection and designation. ESAs of provincial or greater significance are considered the most likely sites for identifying landscapes suitable for a provincial protected areas program like Special Places 2000. P. i*

Sweetgrass Consultants. 1997. Environmentally Significant Areas of Alberta. Volume 2. For Resource Data Division, Alberta Environmental Protection.
<http://www.cd.gov.ab.ca/preserving/parks/anhic/esa.asp> At Tab 37 (on CD)

52. A 1998 letter from Ty Lund, Minister of Alberta Environmental Protection stated: *The discussions on caribou habitat supply have not been completed. Key to this process will be a consideration of how much high quality caribou habitat must be retained in the decades to come.*

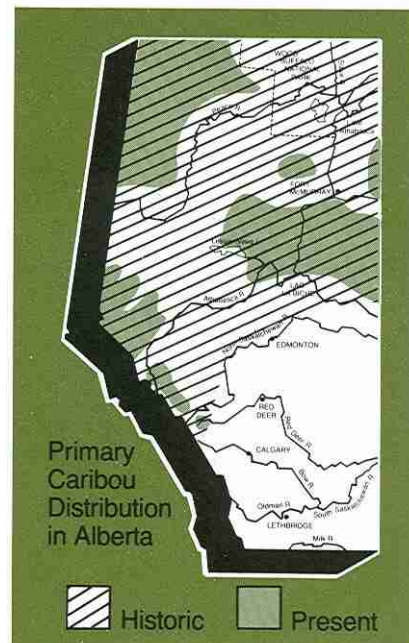
Correspondence from Ty Lund, Minister of Alberta Environmental Protection to a concerned citizen regarding logging in the range of the Narraway herd dated March 30, 1998. At Tab 38

53. The government produced a brochure on Woodland Caribou in 1998. It includes the following points:

- *Woodland caribou and their habitat are threatened in Alberta and the Wildlife Act lists them as an endangered species. These caribou are likely to become extirpated in Alberta if the factors causing their reduction in numbers are not reversed. Caribou distribution and numbers have declined since the turn of this century along the southern edge of their range where human encroachment has been greatest.*
- *An adequate amount of suitable habitat is a key factor in maintaining viable caribou populations. Human use of caribou range can result in loss, fragmentation or alteration of important habitat elements, such as winter ranges, calving areas or migration routes. In Alberta, the main human activities that have and will continue to impact caribou range are timber harvesting, oil and gas exploration and development, coal mining and the*

proliferation of access that comes from all these industries. In the north, peat-land development to harvest peat moss has the potential to impact important caribou habitat.

- *All caribou range in west-central Alberta and most range in northern Alberta has been committed to timber harvesting through Forest Management Agreements or Quota Licences. Timber harvesting (or wildfire) removes large areas of mature and overmature coniferous forest, the preferred habitat of caribou.*
- *Throughout Alberta's woodland caribou range, the main challenge involves the maintenance of sufficient habitat for caribou and other wildlife, while balancing the demand for jobs, products, and revenue that resource extraction industries provide.*
- *It is not enough to simply classify woodland caribou as endangered. Significant changes are required in how we use the land on which caribou rely for their continued existence.*
- *In 1994, Natural Resources Service convened a committee to develop a Provincial Woodland Caribou Conservation Strategy. This committee consisted of stakeholders representing a variety of industries, conservation groups, aboriginal groups, academics and government agencies. They produced a strategy document that identified and assessed the various factors (biological, social and economic) that may affect the health of caribou populations in Alberta. They developed solutions to deal with those factors, recommended specific actions to make the strategy effective, and outlined the consequences (positive and negative) of those actions. The effective partnerships, cooperation, and lines of communication that were developed among the stakeholders will be key to achieving the caribou population and habitat goals that the committee endorsed.*
- *In the 1930s, caribou distribution extended as far south as Nordegg, Edson and Buck Lake in west-central Alberta and through the Swan Hills to the Saskatchewan border in northern Alberta. Their present day distribution has retreated northward in response to human settlement, agriculture and timber harvesting.*
- *This unique member of the deer family is an important component of mature coniferous forest ecosystems and its decline is an early warning that people's activities on the land may be too intrusive.*
- *Strong public support to maintain the diversity of wildlife and habitat in Alberta, even the rarely seen species in remote areas, has been an important*



component in ensuring that caribou are managed wisely and will continue to be in the future.

Alberta Environmental Protection. 1998. Alberta's Threatened Wildlife: Woodland Caribou. http://www3.gov.ab.ca/srd/fw/threatsp/wcar_stat.html 6 pp. At Tab 3

54. In 1998 the West Central Alberta Caribou Standing Committee requested a review of existing information on caribou. This document included the following statements:

- *No evidence exists that any population in west-central Alberta is expanding its range. P. 58.*
- *Caribou in west-central Alberta rely on terrestrial lichens as the major component of their diet. On most ranges, the animals select older-aged forest stands (80 to >120 years), where those lichens (and arboreal lichens that become important when deep or hard snow cover restricts the availability of terrestrial forage) are most abundant. This pattern of habitat use brings the caribou into potential conflict with commercial forestry. Other industrial and recreational development increases access, fragments ranges, changes habitat, and creates disturbance. Continued human activity will increase pressure on caribou ranges throughout the region. Maintaining caribou and caribou habitat will be a complex task. P. 58.*

Brown, K.W. and D.P. Hobson. 1998. Caribou in West-Central Alberta- Information Review and Synthesis. Prepared for the Research Subcommittee of the West-Central Alberta Caribou Standing Committee. 74 pp. plus Appendices. At Tab 39

55. A 2000 paper published in the Canadian Journal of Zoology included these recommendations:

- *An area sufficient to support a viable population at densities characteristic of this species should be maintained.*
- *New approaches to exploiting the timber resource on caribou range need investigating. Alternatives to clear-cutting (i.e., selection cut) should be examined for the purpose of maintaining habitat structure at the landscape scale. In addition, a cumulative-impact assessment of all human activities in this caribou range is required. Until such knowledge is gained, we recommend a conservative approach to other resource development (coal mining, oil and gas development, recreational activities). Given the lack of templates for successfully integrating timber harvest and other human activities with woodland caribou habitat, it is advisable to minimize habitat loss and fragmentation. P. 1439*

Smith, K. G., E. Janet Ficht, David Hobson, Troy C. Sorensen, and David Hervieux. 2000. Winter distribution of woodland caribou in relation to clear-cut logging in west-central Alberta. Canadian Journal of Zoology. V. 78, 8, p. 1433- 1440 At Tab 40

56. In 2001 the Boreal Caribou Committee delivered a plan and industrial guidelines for caribou herds in northern Alberta. The document stated:

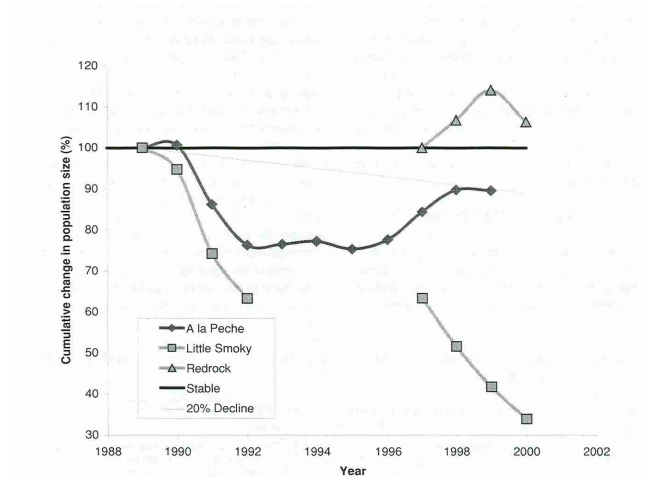
- *Industry and government are working together to ensure the continued existence of boreal caribou in Alberta. Both parties recognize this challenge will require cooperation, technical innovation and careful monitoring and implementation. This plan emphasizes the importance of identifying and maintaining sufficient effective habitat in caribou ranges. Synopsis.*
- *The development of range plans in each boreal caribou range will ensure that caribou conservation efforts address existing conditions and specific industrial potential found in each range. A series of best practices for each industrial sector have been developed as minimum operating standards and will be implemented immediately in caribou ranges. [This has not been done as of 2005.] P. 2*

One of the principles is: *Caribou conservation is an integral part of allowing industrial activity on caribou range. Industrial activity can occur on caribou range provided that caribou conservation is not compromised by those activities. P. 4*

Boreal Caribou Committee. 2001. Strategic Plan and Industrial Guidelines for Boreal Caribou Ranges in Northern Alberta. 33 pp. At Tab 41

57. The 2001 Alberta Wildlife Status report included the following points:

- *Current land use guidelines for industry have proven to be ineffective in terms of providing for long term caribou conservation. P. iv*
- *In west central Alberta, estimated calf survival to five months of age (the end of summer), based on a sample of radio-collared females, has varied between 0 and 60 calves per 100 cows (Alberta Environment, unpubl. data). The **Little Smoky** herd has shown the lowest estimates of recruitment over the last three years with calves comprising only 4%, 5%, and 5% of the late summer population in 1998, 1999, and 2000 respectively. This herd had calves comprising just 1.2% of the winter population in 2000 (Alberta Environment, unpubl. data). Bergerud (1974) suggested caribou populations with less than 10% calves in late winter are likely declining. Variability in juvenile survival plays a critical role in determining population dynamics of ungulates such as Woodland Caribou (Gaillard et al. 1998). P. 7*
- *Current total caribou population estimates are consistently much less than 1000 for all identified ranges in Alberta.*
- *The largest herd is in the Caribou Mountains, about 263 individuals*
- *Minimum count for the Little Smoky herd was 62. P. 13*
- *An analysis of cumulative percent change indicated high levels of population decline in the Little Smoky herd from 1989 to 2000. See graph below.*



- *Fire is the dominant force shaping the boreal forest of Alberta (Rowe and Scotter 1973) and has important implications for caribou populations. In the short term, fire is detrimental to caribou habitat, however, in the long term fire may be required to alter landscape vegetation characteristics, allowing lichen biomass to be maintained or increased (Scotter 1970, Schaefer and Pruitt Jr. 1991, Thomas 1998).*
- *Conversely, forestry activity on caribou winter range in west-central Alberta is thought to have negatively affected mountain caribou populations (Bjorge 1984, Edmonds and Bloomfield 1984, Edmonds 1988). Through analysis of long-term data sets in west-central Alberta, Smith et al. (2000) documented reductions in herd distribution, daily movement rates and individual winter range sizes as timber harvesting progressed; the avoidance of habitats fragmented by logging caused caribou to concentrate in unlogged portions of their winter range. Ecological compression of caribou runs counter to their adaptive strategy of remaining at low density within large range areas and could result in increased predation.*
- *In the absence of specific long-term habitat supply plans which include annual allowable cut accommodations, logging in west-central Alberta will not allow for a suitable amount and spatial distribution of appropriate forest age classes on the landscape to permit long-term caribou conservation (D. Hervieux, pers. comm.).*
- *As outlined in current industry timber planning submissions to Alberta Environment, large volumes of timber covering large areas will be harvested from west central caribou ranges in the coming years and decades. There is also concern that commercial logging may not be equivalent to wildfire in creating optimal conditions for the renewal of lichen growth (D. Hervieux, pers. comm.). P. 22*
- *The challenge for caribou conservation is to maintain sufficient quantities of suitable habitat through time within each caribou range, and not unduly*

increase predation pressure, in order to avoid local extirpation of caribou populations.

- *In areas of west central Alberta, where caribou and forestry companies are in direct competition for the same land base, it is essential that long term habitat supply issues area addressed. Similarly in both northern and west central ranges, the issue of habitat degradation resulting from linear corridors needs to be addressed within a habitat supply framework. P. 29-30*
- *Benchmark areas should be given serious consideration within the suite of land management alternatives*
- *Some of the biggest deterrents to effective conservation lie in the realm of government policy and industry business practices.*
- *The current distribution, intensity, amount and type of human activity on and near caribou range, is compromising the ‘integrity’ of caribou habitat.*
- *In the Little Smoky range 48% of the total range area was covered by intensive and overlapping industrial work (mostly ‘3-D’ seismic) in the winter of 1999-2000 (Alberta Environment unpub. Data). In the early winter of 2000-2001, 54% of the Little Smoky range area had similar proposals for industrial work; current discussion between Alberta Environment and proponents are attempting to reduce this figure.*
- *The collaborative approach to conservation of Woodland Caribou has the potential to be successful in terms of maintaining caribou in perpetuity. However, there must be 1) effective techniques for managing factors influencing caribou and their habitat, and 2) the will (political, societal, business) to ensure such success. P. 30*

Dzus, Elston. 2001. Status of the Woodland Caribou (*Rangifer tarandus caribou*) in Alberta. Alberta Wildlife Status Report No. 30. Alberta Environment. 49 pp. At Tab 4

58. The Alberta woodland caribou recovery planning process was initiated in September 2001 in response to the reaffirmation of the legal designation of woodland caribou as *Threatened* in Alberta under the provincial *Wildlife Act*. This status was recommended by the Alberta Endangered Species Conservation Committee (Fish and Wildlife Division 2004, also see Dzus 2001) and was based on the following factors: P. 1

- *Continuing population and distribution declines.*
- *Small current woodland caribou population size.*
- *Dependency of woodland caribou on older forest.*
- *Sensitivity of woodland caribou to human activities.*

The Scientific Subcommittee of the Alberta Endangered Species Conservation Committee noted that woodland caribou in Alberta might be near to qualifying for *Endangered* status. Footnote P. 1

Alberta Woodland Caribou Recovery Team. 2004. Alberta Woodland Caribou Recovery Plan 2004/2005- 2013/20014. Alberta Sustainable Resource Development. 41 pp. At Tab 36 (on CD)

59. In June 2001 the Alberta Endangered Species Conservation Committee recommendations to the Minister of Sustainable Resource Development included the following:

- *Within the next 24 months, Alberta Sustainable Resource Development should prepare a Provincial Recovery Plan to set goals, objectives, strategies and management actions needed to guide recovery for this species over the next 5 years.*
- *Pending the development and implementation of an Alberta Recovery Plan, policy and management necessary to maintain all current populations should be implemented. In particular, programs should be implemented to address declines in the Caribou Mountains, Red Earth, Little Smoky, and East of the Athabasca herds, and better information should be gathered on the Slave Lake and Chinchaga herds. The continued decline of Alberta populations indicates that current management guidelines and actions are inadequate to ensure Caribou survival. On Crown land, and for government regulated activities (e.g. environmental impact assessments, forest management, linear disturbances), government land use management systems should be examined, and adjusted as required to ensure that the needs of this species are addressed in land use decisions and approvals. Interested stakeholders (e.g. forestry and oil and gas industries) should be invited to assist in the design and implementation of effective interim management programs. Potentially conflicting government policy and programs need to be addressed and harmonised.*

Alberta Endangered Species Conservation Committee. 2001. Woodland Caribou Initial Conservation Action Statement. July 31. 3 pp. At Tab 43

60. A 2001 letter from Mike Cardinal Minister of Alberta Sustainable Resource Development concluded with the following:

Habitat is the essential requirement for maintenance of caribou. Therefore I place the highest priority on maintaining and restoring habitat. My department will begin immediately to define the required habitat supply to achieve the conservation of caribou in order to assure the capability for successful caribou recovery. My direction is for industrial activity approved prior to or following recovery plan implementation to be consistent with the recovery of caribou to a state where the populations of the species are not at risk. This direction is consistent with Alberta's commitments and obligations to national species at risk conservation programs.

Letter from Mike Cardinal Minister of Alberta Sustainable Resource Development to a citizen concerned about logging and the effect of industrial development on Alberta's threatened woodland caribou. Dated Oct. 3, 2001. At Tab 44

61. The updated COSEWIC status report on the woodland caribou includes the following information about Alberta caribou and the status of the Little Smoky herd as biologically distinct:
- *Only about 39% of the generalized maximum historical range in Alberta (Edmonds 1991) is occupied (Fig. 3 in Dzus 2001). Caribou in four of the eight NEAs [National Ecological Areas] are distinct COSEWIC populations: Northern Mountain, Southern Mountain, Boreal, and Atlantic. P. 25.*
 - *According to COSEWIC (2001) guidelines, as amended from 1994 guidelines, any group below the species level can be considered for designation when it meets the following criteria:*
 1. *When a population is considered to be genetically distinct based on genetic analysis, taxonomic techniques, or other compelling evidence. P. 24*
 - *The definition for species-at-risk includes "species, subspecies, or biologically distinct population." (COSEWIC 2000a, 2000c). P. 17*
 - *The term biologically distinct population is also arbitrary but provides some flexibility. We do not have sufficient information on the genetic status of many populations to ascertain if they are genetically distinct, however that is defined. On the other hand, all small local populations, which have been isolated for more than 100 years, are likely to be genetically distinct, based on analysis of microsatellite DNA (C. Strobeck pers. comm. 2000). P. 17*
 - *In this report, the definition of population recommended in the 1994 Revised COSEWIC Population Guidelines is used, i.e., "A population is considered to be a group of individuals of a single biological species occupying a defined*
 - *." The 2000 (COSEWIC 2000c) definition is "a geographically or otherwise distinct group (a portion of a total population) of interbreeding individuals which has little interchange of individuals with other such groups)." P. 17*
 - *A local population (geographic population) is the basic unit of conservation. P. 18*
 - *...forest-dwelling ecotypes of subspecies caribou can be grouped as follows (relative to Kelsall's 1984 divisions): P. 24*
 1. *Northern Mountain population (formerly part of the western population)*
 2. *Southern Mountain population (formerly part of the western population)*
 3. *Boreal population (part of former western population plus boreal and southern taiga populations in Ontario, Quebec, and Labrador).*
 4. *Newfoundland (Island) population (formerly part of eastern boreal).*
 5. *Atlantic (Gaspésie) population (formerly Gaspé population)*
 - *Five local populations in the Rocky Mountains and foothills of Alberta are included in the SMP though they rely primarily on terrestrial lichens in winter (Edmonds and Bloomfield 1984, Thomas et al. 1996). They are equivalent in feeding behaviour to the "northern" ecotype in B.C. (Edmonds 1991). The three migratory local populations that summer in the Willmore Wilderness Park, northern Jasper National Park, and adjacent B.C. (Edmonds 1988, Brown and Hobson 1998) could be considered a metapopulation with populations that breed and winter in three separate areas in the foothills. They are considered to be distinct local populations with overlapping summer*

range, namely the Narraway (Belcourt in B.C.), Redrock/Prairie Creek, and A la Pêche (Brown and Hobson 1998, Dzus 2001). **One small population, Little Smoky, borders the SMP. It may be a relic from the southern clade and is considered a forest (boreal) population (Edmonds 1988).** [Bold added.]

Local people detected a difference between two types of caribou that wintered near the Little Smoky River (Edmonds and Bloomfield 1984). P.27

- In summary, there are 30 local populations in the SMP, excluding the sedentary Little Smoky population. P. 27
- With the exception of the isolated and precarious Little Smoky local population in the south, the boreal ecotype of woodland caribou occurs north of 55° N in Alberta, (Edmonds 1998, Dzus 2001). P. 27

Thomas, D.C., and D.R. Gray. 2002. Update COSEWIC status report on the woodland caribou *Rangifer tarandus caribou* in Canada, in COSEWIC assessment and update status report on the Woodland Caribou *Rangifer tarandus caribou* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. 1-98 pp. At Tab 45 (on CD)

62. In 2002 a report on caribou range recovery stated the following:

Recovery of linear disturbance in caribou range is often quite slow and so the impacts will be felt for a long time. Research is just beginning to try to speed recovery and the first pilot project was in part undertaken in the Little Smoky range.

Up to 85% of some caribou ranges are within 250 m. of a linear disturbances and natural recovery of these disturbances is often very slow. The caribou range recovery project is to attempt to speed up the recovery of linear disturbance. The Little Smoky was one of three ranges with significant development chosen for restoration. P. vi

The recovery of existing linear development is central to mitigating the existing human-use footprint, and to recovering declining caribou populations in the province. Although steps are being taken to reduce the future human footprint on the landscape, the existing footprint is very extensive and is recovering slowly in many areas. Since there are many caribou ranges faced with this issue, and there are many linear disturbances within each range, this restoration project is expected to span many years. P.7

Skorupa, T. 2002. Caribou Range Recovery in Alberta: 2001-02 Pilot Year. Alberta Sustainable Resource Development, Fish and Wildlife Division, Alberta Species at Risk Report No. 48. Edmonton AB. 8 pp. At Tab 46

63. In 2002 Alberta Newsprint Company's Detailed Forest Management Plan was approved by government. The following excerpt indicates that the government considers the company's right to log takes priority over Little Smoky caribou conservation:

A fifth question was whether or not ANC should postpone harvesting areas within the

caribou zone. It was suggested that this requirement was necessary if ANC was committing to follow the 1996/97 Operating Guidelines for Industrial Activity in Caribou Ranges in West Central Alberta. However, the review also raised the point that the first principle of the guidelines was:

"Industrial activity can occur on caribou range provided the integrity and supply of habitat is maintained to permit its use by caribou ."

*In addition, ANC undertook an analysis of the impact of harvesting on caribou habitat, based on SRD's "best knowledge" definition of caribou habitat. The analysis showed that SRD requirements for species, age, and area could be met over the next 50-year period. **SRD also determined that a requirement to defer harvest for a 10-20 year period in large portions of the ANC FMA that comprise the caribou zone, would be inconsistent with the rights granted ANC in the FMA.** [Bold added] P. 6.*

Detailed Forest Management Plan Approval Decision. March 22, 2002. ANC Timber Ltd. Alberta Sustainable Resource Development. Edmonton, Alberta. At Tab 5

64. May 2002 the Committee on the Status of Endangered Wildlife in Canada (COSEWIC 2002, 2003) listed the southern mountain and boreal populations of woodland caribou as *Threatened* nationally within Canada. The federal designation covers all the woodland caribou found in Alberta: both southern mountain and boreal woodland caribou occur within the province. P. vii

Alberta Woodland Caribou Recovery Team. 2004. Alberta Woodland Caribou Recovery Plan 2004/2005- 2013/20014. Alberta Sustainable Resource Development. 48 pp. Tab 36 (on CD)

65. In June 2002 Alberta's Endangered Species Conservation Committee issued a progress report on species at risk activities. This report stated:
By signing the federal/provincial/territorial Accord for the Protection of Species at Risk in 1996 Alberta committed to the prompt development of recovery plans—within one year (from the time the species is officially designated) for endangered species; within two years for threatened species. P. 15

Fish and Wildlife Division 2004. Report of Alberta's Endangered Species Conservation Committee: June 2002. Alberta Sustainable Resource Development, Fish and Wildlife Division, Edmonton, AB. 40 pp. At Tab 47

66. The following 2002 newspaper article indicates that Alberta government commitments and guidelines with respect to caribou are questionable.

A Growing Furor in the Forest Public outcry prompts audit of approvals for industrial access in caribou zone.

Public concern about industrial development in critical caribou habitat has prompted an audit of all access approvals since 1996.

A dramatic increase in industrial development in key caribou habitat sparked

concern from local trappers who say this activity is being approved contrary to guidelines established by the regional caribou committee.

A number of letters from Grande Cache trappers have been sent to Alberta Sustainable Resource Development over the last year complaining that industrial activity detrimental to caribou being approved by the Lands & Forest Service.

Taking heed of the complaints, minister Mike Cardinal promised a review of access approvals issued in the west-central caribou ranges since 1996 including approvals issued last winter.

"With respect to your concern regarding high grade road development, I will have departmental staff review access approvals issued since the 1996 establishment of land use guidelines for deviations from the frozen ground temporary access standard," Cardinal states in a letter to trapper Darcy Handy.

The trappers claim both forest industry and oil & gas companies have gained approval for development from the Lands & Forest Service (LFS) that blatantly contradicts guidelines established by the West Central Alberta Caribou Standing Committee.

"Permanent all-weather roads are being built through the heart of the caribou range and oil & gas activity is being allowed to continue past January 15, after the deadline, set by Alberta Fish & Wildlife biologists," says Mr. Handy, a trapper whose line sits in middle of the winter caribou range south of Grande Cache.

In a letter responding to the trapper's concerns, Cardinal agrees that one of the critical issues with caribou conservation is road access.

"Land use guidelines place the highest priority on developing only temporary access by - use of frozen ground, narrow routes without road beds, grading or gravelling," Cardinal says in an October, 2001; letter.

The minister does say that, under extraordinary circumstances there will be exceptions made to this policy. "However, the expectation is that access other than frozen ground will be the rare exception and will require substantial justification."

Cardinal also agrees that "habitat is the essential requirement for maintenance of caribou."

The minister says his department "will begin immediately to define the required habitat supply to achieve the conservation of caribou in order to assure the capability for successful caribou recovery."

Mr. Handy says that, since receiving the letter from Cardinal, industrial activity contravening these guidelines continues to increase.

Weyerhaeuser is proceeding with plans to develop long-term log haul roads through the A la Pêche area and stretching behind Mount Louie, he explains. It has also created a new gravelled haul road from Highway 40 near Berleigh Creek.

"There are numerous roads built recently to facilitate drilling rig sites in remote areas and numerous seismic programs ongoing throughout," Mr. Handy says.

"The majority of these result in high grade permanent roads even though I was under the impression that only temporary winter access roads were allowed in the caribou range."

"The majority of these result in high grade permanent roads even though I was under the impression that only temporary winter access roads were allowed in the caribou range."

The trappers find it hard to fault the companies, however. They place the blame for these developments on the government department granting them approvals.

"The problem is that the companies have learned that if they don't get the answer they want from the local (LFS) office they just go over their heads," says trapper Syd Tilbury.

Mr. Handy remains skeptical. Cardinal says that the full results of the audit won't be revealed because they "contain confidential business information." To Mr. Handy, this means any discrepancies by the LFS could be swept under the rug.

"Once one section of industry is able to get the rules changed for its benefit, the other sections quickly learn as well," Mr. Handy says. "this opens the flood gates and makes the guidelines a joke... the guidelines must be followed or the caribou will be doomed."

Veitch, Arthur. July 16, 2002 article in the Grande Cache Mountaineer. At Tab 48

67. A 2003 report on management scenarios in the North East slopes of Alberta [including the Little Smoky range] provided the following:

Caribou are a species of concern in the region due to their decreasing numbers and shrinking geographic range, their habitat preference for older coniferous forest, and avoidance of linear developments and recent cutblocks. Simulation results suggested that mitigating further declines in the area of effective habitat would be possible by more rapid reclamation of roads, accelerated seismic line reclamation, and increasing cutblock size. These practices would slow the projected decline in caribou habitat supply without any reductions in production

levels from forestry or oil and gas. Applying these practices while also reducing forest harvest and/or suppressing fire would probably increase caribou habitat effectiveness. It is important to note that at current habitat levels, caribou populations are stable or declining, and additional measures may need consideration, including predator management and public access control. P. 28

Farr, R.F. and J. B. Stelfox. 2003. Natural Resource Management Scenarios in the North East Slopes of Alberta, Summary Report. Biota Research and Forum Technologies. 29 pp. At Tab 49

68. A January 2003 newspaper article indicates there are still concerns over the management of caribou range in west central Alberta:

Cardinal says caribou plan will be ready in September

The province should have a caribou recovery program in place by September, says Mike Cardinal, minister of Sustainable Resource . Development.

Cardinal is continuing to respond to concerns from local trappers, saying that his department will address issues surrounding industrial encroachment into caribou habitat.

In a Jan. 9 letter to trapper Darcy Handy, Cardinal promises that until the plan is completed his department will follow "guidelines to ensure a balanced approach is used for land management and caribou protection."

This doesn't satisfy the local trapper, however. The minister's response is a "joke."

Mr. Handy continues to press Cardinal for answers about the ongoing creation of permanent, high grade roads in prime caribou range.

In a previous letter to Handy, Cardinal had agreed that "'land use guidelines place the highest priority of! developing only temporary access by use of frozen ground, narrow routes without road beds, grading or graveling."

The trapper wrote to Cardinal, two months ago, stating these guidelines were not being followed and that permanent high grade roads were "wide spread throughout the entire caribou zone."

Mr. Handy continues to press the government to reveal the results of the current review of all land dispositions in the caribou range over the last five years.

Cardinal had told the trapper some of the findings of the review would not be made public for reasons of business confidentiality.

Mr. Handy responds by saying he isn't in the details of commercial activity. Rather he wants to know if indeed the provincial officials were blatantly

disregarding the guidelines and, if so, how often.

"It is my perception that in the Grande Cache area these land use guidelines are rarely, if ever, followed for the protection of the threatened woodland caribou," he tells Cardinal.

Veitch, Arthur. Jan 21, 2003. Grande Cache Mountaineer. At Tab 50

69. In 2003 the draft Northern East Slopes Sustainable Resource and Environmental Management Strategy was released. The process to develop this strategy started in 2000 and with respect to caribou these were the identified issues and some of the recommendations (From Appendix D: Detailed Recommendations. P.133)

8.7 Caribou

ISSUES

- *Populations of caribou are declining regionally as well as provincially. In Alberta, Woodland caribou are designated as threatened (The General Status of Alberta Wild Species 2000, AENV/SRD). COSEWIC (the Committee on the Status of Endangered Wildlife in Canada) also designates the Woodland caribou as threatened in Alberta.*
- *Woodland caribou require large, well-connected stands of old forest. Current and projected levels of industrial activity are heavily impacting these landscapes.*
- *One of three herds (Little Smoky) is currently in decline. A second herd (A La Peche) has failed to return to their forested winter range for the last six years.*
- *The Operating Guidelines for Industrial Activity in West Central Alberta are suitable for mitigating the effects of individual industrial activities on Woodland caribou, but they do not adequately address cumulative effects of all industries at a landscape level.*
- *Landscape management changes necessary for Woodland caribou conservation may result in a reduction of industrial opportunity either in terms of location, timing or both.*

STRATEGIC DIRECTION

Manage all caribou herds on a herd-by-herd basis through the maintenance of sufficient, effective habitat to maintain herd populations at approximately current levels.

ACTIONS

8.7.1

Prepare Sustainable Landscape Plans (SLPs) for key caribou ranges located outside protected areas. These plans will address cumulative effects and manage

all development activities in order to aid the continued viability of each caribou herd. Industrial activity will occur within the caribou management areas. The plans should:

- *Set acceptable targets for the amount, type and location of industrial activity (cumulative effects) in order to provide a sufficient amount of effective caribou habitat;*
- *Require an Integrated Landscape Management (ILM) plan as an interim measure for the 2004 winter drilling season, involving government and all industrial users;*
- *Coordinate harvest plans of all FMA holders;*
- *Consider conditions on pace of development, footprint and integrated planning requirements.*
- *Consider adoption of aggregated disturbance patterns that maximize large patch retention and minimize infrastructure development to ensure caribou habitat objectives are met. Where appropriate, consider permitting outlier development of energy outside of main disturbance areas;*
- *Maintain seasonal migration routes;*

The Northern East Slopes Sustainable Resource and Environmental Management Strategy March 5, 2003 . DRAFT At Tab 51

70. At the direction of the Minister of Sustainable Resource Development, the Alberta Woodland Caribou Recovery Team was officially formed during the fall of 2002. The recovery team's report was written in 2004 and approved by government in June 2005. This report included the following:

- *Alberta's commitment to the Accord for the Protection of Species at Risk and to the National Framework for the Conservation of Species at Risk, combined with requirements established under Alberta's Wildlife Act and the federal Species at Risk Act, has resulted in the development of a provincial recovery program. The overall goal of the recovery program is to restore species identified as Threatened or Endangered to viable, naturally self-sustaining populations within Alberta.*
- *The recovery plan goals are linked to the rationale for listing the species in Alberta, and focus on: 1) achieving self-sustaining woodland caribou herds; 2) maintaining the distribution of caribou in Alberta; and 3) ensuring habitat requirements are met for woodland caribou over the long-term throughout caribou ranges in the province.*
- *All caribou herds have been categorized by current (2003) population status to establish urgency and determine appropriate recovery actions. Caribou range plans will be developed by Range Teams, which will be directed and guided by the Alberta Woodland Caribou Recovery Plan.*
- *The historic distribution of woodland caribou has, however, been substantially reduced during the past century, both in northern Alberta and along the eastern slopes of the Rocky Mountains. Declining woodland caribou distribution has*

continued in recent years, to the point where caribou are no longer present in many areas where they were formerly found. P. 1

- Population trend data demonstrate that most of the monitored woodland caribou herds in Alberta are currently declining (Table 2), with some herds declining at very high rates. P. 3

Herd	Status
North Banff	Immediate Risk of Extirpation
Slave Lake	Immediate Risk of Extirpation ¹⁰
Little Smoky	Immediate Risk of Extirpation
South Jasper	In Decline
Caribou Mountains	In Decline
Red Earth	In Decline
Cold Lake	In Decline
East Side Athabasca River (ESAR)	In Decline
Chinchaga	In Decline
Steen River/Yates	Unknown
Bistcho	Unknown
Hotchkiss	Unknown
Deadwood	Unknown
Richardson	Unknown
Narraway	Unknown
Red Rock/Prairie Creek	Stable ¹¹
West Side Athabasca River (WSAR)	Stable
A La Peche	Stable ¹²

Table 2. Population Status of Woodland Caribou Herds in Alberta.

¹⁰ Based on known reduction in herd distribution, total count aerial surveys results, known and suspected human caused mortality, heavy industrialization of the range, and recent habitat loss to forest fires (Alberta Fish and Wildlife Division unpubl. data).

¹¹ Reconnaissance survey and other information (Alberta Fish and Wildlife Division unpubl. data) suggests the Redrock/Prairie Creek caribou herd suffered a substantial population decline in the 1970.s and 1980.s, coinciding with early roadway development in the range. Also, although they still migrate to forested foothills, over the last decade this herd has essentially abandoned much of the Prairie Creek portion of the winter range and the north and northeast portions of the Redrock area (Alberta Fish and Wildlife Division and West Central Caribou Committee unpubl. data.)

¹² Over the last decade the majority of the A La Peche caribou herd has largely abandoned most of the traditional forested winter range (east of Highway 40) and now largely winters in alpine and sub alpine areas (Alberta Fish and Wildlife Division and West Central Caribou Committee unpubl. data).

Of 18 herds identified in Alberta 3 are considered at Immediate Risk of Extirpation, 6 In Decline, 6 Unknown and 3 Stable, although 2 of the stable herds have had recent severe population drops and have abandoned much of the winter range. P.6

- The Little Smoky herd is considered ‘*At immediate risk of extirpation*’.
- *There is good potential for recovery of woodland caribou in Alberta since:*
 1. *Caribou herds continue to exist within range areas that are geographically dispersed across parts of the historic distribution of woodland caribou within the province;*
 2. *Many limiting factors are related, either directly or indirectly, to human activities and developments, which means that there are opportunities to manage and reduce the effects of these human-caused limiting factors;*
 3. *A considerable body of research has lead to sound knowledge of the factors affecting caribou and of management options available to improve the status of the species; and*
 4. *The two government/industry multi-stakeholder caribou committees (i.e., Boreal Caribou Committee and West Central Alberta Caribou Standing Committee), together with others, have completed background work that will help to achieve caribou recovery. P. 8*
- *The ecological feasibility of recovery will differ among caribou ranges across Alberta. Ranges that are affected by high levels of human activity will require more intensive management. Similarly, **urgent, intensive, and effective management of limiting factors will be required in order to avoid extirpation of those caribou herds that are in steep population decline, or are believed to have a small population size.** [Bold added.]*
- *Woodland caribou have become a focal species for those promoting boreal forest conservation in Alberta and across the country, and the species has played a role in the culture of many First Nations in Canada. Many interest groups have indicated the high value they place on woodland caribou Albertans and special through their correspondence with the provincial government. For many sectors of the public, woodland caribou and its habitat possess a very high social value.*
- *Conversely, a high economic value has been placed on natural resources that occur on caribou ranges. Natural resource extraction activities, in particular oil and gas exploration and production, and timber harvesting, are common across most of the woodland caribou’s range in Alberta. These industries represent one of the most valuable economic sectors in the province. This recovery plan recognizes that caribou recovery will only be achieved through the commitment of all stakeholders, and that there will likely be some economic costs to maintaining*

woodland caribou across the boreal landscape. Decisions on any trade-offs between possible economic costs and woodland caribou management options will ultimately rest with government. P. 9

- *The Alberta Woodland Caribou Recovery Team envisions that, within 10 years, a majority of woodland caribou herds in Alberta will exhibit positive population trends and exist in well-distributed populations across Alberta's caribou ranges, setting the stage for the species recovery and removal from the list of provincially threatened species. P. 10*
- *The following goals direct the strategies and actions listed later in this recovery plan:*
 - 1. Achieve self-sustaining woodland caribou herds and maintain the distribution of caribou in Alberta.***
 - 2. Ensure the long-term habitat requirements for woodland caribou are met within Alberta's caribou ranges. P. 11***

*Caribou Herds in **Immediate Risk of Extirpation** (such as the Little Smoky) require immediate and significant actions in order to avoid herd loss, and allow continued occupation of the caribou range.*

- *Industrial and other human activities on the caribou range must be addressed. An assessment of current and potential habitat constraints and concerns (habitat supply evaluation) must be immediately completed, and recommended corrective actions initiated. The habitat supply evaluation must consider habitat constraints and concerns resulting from both human and natural causes.*
- *A moratorium on further mineral and timber resource allocation (sales) should be put in place until a range plan is completed, evaluated, and implemented. It is anticipated that this process will take a maximum of one year from the date of range team formation.*
- *To avoid herd extirpation, predator management and possibly management of other prey species will be required to improve caribou herd trend and affect a caribou population increase.*
- *Measures must be taken to eliminate any hunting and poaching of caribou.*
- *Herds must be monitored annually to ensure that herd trends and distribution are known with high confidence.*
- *The exact nature of specific recovery actions, such as those concerning detailed caribou habitat supply evaluations, can only be assessed and determined at the range level. Caribou Range Teams should therefore prepare Caribou Range Plans, through an open and honest process.*
- *It should be noted that some members of the Alberta Woodland Caribou Recovery Team voiced strong concerns that range teams and range planning could result in undue delays in the delivery of necessary recovery actions for woodland caribou. The Alberta Woodland Caribou Recovery Team expects that range plan review, approval and implementation would proceed in a timely manner. Range plans must be completed and recovery actions must be implemented promptly if caribou recovery*

is to be achieved in Alberta. Delivery of some recovery actions (e.g., caribou herd monitoring) will occur concurrently with range plan development.

Alberta Woodland Caribou Recovery Team. 2004. Alberta Woodland Caribou Recovery Plan 2004/2005- 2013/20014. Alberta Sustainable Resource Development. 48 pp. At Tab 36 (on CD)

71. A qualitative assessment of the Little Smoky range indicated: *Exceedingly high levels of geophysical exploration lines. Moderate roadway development, several new major corridor routes. Some areas of intensive oil/gas well site development, low to moderate levels of oil/gas well site development throughout the remainder of the range. High to very high levels of timber harvest around the periphery of the range (both within and outside of the range), harvest within the central portions of the range increasing.* P.38

Ibid.

72. A 2004 thesis focusing on west-central Alberta caribou herds reported:

- *The Little Smoky herd is projected to decline significantly throughout the 20-year projection.* P. 21
- *Management recommendations include establishing thresholds of maximum industrial activity in woodland caribou ranges, concentrating industrial activity in localized areas, providing contiguous blocks of older coniferous forests over time and managing alternate prey populations to minimize predation effects on woodland caribou populations.* Abstract

Smith, K. 2004. Woodland Caribou Demography and Persistence Relative to Landscape Change in West-central Alberta. MSc. Thesis. Environmental Biology and Ecology, Department of Biological Sciences, University of Alberta, Edmonton, AB. www.fmf.ca/WC/WC_report4.pdf At Tab 7 (on CD)

73. March 18, 2004 the Opposition Liberal Party (Debbie Carlson) raised the issue of caribou recovery in Alberta and asked some questions of the Honourable Mike Cardinal, Minister of Sustainable Resource Development (SRD):

Ms. Carlson: *Thank you, Mr. Speaker. Woodland caribou populations have been threatened in Alberta since 1985, and there is still not adequate protection in the province. The government's own scientists state that if industrial activities continue, Alberta's woodland caribou population will be threatened with extinction. While the Ministry of SRD initiated a woodland caribou recovery team, that is scheduled to deliver a recovery plan this year, industrial activity in caribou habitat continues unabated. To the Minister of Sustainable Resource Development: does this ministry not see the contradiction in working towards the recovery of a species while it allows a core part of the woodland caribou's range to be significantly altered by forestry activities?*

Mr. Cardinal: *Mr. Speaker, that's a very good question. Of course, like I always say, what the Liberals would do if they were the government is they'd close*

everything down, but we don't. In this area we have more responsibility than that. We have to ensure that the economic development that happens in Alberta continues, because that's what makes Alberta strong. We have one of the best forest industries in North America, with thousands of people involved in that industry and the other industries, the oil and gas industry and the agriculture industry. We have a strong economy in Alberta. We have strong environment policies in place and wildlife management also. So we do maintain a balance, and you can be assured that this ministry will not neglect the responsibility of ensuring that the animals are protected while we develop and harvest the resources we need to develop.

Ms. Carlson: *Mr. Speaker, will the minister then call a stop to new industrial development in caribou habitat until caribou populations have been restored to historic levels?*

Mr. Cardinal: *Mr. Speaker, only the Liberals would stop everything in a situation like this. We don't do that. That's why we are the government. That is why we have a strong economy, a good environment, and good wildlife management, and we'll continue doing that.*

Ms. Carlson: *Mr. Speaker, well, then, will the minister at least conduct an assessment on how much industrial development can continue while still maintaining a healthy caribou population?*

Mr. Cardinal: *Of course, Mr. Speaker, it's always a challenge to keep the balance, and you can be assured that we can do that. I am a resident of northern Alberta. I have been out there all my life, and that's a long time, and I know for a fact that we have a good balance at this time. I invite the member - and the member has probably never been in northern Alberta - to experience first-hand what is out there. I challenge her to come out there.*

Hansard, March 18, 2004. At Tab 52

74. In April 2004 a trapper from Grande Cache wrote to the Minister of Sustainable Resource Development, and made the following points regarding the Little Smoky and A La Peche herds:

- *The caribou are being restricted to core intact areas by industrial use. This area is all that is left for them and it must be maintained if these herds are to survive.*
- *Weyerhaeuser deferred logging and other companies need to do so as well.*
- *Alberta Newsprint Company and Weldwood are planning to log in critical caribou habitat this year.*

- *Guidelines for industrial use in caribou range are not being applied consistently to the detriment of caribou.*

Letter from Albert Steinwand to Mike Cardinal Minister of Sustainable Resource Development dated April 10, 2004. At Tab 53

75. A recent simulation of caribou conservation and management in Alberta estimated that caribou will be extirpated from Alberta within 37 years under business as usual conditions. P. 84

Weclaw, P. and R.J. Hudson. 2004. Simulation of Caribou Conservation and Management in Alberta. *Ecological Modelling*. 177, 75-94. www.sciencedirect.com
At Tab 6

76. A 2004 study of population demographics suggest that the persistence of the Little Smoky herd is seriously at risk. (Abstract) It is projected to decline significantly throughout the 20-year projection. (page 21) Management recommendations include establishing thresholds of maximum industrial activity in woodland caribou ranges, concentrating industrial activity in localized areas, providing contiguous blocks of older coniferous forests over time and managing alternate prey populations to minimize predation effects on woodland caribou populations. (Abstract)

Smith, K.G. 2004. Woodland Caribou Demography and Persistence Relative to Landscape Change in West-central Alberta. MSc. Thesis. Environmental Biology and Ecology Department of Biological Sciences. University of Alberta, Edmonton, Alberta.
At Tab 7

77. October 18, 2004 an assessment of the caribou habitat in the Little Smoky and adjacent A La Peche regions was published. The report was produced by the logging companies active in the ranges, and the Alberta Government. It made the following points:

- **The combined range or each individual range “...does not currently provide habitat conditions sufficient to maintain stable caribou population growth, as determined by the BCC formula.”** [Bold Added.] P. 31
- The project did not include an analysis of existing seismic lines and future activities of the petroleum industry, even though the report states: “...*the distribution and impact of all these landscape disturbances [including seismic lines] must be factored into any habitat quality analysis.*” P. 6
- A forecast predicted increased high quality habitat over time but that analysis did not include activities of the petroleum industry. This was identified as a limitation of the prediction: “... *the analysis incorporated currently planned (2003) future timber harvesting areas but did not include a projection of other*

activities, including future landuse developments from the oil and gas sector.”
P. 30

ANC Timber, Canfor, Weldwood, Weyerhaeuser, Alberta Fish and Wildlife. 2004. Caribou Habitat Assessment in the Little Smoky/A La Peche Region, West Central Alberta. 43 pp. At Tab 9 (On CD)

78. In August 2004 the Canadian Parks and Wilderness Society- Edmonton Chapter objected to the proposed Suncor pipeline, which would pass through the remaining relatively intact range of the Little Smoky and A La Peche herds. The objection was based on the fact that the Little Smoky herd is considered at immediate risk of extirpation, other routes were available, and that the project would have negative effects on the herd.

Letter of objection to the Alberta Energy and Utilities Board from the Canadian Parks and Wilderness Society- Edmonton Chapter, August 13, 2004. At Tab 54

79. In September 2004 the Alberta Energy and Utilities Board responded thus:

In considering your objection, the Board has determined that the Canadian Parks and Wilderness Society (CPAWS) has not demonstrated that it has a legally recognized interest with respect to the land on or immediately adjacent to Suncor's proposed project. In addition, CPAWS has not demonstrated that it or any of its individual members may be directly and adversely affected by the Board's decision on the application. Having regard for the above, the Board has dismissed your objection and will issue the licences and license amendments to Suncor in due course. (hey, you should have called us about this...)

Letter from the Alberta Energy and Utilities Board to the Canadian Parks and Wilderness Society. September 7, 2004. At Tab 55

80. A 2004 report for Suncor regarding the Little Smoky and adjacent A La Peche herds stated:

- *Recent research and data analyses indicate that the Little Smoky caribou herd is in precipitous decline, and it is currently considered to be one of the populations in greatest jeopardy in Alberta. At present levels of industrial development, the population is expected to continue to decline steeply, and is considered at immediate risk of extirpation (local extinction).*

Population characteristics that make the Little Smoky herd vulnerable include:

- *small size (<80 animals);*
- *high adult mortality;*
- *low calf survival (half that of other populations in the west-central region); and*
- *highly erratic calf survival from year-to-year.*

- *Small populations are more likely to be lost than larger ones, due to multiple factors. High adult mortality, combined with low and unpredictable calf survival, leads to a declining population, and makes recovery unlikely without direct management action. P. 2.*
- *Due to the status of both populations, and sensitivity of caribou to industrial development, we believe that any increase in human activity and infrastructure is likely to contribute negatively to the condition of the ranges, and overall viability of the herds. The efficacy of various mitigation measures is largely unknown, thus we cannot predict the extent to which such measures could reduce impacts. However, the magnitude of the decline of the Little Smoky herd, and time frames involved with habitat recovery, do not contribute favorably to this potential. Pp. 2-3*
- *Woodland caribou in the A La Peche and Little Smoky ranges are at risk and warrant special management consideration. All efforts should be made to minimize further disturbance in their ranges.... P. 9*

Schmiegelow, K.A. and K. Brown. 2004. Review of the Proposed Cabin Creek/Simonette Pipeline With Respect to Caribou Prepared for Suncor Energy Inc. and ConocoPhillips Canada At Tab 56

81. A December article in the Edmonton Journal indicates that government is still willing to put the Little Smoky herd at increased risk by approving a pipeline through the intact portion of the range. The author states:

Yes, this is an old story in Alberta—the classic clash between conservation and oil and gas. It’s money and jobs versus wildlife. But this time there’s risk and entire herd may finally succumb—something we haven’t seen in decades in this province.

Pratt, S. 2004. Province should act before Little Smoky caribou disappear. One more pipeline threatens survival of tiny woodland herd. Edmonton Journal. Dec. 12. 2004. At Tab 57

82. After Suncor’s construction of a 100 km pipeline through the range of the Little Smoky and adjacent A La Peche caribou herds, two petroleum companies have undertaken a project to restore caribou habitat in the Little Smoky range. They chose some of the largest blocks of unfragmented habitat. This statement from their report gives an idea of the extent of linear disturbance in the range:

The boundaries for this proposed focus area were set considering herd use and restoration potential. To the northwest the area was limited by the presence of extensive timber harvest cutblocks. On the east and south east sides of the area, very extensive existing linear disturbances are presently fragmenting the habitat and making full restoration very costly. On the north and east sides of the area the existing data suggest limited use by the caribou herd at this time. The focus area initially identified during our planning was large, being 830 km² in size and

containing approximately 3200 km of linear features. P. 3.

The plan is to try to restore about 400 km of linear disturbance at a cost of \$1.2 million over 2 years. Meanwhile government continues to allow new industrial activity within the range.

Ward, J. 2004. Suncor/ConocoPhillips Caribou Habitat Restoration Project in the Little Smoky Caribou Range—Status Report- November 5, 2004. 6 pp. At Tab 58

83. A 2004 report of Alberta's Endangered Species Conservation Committee stated:

The woodland caribou populations in Alberta are considered "threatened" at both the national and provincial level. The COSEWIC lists both the boreal and southern mountain populations as "threatened" (status re-examined and confirmed in May 2002), and the legal status in Alberta has been "threatened" since 1984. This provincial status was upheld by the Minister of Sustainable Resource Development in September 2001, because of small and declining populations. P. 13

The new federal Species at Risk Act will undoubtedly have some impact in Alberta. It will likely lead to increased federal presence and spending in the area of species at risk. P 17

Fish and Wildlife Division. 2004. Report of Alberta's Endangered Species Conservation Committee: June 2002. Alberta Sustainable Resource Development. Fish and Wildlife Division, Edmonton, AB. 40 pp. At Tab 47

84. Sierra Club of Canada asked an Ontario biologist to evaluate Alberta's Woodland Caribou Recovery Plan: *"Given the poor prospects (small size and declining trajectories) of several herds and the 'economic realism' of the plan, it appears that the recovery of some populations will not be achieved or attempted."* P. 1

Schaefer, James. 2005. Review of: Alberta Woodland Caribou Recovery Plan 2004/2005-2013/20014. Arctos Research. February 11. 8 pp. At Tab 59

85. Alberta and Quebec remain the only two Canadian jurisdictions that have refused to sign the Canada Forest Accord 2003-2008. This refusal signals Alberta's lack of commitment to the National Forestry Strategy 2003-2008, which is an indication of Alberta's lack of commitment to environmental issues including caribou conservation.

Alberta Wilderness Association Press Release. March 3, 2005 At Tab 60

86. An April 19, 2005 letter was sent to Brad Pickering, Deputy Minister of Alberta Sustainable Resource Development from Alberta Conservation groups. In

consideration of the existence of a draft recovery plan and the recent habitat supply analysis indicating inadequate habitat, it requested a halt to logging in the Little Smoky and adjacent A La Peche ranges until a range plan has been developed that will ensure the long term persistence of these caribou populations and their habitat.

Letter dated April 19, 2005 from the Canadian Parks and Wilderness Society- Edmonton Chapter, The Alberta Wilderness Association , the Federation of Alberta Naturalists and the Athabasca Bioregional Society to Brad Pickering Deputy Minister of Alberta Sustainable Resource Development. At Tab 61

87. A letter (May 9, 2005) from Brad Pickering, Deputy Minister of Alberta Sustainable Resource Development in response to the above letter of concern regarding logging in caribou range indicates that they support continued logging in the Little Smoky Range.

“Sustainable Resource Development is also concerned with the conservation and recovery of the Little Smoky and A La Peche caribou herds. In consideration of these concerns, the department has approved a plan to manage harvesting by Foothills Forest Products over the first five years of their operations. Two main techniques are being applied during this five-year period. First, the annual allowable cut within E8 has been reduced in comparison to the harvest level that was previously being employed. Second, for the first five years, harvesting by Foothills Forest Products will be confined primarily to the northern portion of the forest management unit.

The department believes that the current harvesting plan for Foothills Forest Products will provide flexibility for future landscape planning in west-central Alberta. I appreciate your support for caribou range planning within these two caribou ranges.”

Letter dated May 9, 2005 from Brad Pickering, Deputy Minister of Alberta Sustainable Resource Development to the Canadian Parks and Wilderness Society- Edmonton Chapter. At Tab 62

88. A letter (August 9, 2005) from David Coutts, Minister of Alberta Sustainable Resource Development in response to the CPAWS letter of concern regarding logging in caribou range indicates they feel the recovery plan is proceeding well and there is no need to *impose a moratorium on industrial activity.*

Letter dated August 9, 2005 from David Coutts, Minister of Sustainable Resource Development to the Canadian Parks and wilderness Society- Edmonton Chapter. At Tab 63

89. Alberta Newsprint Company also logs in the Little Smoky range. They are also planning to continue this logging in spite of the results of the Caribou Habitat Supply Analysis and even though their Detailed Forest Management Plan states:

Caribou Habitat

ANC Timber will practice sustainable forestry while allowing the maintenance of caribou habitat in West Central Alberta utilizing innovation, research and monitoring. P. 5-18

For the next 50 years, caribou habitat will be maintained or enhanced, according to the harvest schedule described in this DFMP. After 50 years, available caribou habitat will decrease and become more fragmented. ANC is committed to address this concern in the next DFMP. ANC will ensure that 54,923 ha of habitat is left undisturbed in the Caribou Zone at all times, which ensures that the current caribou population needs are met. P. 5-19

Alberta Newsprint Company. 1999. Detailed Forest Management Plan. Revised October 2002. At Tab 28 (on CD)

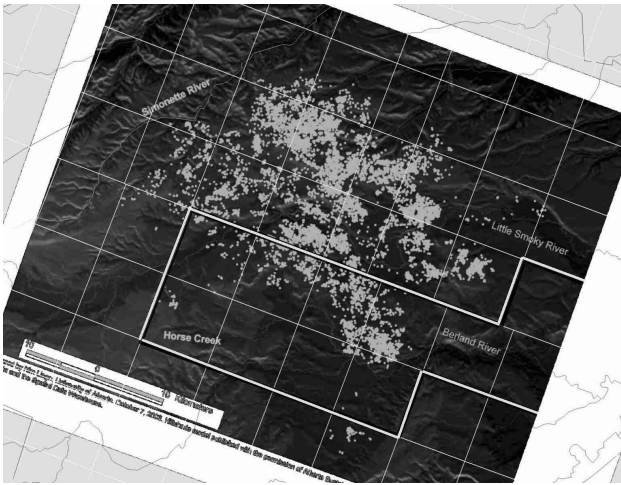
90. In April 2005 the Model Forest Network hosted workshops that involved many participants from governments, academia, industry biologists and others from 7 provinces and territories. One of the key messages for the forest industry was to: *Minimize conversion of caribou habitat into early seral habitat: leads to more ungulate prey and predator numbers.*

Racey, G., I. Hatter and K Whaley. 2005. Report from the Caribou Workshops. April 26 and 27. Manitoba Model Forest. Powerpoint. 23 pp. At Tab 64

91. A June 2005 article in the Edmonton Journal documents the government's refusal to establish a moratorium for just one year on industrial use of the most sensitive caribou ranges such as the Little Smoky.

Brooymans, H. 2005. Alta. Won't heed call for caribou protection. Edmonton Journal, June 25, 2005. At Tab 65

63. Alberta conservation groups issued a press release revealing the logging planned for the Little Smoky and A La Peche ranges. It included the following maps:



Dot map showing Little Smoky caribou locations and white outline of Alberta Newsprint logging area for this winter.



Dot map showing A La Peche caribou locations with black outlining planned future logging.

CPAWS, FAN, AWA. Sept. 26, 2005. Alberta Government and Industry Targeting Caribou Herds for Extinction? Press Release At Tab 66

92. In November 2005 the following was recorded in the Alberta legislature, indicating in spite of all requests to at least defer logging in the Little Smoky caribou range this winter while planning is taking place, government will not do so.

Caribou Conservation

Mr. Strang: [Chair of Alberta's Endangered Species Conservation Committee]
Thank you very much, Mr. Speaker. Much of Alberta's economic success is based on development of our natural resources, including forestry, oil, and gas. However, this development may have a negative effect on wildlife such as woodland caribou, a threatened species in Alberta. My question is to the Minister of Sustainable Resource Development. What is his department doing to ensure that the caribou population is being adequately protected?

Mr. Coutts: *Mr. Speaker, I want to be very specific here and relate to you and to people that last June Alberta announced several actions based on a caribou recovery plan, which means greater protection for caribou and their habitat. We are committed to provincial land management that takes into account the importance of habitat for caribou remaining on the land. A caribou committee has been established to co-ordinate the management activities. As well, we look at selective predator management to protect caribou and their populations. We're in the process of hiring four biologists from Grande Prairie right through to Peace River, Fort McMurray, and the Slave Lake-High Prairie area to make sure that they can assist in those management activities as well.*

The Speaker: *The hon. member.*

Mr. Strang: *Thank you, Mr. Speaker. My first supplementary question is to the same minister. How does his department ensure that the industry follows government guidelines to mitigate effects on species such as caribou?*

Mr. Coutts: *Mr. Speaker, to be specific we work very, very closely with industry to make sure that we balance the development with the environmental protection. Industry must submit a caribou protection plan each and every year, which we will enforce under our legislation. Over the past 10 years industry has been addressing the width size of seismic lines and co-operating with other companies in terms of the numbers of roads and where the roads would go in certain areas so we don't lose the habitat for the caribou. It's also important to know that forestry companies adjust their harvesting sequences to make sure that habitat is well looked after. It's part of their management plans. The department, in addition to that, has worked with Suncor and ConocoPhillips to make sure that their planning for their pipelines takes into consideration habitat, particularly for the Little Smoky caribou area.*

The Speaker: *The hon. member*

Mr. Strang: *Thank you, Mr. Speaker. My second supplementary question is to the same minister. Because caribou require good quality habitat to survive, why doesn't Alberta simply put an end to industrial activity in sensitive areas until studies can be conducted to ensure that sufficient caribou habitat is being protected?*

Mr. Coutts: *Mr. Speaker, in Alberta we continue to be innovative with the planning processes that we use, and we believe that caribou recovery can be achieved without a moratorium on caribou habitat. We are intensifying our areas to work in the forests with our oil and gas as well as forestry industries. We're promoting industry best practices more widely so that companies can operate on all caribou ranges. Some companies are actually going beyond that practice. In fact, if you look over the past 10 years, between the government and the companies they invest over half a million dollars a year into caribou management and monitoring just to keep caribou on the landscape.*

Hansard. 2005, Nov. 29. Alberta Legislature, Edmonton Alberta. At Tab

III. APPLICATION OF THE LAW TO THE FACTS

93. One of the anticipated uses of emergency orders under s.80 is to provide habitat protection between the time a species is listed under SARA and the time its recovery strategy and action plan is finalized, if present risks do not allow time to wait for that strategy and plan. This is illustrated by reference to parliamentary debate during the introduction of SARA:

House at report stage, February 26, 2002 (1150). **Mrs. Karen Redman (Parliamentary Secretary to the Minister of the Environment, Lib.):** It is important that we state as clearly as possible that there is no need to wait for recovery strategies and action plans. The species at risk legislation would contain emergency provisions to give the minister authority to take interim measures between the time of listing and the time of recovery.

94. The foregoing describes a circumstance where Alberta's Woodland Caribou face imminent threat to their survival or recovery such as to trigger the Minister's obligation pursuant to section 80. It is also submitted that this is so notwithstanding the classification of the Boreal population as threatened and notwithstanding that the Little Smoky herd is only one of 13 herds of Boreal population Woodland Caribou in Alberta, and the Boreal population extends right across Canada, and herds elsewhere are viable.

95. First, as set out above, new information exists which indicates the decline of Alberta's herds may be greater than that concluded by COSEWIC when the last status report was prepared, yet the Alberta government has not only refused to halt development in critical caribou habitat, they have continued to grant resource extraction tenures, all while recovery planning is occurring.

96. Second, interpretation of SARA so as to preclude protection for declining populations of a species in a geographic area where, in other geographic areas, the species is viable, fails to honour the principle that SARA protects species across their geographic range. This interpretation reflects Canada's commitment to Convention on Biological Diversity, as identified in the preamble of SARA, and which committed Convention signatories to preserving global diversity at a local level.

IV. CONCLUSION

97. The Petitioners submit that Alberta Woodland Caribou faces "imminent threats to its survival or recovery" such that the Minister's is obliged to make a recommendation to Cabinet that an emergency order issue to protect the Woodland Caribou in Alberta.

98. Pursuant to s.80(4) the emergency order may

(A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and

(B) include provisions requiring the doing of things that protect the species and provisions prohibiting activities that may adversely affect the species and that habitat.

99. Accordingly, we request an order requiring temporary protection of all remaining Woodland Caribou habitat in Alberta until recovery planning has been completed.

V. TABLE OF EXHIBITS

1. Fish and Wildlife Division. 1981. The Strategy of Today for Fish and Wildlife Tomorrow. A plan outlining the outdoor recreation and commercial demand for, the supply of, and the goals for, the fish and wildlife of Alberta for 1980 to the year 2000. Alberta Fish and Wildlife. Edmonton. AB.
2. Alberta Fish and Wildlife Services. 1993. Strategy for Conservation of Woodland Caribou in Alberta. Edmonton, Alberta. Draft for discussion. 32 pp. P. vii
3. Alberta Environmental Protection. 1998. Alberta's Threatened Wildlife: Woodland Caribou. http://www3.gov.ab.ca/srd/fw/threatsp/wcar_stat.html 6pp.
4. Dzus, Elston. 2001. Status of the Woodland Caribou (*Rangifer tarandus caribou*) in Alberta. Alberta Wildlife Status Report No. 30. Alberta Environment. 49 pp.
5. Detailed Forest Management Plan Approval Decision. March 22, 2002. ANC Timber Ltd. Alberta Sustainable Resource Development. Edmonton, Alberta. At
6. Weclaw, P. and R.J. Hudson. 2004. Simulation of Caribou Conservation and Management in Alberta. Ecological Modelling. 177, 75-94. www.sciencedirect.com p. 84.
7. Smith, K. 2004. Woodland Caribou Demography and Persistence Relative to Landscape Change in West-central Alberta. MSc. Thesis. Environmental Biology and Ecology, Department of Biological Sciences, University of Alberta, Edmonton, AB. www.fmf.ca/WC/WC_report4.pdf
8. Alberta Woodland Caribou Recovery Team. 2004. Alberta Woodland Caribou Recovery Plan 2004/2005- 2013/20014. Alberta Sustainable Resource Development. Tab 8 (on CD)
9. ANC Timber, Canfor, Weldwood, Weyerhaeuser, Alberta Fish and Wildlife. 2004. Caribou Habitat Assessment in the Little Smoky/A La Peche Region, West Central Alberta.
10. Letter dated May 9, 2005 from Brad Pickering Deputy Minister of Alberta Sustainable Resource Development to the Canadian Parks and Wilderness Society- Edmonton Chapter.
11. Alberta Forestry Lands and Wildlife. 1986. Woodland Caribou Provincial Restoration Plan. 74pp. page 2.
12. Government of Alberta. 1984. A Policy for Resource Management of the Eastern Slopes, Revised 1984. 19 pp.

13. Alberta Government. July 28, 1975. Policy Statement: The Development of the Eastern Slopes.
14. Government of Alberta. 1984. A Policy for Resource Management of the Eastern Slopes, Revised 1984. 19 pp.
15. Bloomfield, M. 1978. Caribou management outline for Alberta. Recreation, Parks and Wildlife Division. 4pp.
16. Alberta Energy and Natural Resources, Fish and Wildlife Division. 1979. Background Paper on Fish and Wildlife Resources in the Proposed Berland-Fox Creek Timber Development Areas. 50 pp. At Tab 14
17. Edmonds, E.J. 1987. Population status, distribution, and movements of woodland caribou in west central Alberta. *Can. J. Zool.* 66: 817-826 page 817
18. July 7, 1980 Letter to Alberta Wilderness Association from J.E. Bud Miller, Associate Minister of Public Lands and Wildlife.
19. Letter to AWA July 17, 1980. from Gordon R. Kerr, Assistant Deputy Minister, Alberta Energy and Natural Resources.
20. Bloomfield, M. 1980. Closure of the caribou hunting season in Alberta: Management of a threatened species. Provincial Caribou Management Coordinator, Energy and Natural Resources, Fish and Wildlife Division.
21. M. Bloomfield, J. Edmonds and J. Steel. 1981. First Annual Report of the Berland-A La Peche Caribou Study. Alberta Energy and Natural Resources, Fish and Wildlife Division. Edson, Alberta.
22. Bloomfield, M. and M. Sword. 1981. Report to COSEWIC on the Status of Caribou Populations in Alberta. Alberta Energy and Natural Resources, Fish and Wildlife Division, Edson, Alberta.
23. Alberta Energy and Natural Resources. 1982. Fish and Wildlife Policy for Alberta. Government of Alberta, Edmonton. 24 pp.
24. Government of Alberta. 1984. The Status of Fish and Wildlife Resource in Alberta. Edmonton, AB.
25. Alberta Wilderness Association. 1984. A Policy for Resource Management of the Eastern Slopes Revised 1984 REJECTED. 11 pp.
26. Alberta Fish and Wildlife Division. 1985. A Policy for the Management of Threatened Wildlife in Alberta. Alberta Energy and Natural Resources, Fish and Wildlife Division. 34 pp.

27. Smith, K and J. Edmonds. 1988. Wildlife Concerns Relative to the Berland Resources Road Proposal. Forestry, Lands and Wildlife. Fish and Wildlife Division. 18 pp.
28. Alberta Newsprint Company. 1999. Detailed Forest Management Plan. Revised October 2002. At Tab 28 (on CD)
29. Alberta Energy Forestry Lands and Wildlife. 1991. Procedural Guide for Oil and Gas Activity on Caribou Range. Information letter 91-17
<http://www.energy.gov.ab.ca/51.asp> Information Letters.
30. Alberta Woodland Caribou Conservation Strategy Development Committee. 1996. Alberta's Woodland Caribou Conservation Strategy. 58 pp. page vii.
31. AFCS (Alberta Forest Conservation Strategy). 1997. Information Centre, Alberta Environmental Protection, Edmonton, Alberta. 29pp. Available at:
<http://www.borealcentre.ca/reports/afcs.html>
32. Environment Canada. 1996. National Accord for the Protection of Species at Risk.http://www.ec.gc.ca/press/wild_b_e.htm
33. Alberta Wildlife Management Division. 1996. The status of Alberta wildlife. Alberta Environmental Protection, Natural Resources Service, Wildlife Management Division, Edmonton, AB. 44 pp.
34. Alberta Environmental Protection. 1996. Selecting Protected Areas: The Foothills Natural Region of Alberta. Alberta Environmental Protection, Edmonton, AB
35. West Central Alberta Caribou Standing Committee. 1996. 1996/1997 Operating Guidelines for Industrial Activity in Caribou Ranges in West Central Alberta.
36. Alberta Woodland Caribou Recovery Team. 2004. Alberta Woodland Caribou Recovery Plan 2004/2005- 2013/20014. Alberta Sustainable Resource Development.
37. Sweetgrass Consultants. 1997. Environmentally Significant Areas of Alberta. Volume 2. For Resource Data Division, Alberta Environmental Protection.
<http://www.cd.gov.ab.ca/preserving/parks/anhic/esa.asp>
38. Correspondence from Ty Lund, Minister of Alberta Environmental Protection to a concerned citizen regarding logging in the range of the Narraway herd dated March 30, 1998.

39. Brown, K.W. and D.P. Hobson. 1998. Caribou in West-Central Alberta- Information Review and Synthesis. Prepared for the Research Subcommittee of the West-Central Alberta Caribou Standing Committee. 74 pp. plus Appendices.
40. Smith, K. G., E. Janet Ficht, David Hobson, Troy C. Sorensen, and David Hervieux. 2000. Winter distribution of woodland caribou in relation to clear-cut logging in west-central Alberta. Canadian Journal of Zoology. V. 78, 8, p. 1433-1440
41. Boreal Caribou Committee. 2001. Strategic Plan and Industrial Guidelines for Boreal Caribou Ranges in Northern Alberta. 33 pp.
42. Alberta Endangered Species Conservation Committee. 2001. Woodland Caribou Initial Conservation Action Statement. July 31.
43. Alberta Endangered Species Conservation Committee. 2001. Woodland Caribou Initial Conservation Action Statement. July 31.
44. Letter from Mike Cardinal Minister of Alberta Sustainable Resource Development to a citizen concerned about logging and the effect of industrial development on Alberta's threatened woodland caribou. Dated Oct. 3, 2001.
45. Thomas, D.C., and D.R. Gray. 2002. Update COSEWIC status report on the woodland caribou *Rangifer tarandus caribou* in Canada, in COSEWIC assessment and update status report on the Woodland Caribou *Rangifer tarandus caribou* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. 1-98 pp. (on CD)
46. Skorupa, T. 2002. Caribou Range Recovery in Alberta: 2001-02 Pilot Year. Alberta Sustainable Resource Development, Fish and Wildlife Division, Alberta Species at Risk Report No. 48. Edmonton AB. 8pp.
47. Fish and Wildlife Division 2004. Report of Alberta's Endangered Species Conservation Committee: June 2002. Alberta Sustainable Resource Development, Fish and Wildlife Division, Edmonton, AB. 40pp.
48. Veitch, Arthur. July 16, 2002 article in the Grande Cache Mountaineer.
49. Farr, R.F. and J. B. Stelfox. 2003. Natural Resource Management Scenarios in the North East Slopes of Alberta, Summary Report. Biota Research and Forum Technologies. Page 28
50. Veitch, Arthur. Jan 21, 2003. Grande Cache Mountaineer.
51. The Northern East Slopes Sustainable Resource and Environmental Management Strategy March 5, 2003 . DRAFT

52. Hansard, March 18, 2004.
53. Letter from Albert Steinwand to Mike Cardinal Minister of Sustainable Resource Development dated April 10, 2004.
54. Letter of objection to the Alberta Energy and Utilities Board from the Canadian Parks and Wilderness Society- Edmonton Chapter, August 13, 2004.
55. Letter from the Alberta Energy and Utilities Board to the Canadian Parks and Wilderness Society. September 7, 2004.
56. Schmiegelow, K.A. and K. Brown. 2004. Review of the Proposed Cabin Creek/Simonette Pipeline With Respect to Caribou Prepared for Suncor Energy Inc. and ConocoPhillips Canada
57. Pratt, S. 2004. Province should act before Little Smoky caribou disappear. One more pipeline threatens survival of tiny woodland herd. Edmonton Journal. Dec. 12. 2004.
58. Ward, J. 2004. Suncor/ConocoPhillips Caribou Habitat Restoration Project in the Little Smoky Caribou Range—Status Report- November 5, 2004.
59. Schaefer, James. 2005. Review of: Alberta Woodland Caribou Recovery Team. 2004. Alberta Woodland Caribou Recovery Plan 2004/2005- 2013/20014. Alberta Sustainable Resource Development. Edmonton. Arctos Research. February 11.
60. Alberta Wilderness Association Press Release. March 3, 2005
61. Letter dated April 19, 2005 from the Canadian Parks and Wilderness Society-Edmonton Chapter, The Alberta Wilderness Association , the Federation of Alberta Naturalists and the Athabasca Bioregional Society to Brad Pickering Deputy Minister of Alberta Sustainable Resource Development.
62. Letter dated May 9, 2005 from Brad Pickering Deputy Minister of Alberta Sustainable Resource Development to the Canadian Parks and Wilderness Society- Edmonton Chapter.
63. Letter dated August 9, 2005 from David Coutts, Minister of Sustainable Resource Development to the Canadian Parks and wildernesss Society- Edmonton Chaper.
64. Racey, G., I. Hatter and K Whaley. 2005. Report from the Caribou Workshops. April 26 and 27. Manitoba Model Forest. Powerpoint. 23 pp.
65. Brooymans, H. 2005. Alta. Won't heed call for caribou protection. Edmonton Journal, June 25, 2005.

66. CPAWS, FAN, AWA. Sept. 26, 2005. Alberta Government and Industry Targeting Caribou Herds for Extinction?

67. Hansard. 2005, Nov. 29. Alberta Legislature, Edmonton Alberta.