



ALBERTA WILDERNESS ASSOCIATION

*"Defending Wild Alberta through Awareness and Action"*

June 9, 2017

Parks Canada  
Species Conservation and Management  
Natural Resource Conservation  
Parks Canada  
30 Victoria Street 3rd floor  
Gatineau, QC  
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**Re: Multi-Species Action Plan for Banff National Park of Canada [Proposed]**

Alberta Wilderness Association (AWA) appreciates that the Parks Canada Agency has submitted a proposed multi-species action plan pursuant to sections 41 and 47 of the *Species at Risk Act* (SARA). Our comments on the Agency's proposed action plan, *Multi-species Action Plan for Banff National Park of Canada [Proposed]*, are offered below.

AWA, founded in 1965, works throughout Alberta towards more representative and connected protection of the landscapes that are the source of our clean water, clean air, and vital habitat for wildlife in each of our six natural regions. We help Albertans learn more about the value of our wilderness and wildlife, and participate in opportunities to protect and care for the legacy we will leave for future generations. With over 7,000 members and supporters in Alberta and across Canada, AWA remains committed to assuring protection of wildlife and wild places in Alberta for all Canadians.

**General Overview of the Proposed Multi-species Action Plan for Banff National Park**

While AWA appreciates Parks Canada's commitment to a better future for Canada's endangered and threatened species we believe the Agency's action plan is woefully insufficient/deficient. A lack of measurable actions, deadlines, and firm targets for recovery plague this document. The document also lacks a sense of urgency for the need to recover the at risk species identified therein. We question, therefore, whether this proposed action plan satisfies the legal requirements for action plans established in section 49 of the SARA.

In this respect the proposed multi-species action plan is a pale reflection of the recovery strategy and action plan Parks Canada submitted for the Banff Springs Snail in 2007. Compare, for example, the detail with which Parks Canada outlined the recovery actions for the Banff

Spring Snail (see Table 4 in *Recovery Strategy and Action Plan for the Banff Springs Snail (Physella johnsoni) in Canada*) with Appendix B in the *Multi-species Action Plan for Banff National Park of Canada [Proposed]*. Table 4 from the 2007 document offers 10 pages of actions to recover the endangered Banff Springs Snail. Appendix B in the 2017 Proposed Action Plan also offers 10 pages of actions; these 10 pages cover six species, not one. The 2007 document offers a level of detail and commitment to recovering endangered and threatened species that should be included in the proposed Banff multi-species action plan.

In the Preface to the Banff National Park/Ya Ha Tinda proposed action plan Parks Canada writes: “Implementation of this action plan is subject to appropriations, priorities, and budgetary constraints of the participating jurisdictions and organizations.” (ii) Of course, Alberta Wilderness Association realizes that the Government of Canada doesn’t have unlimited resources. Nonetheless, AWA is very concerned that this language effectively tries to diminish the legal imperatives mandated in SARA and ignores the need for urgent action that is inherent in the phrase “species at risk.”

This concern is amplified by placing this qualifying statement and other conditional/tentative commitments found throughout the proposed action plan in the context of Parks Canada’s national spending priorities in the medium-term. As AWA pointed out previously in a May 8, 2017 letter to Minister McKenna, the financial priorities outlined in the Parks Canada Agency’s 2017-18 Departmental Plan place far too little weight on ecological integrity, the first priority of the Parks Canada mandate. That departmental plan continues the worrying decline in the Agency’s commitment to the Heritage Conservation program. Heritage Resources Conservation program spending is planned to fall to 13.8 percent of the Agency’s total spending by the 2019/20 fiscal year. Meanwhile, Parks Canada plans tremendous spending increases in infrastructure. In current dollars, the Agency plans to spend \$468.5 million on infrastructure in 2019/20 – that’s a greater than \$364 million increase (4.5 times) from infrastructure spending in the 2011/12 fiscal year. The habitat and wildlife of our national parks are the ecological infrastructure fundamental to the key priority of ecological integrity. The timid, tentative commitment to protecting and recovering species at risk offered in the Agency’s action plan does not serve that priority well or adequately. The millions of dollars planned for dubious infrastructure projects such as the Icefields Trail would be far better spent fulfilling Parks Canada’s legal obligations under the *Species at Risk Act*. Without giving our national parks system’s core values much more emphasis AWA believes parks visitors will be cheated of the experiences in nature they seek in our mountain parks.

### **Benchmarks Are Needed To Promote Accountability**

One of the glaring weaknesses of the action plan concerns the issue of accountability. The substance of this action plan will make it very difficult, if not impossible, for the public to hold the Minister of Environment and Climate Change and Parks Canada accountable for their actions. Philip Tetlock, an American social scientist and expert on government accountability, contends that accountability “refers to who must answer to whom for what under what ground

rules.” With respect to SARA the Minister responsible for the Parks Canada Agency and her officials must answer to Canadians for the results of government measures intended to improve the health of endangered species in Canada. The multi-species action plan for Banff National Park is very deficient when it comes to identifying what Tetlock called the “for what under what ground rules.” In this respect, despite the action plan’s repeated reference to “measures,” it is silent about the specific programs and projects, specific financial amounts, and specific personnel resources that are now committed, and will be committed in the future, to fulfill the Agency’s legal obligations under SARA. Desired outcomes are seldom assigned definitive target dates for their realization. Furthermore, the proposed action plan fails to report on the endangered species measures already taken and the efficacy of those measures. Without such specific information and commitments Canadians cannot understand the value of maintaining ecological integrity in our parks; they cannot hold either the Minister or the Parks Canada Agency accountable for their good intentions regarding the future of Canadian species at risk. Parks Canada should be able to provide such details since, in the Agency’s words, “(t)he conservation of species at risk, using both ecological measures and educational programs, is an important part of the day-to-day work of Parks Canada.” (5) Such details must be provided in this action plan.

### **Does the Proposed Multi-species Action Plan for Banff National Park Meet the Requirements of Section 49 of the *Species at Risk Act*?**

Section 49. (1) states: An action plan **must include**, (emphasis added) with respect to the area to which the action plan relates,

- (a) an identification of the species’ critical habitat, to the extent possible, based on the best available information and consistent with the recovery strategy, and examples of activities that are likely to result in its destruction;
- (b) a statement of the measures that are proposed to be taken to protect the species’ critical habitat, including the entering into of agreements under section 11;
- (c) an identification of any portions of the species’ critical habitat that have not been protected;
- (d) a statement of the measures that are to be taken to implement the recovery strategy, including those that address the threats to the species and those that help to achieve the population and distribution objectives, as well as an indication as to when these measures are to take place;
- (d.1) the methods to be used to monitor the recovery of the species and its long-term viability;
- (e) an evaluation of the socio-economic costs of the action plan and the benefits to be derived from its implementation; and
- (f) any other matters that are prescribed by the regulations.

The proposed Multi-species action plan for Banff National Park fails to fulfill this section of SARA.

**(a) Identification of species' critical habitat:**

With respect to the identification of critical habitat the proposed action plan reads in part: "No new critical habitat is identified in this action plan. Critical habitat for some species has been identified previously in their respective recovery strategies." (iii) The fact that critical habitat is identified in recovery strategies does not excuse government agencies from identifying critical habitat in their action plans. There is nothing in section 49 that excuses federal agencies from identifying critical habitat. It is insufficient for the Parks Canada Agency to refer readers to other documents when it comes to identifying the critical habitat relevant to the Banff National Park action plan. The proposed action plan should list the critical habitat in Banff National Park that has been identified there for the species discussed therein.

The statement that no new critical habitat is identified in this action plan invites a question about some of Parks Canada's westslope cutthroat recovery initiatives. For example, Parks Canada has taken important steps to relocate westslope cutthroats to Rainbow and Hidden Lakes. Neither of these lakes are identified as critical habitat for westslope cutthroat trout in the Government of Canada's recovery strategy. If these lakes and other candidate sites are critical habitat for westslope cutthroat trout they should be identified as such in the action plan and the recovery strategy should be amended accordingly. If these lakes are not regarded as critical habitat then Parks Canada should explain why these sites, and not others identified as critical habitat, are the focal points for recovery activities.

**(c) Identifying any portions of the species' critical habitat that have not been protected**

We were unable to locate any discussion in the action plan of critical habitat that has not been protected. Where critical habitat has been identified, as it has been for westslope cutthroat trout in the federal recovery strategy for that species, this action plan must identify what portions haven't been protected. AWA believes Parks Canada is overly optimistic to conclude in the Banff National Park action plan: "Species at risk, their residences, and their habitat are therefore protected by existing national park regulations and management regimes." In fact, the failure to remove, or even plan to remove, rainbow trout and other invasive or non-native species from critical habitat in the Bow headwaters is a good example of how existing park regulations are inadequate when it comes to protecting westslope cutthroat trout.

Indeed, Parks Canada has interpreted its overall ecological integrity management mandate under section 8(2) of the Canada National Parks Act as an exercise in balancing recreational interests along with the protection of historical resources and the parks environment. The Federal Court of Appeal has ruled this management approach is fundamentally inadequate when it comes to protecting endangered and threatened species under the Species at Risk Act (See Canada (Fisheries and Oceans) v David Suzuki Foundation, 2012 FCA 40). Accordingly it is incorrect in law to state that species at risk in Banff National park are adequately protected by existing national park regulations and management regimes.(6)

**(b)/(d) Statement of measures proposed to protect the species' critical habitat/statement of measures intended to implement the recovery strategy**

Appendix B lists the measures Parks Canada intends to implement through the Multi-species action plan for Banff National Park. Virtually without exception, these 31 measures, as well as their desired outcomes and timelines, are very vague. They fail to disclose what personnel and financial resources will be devoted to implementing them. They too often fail to set specific target dates for outcomes to be accomplished. Such vagueness and indeterminacy make it very difficult, if not impossible, to hold Parks Canada and the Minister of Environment and Climate Change accountable for delivering meaningful progress on the protection of critical habitat and the goals of the respective species' recovery strategies. Where Parks Canada believes that an increase in the population of a species at risk is not possible within the park, it is important for the action plan to state the and clearly list actions that will be undertaken to prevent the further decline of this species within the park.

**The Case of Westslope Cutthroat Trout**

The action plan's listing of westslope cutthroat trout measures/desired outcomes/timelines illustrates this problem and suggests just how difficult it will be to hold government accountable for making substantial progress towards protecting and recovering species at risk through the Banff National Park action plan. The comments made below about the action plan's failure to include detailed program, personnel, and budgetary information as well as the proposed plan's lack of firm temporal deadlines for reaching desired outcomes also apply more generally to the other species listed in this Parks Canada document. They are not applicable only to westslope cutthroat trout. Furthermore, without explicit, measurable plans, objectives, targets, etc., the action plan(s) cannot succeed in realizing their stated substantive purpose, to recover species at risk.

Through Measure #22 Parks Canada commits to conduct research on westslope cutthroat trout in order to learn more about the life history of and habitat needs of westslope cutthroats. The timeline for this measure is "ongoing." The action plan provides no information about how much research will be conducted, whether the personnel and financial resources devoted to this research will increase/decrease/remain unchanged over time (unchanged from what? - there is no indication in the action plan of what resources, if any, are devoted to this research currently in Banff National Park).

Any discussion of the measures proposed to protect critical habitat and advance the recovery of species must offer such specifics. Without budget/program details and projections it is impossible to evaluate Parks Canada's commitment and performance. It's impossible to hold Parks Canada accountable for the actions it proposes to take to fulfill its legal obligations under SARA.

A similar observation applies to the other westslope cutthroat trout measures outlined in Appendix B. According to AWA's understanding of Measure #24 (removing non-native fish

populations) correctly, the Agency proposes to take five more years to complete brook trout removal from Hidden Lake and Badger Lake. When the Hidden Lake project started in 2011 Parks Canada estimated that it “may take 3 to 5 years to complete.” (<https://www.pc.gc.ca/en/pn-np/ab/banff/info/aqua/hidden#2013>) As it stands the action plan timeline doubles that 2011 estimate. If it is going to take another five years to complete brook trout removal from Hidden Lake the action plan should explain why this additional time is needed. From both the accountability and species’ recovery perspectives the first desired outcome of Measure #24 should set specific years by which time the removals of brook trout from Hidden/Badger Lakes would be expected to be completed. This seems especially pertinent in the case of Hidden Lake because the timelines for removing brook trout from the lake and completing the re-introduction of cutthroat to Hidden Lake are the same – five years.

Again, this is where action plans must supply information about project costs and state what resources are being devoted now and what resources will be devoted to projects in the future. In July 2015 Colleen Derworiz gave some welcome media coverage in the *Calgary Herald* to the Parks Canada project that re-located cutthroat trout from Sawback Lake to Rainbow Lake (see <http://calgaryherald.com/news/local-news/threatened-fish-take-historic-helicopter-ride-in-banff-national-park>). According to her story this project cost \$160,000. Such cost information and estimates should be stated explicitly in the action plan. In the absence of such information it will be very difficult, if not impossible, in the future to hold Parks Canada accountable for its actions vis-à-vis species at risk.

It also would be helpful if somewhere in the action plan Parks Canada explained in some detail what the third desired outcome actually means or entails. That outcome is listed as: “Investigate effectiveness of alternate tools via a Strategic Review process, currently underway via National Office.”

With respect to Measure #25 the first desired outcome listed is: “Complete the re-introduction of WSCT to Hidden Lake.” As noted above this is the same timeline given for the removal of brook trout from that lake. As for Measure #24 it would be more appropriate if Measure #25 stated real and projected costs for this measure. Similarly, this measure also should indicate the specific year by which the re-introduction of westslope cutthroat trout in Hidden Lake will be completed.

The vague, indeterminate character of the second desired outcome for Measure #25 also is troubling. In a five-year time frame this action plan should propose more than simply identifying other candidate sites and determining the feasibility of re-introducing pure populations. The action plan should set the bar higher so it’s not possible for Parks Canada to say, five years from now, that it satisfied this measure because it identified one or two candidate sites and determined that re-introduction of pure populations wasn’t feasible. AWA believes this is especially important in the case of recovering westslope cutthroat trout since, as Parks Canada has noted, Banff National Park contains 10 of the 55 small locations in Alberta where the genetic quality of westslope cutthroat populations is high. Banff National Park has a very important role to play in recovering this species. The proposed action plan does not reflect

this role strongly enough.

Measure #26 calls for Parks Canada to enhance its communication activities in order to realize two desired outcomes. The first outcome is: “Continue to increase general awareness about this species among priority Parks Canada audiences.” More certainly needs to be done to educate the public. Given the paucity of Parks Canada materials/stories about westslope cutthroat trout recovery efforts it’s optimistic to conclude that general awareness already is increasing. The “Upper Corral Creek and Hidden Lake project” seems to have had its last update in December 2013 (<https://www.pc.gc.ca/en/pn-np/ab/banff/info/aqua/hidden>). The undated Parks Canada publication “Finding a Natural Refuge” seems to have been written several years ago. From a search of Parks Canada and news media websites it seems clear that much more needs to be done with respect to communicating to the public about critical habitat protection and population recovery efforts.

Finally, AWA urges Parks Canada to incorporate into its westslope cutthroat actions the insights and strategies outlined in David Mayhood’s report *Conceptual Framework and Recovery Guidelines for Restoring Cutthroat Trout Populations in Alberta*. A copy of that report is appended to this response.

## **Woodland Caribou**

AWA has played a central and ongoing role in efforts to protect and recover woodland caribou populations in Alberta. Our reaction to the action plan’s discussion of woodland caribou is mixed. On the one hand, as our ongoing efforts underline, we are committed unequivocally to the protection and recovery of woodland caribou. But, on the other hand, we are more concerned about recovering the caribou herds that still exist in Jasper National Park than we are about re-introducing woodland caribou to Banff National Park. Given the continued, very worrying, decline in the size of the Tonquin herd and the precarious situations of the Maligne and Brazeau populations we believe that Parks Canada’s caribou recovery efforts, for the foreseeable future, should focus on the Tonquin, Maligne, and Brazeau populations of woodland caribou. In addition, since part of the A La Peche population winter range is in unprotected foothills on Alberta public lands, we request that Parks Canada play a more assertive role in strengthening habitat protection and restoration in the A La Peche winter range. Because of the urgency of preventing Jasper Park extirpation, woodland caribou should not feature prominently in the Banff National Park action plan.

## **General comments re the need to elaborate/clarify/offer additional justifications**

AWA asks that Parks Canada revise this proposed action plan to increase the clarity and meaning of certain key phrases:

- On page 14 the Agency writes in part: “The proposed measures seek a balanced approach to reducing or eliminating threats to species at risk populations and habitats...” What,

in the Agency's judgment, does the phrase "a balanced approach" entail? How does such an approach conform to the legal duties found in the *Species at Risk Act*?

- On pages 19 and 27 Parks Canada proposes to conduct westslope cutthroat trout population/distribution monitoring once every ten years. Could the Agency explain the biological/ecological rationale for a 10-year population monitoring approach?

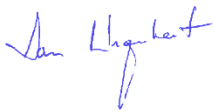
- On page 28 Parks Canada uses the phrase "priority Parks Canada audiences." Could the Agency specify who those audiences are?

## Conclusion

The Parks Canada Agency's proposed action plan, *Multi-species Action Plan for Banff National Park of Canada [Proposed]*, lacks the sense of urgency that is inherent in the phrase "species at risk." Alberta Wilderness Association regards this document as very deficient. AWA does not believe this proposed action plan fulfills the legal requirements established in the *Species at Risk Act*. AWA urges Parks Canada to make the following revisions to its action plan:

- 1.) Identify species' critical habitat as required by section 49 (1)(a) of the *Species at Risk Act*. In part this means that where new critical habitat has been identified and/or will be added to a federal recovery strategy the proposed action plan should identify that habitat (ie. Rainbow and Hidden Lakes).
- 2.) Identify portions of species' critical habitat that have not been protected as required by section 49 (1)(c) of SARA.
- 3.) With respect to sections 49 (1)(b) and (d) correct the vagueness and indeterminacy of the proposed action plan. Provide specific financial and personnel commitments (and project details where applicable) for each of the measures listed in this proposed action plan. Assign definitive target dates for the desired outcomes in the proposed action plan.
- 4.) State that, with respect to woodland caribou, while Parks Canada is interested in re-introducing woodland caribou to Banff National Park it will be devoting its attention in the short to medium-term to developing and implementing woodland caribou protection and recovery strategies in Jasper National Park.

Sincerely,  
ALBERTA WILDERNESS ASSOCIATION



Dr. Ian Urquhart  
Conservation Staff and Editor, Wild Lands Advocate



