

"Caribou come first. That's the law, and that's the right thing to do."

This update's title comes from mediator Eric Denhoff's May 2016 report *Setting Alberta on the Path to Caribou Recovery*. Nearly two years ago now, the provincial government celebrated the Denhoff report's release with a news release entitled: "Alberta leads Canada on woodland caribou protection." In that release Alberta Environment and Parks Minister Phillips said that, unlike Progressive Conservative governments of the past, her government was taking action. "We rolled up our sleeves and looked for solutions," she said. "Eric Denhoff engaged every voice on this file, and provided us with a path forward. His recommendations are based on collaboration, science and protecting jobs." AWA joined others in praising the part of the plan to protect permanently 1.8 million hectares of caribou range in the boreal forest.

"Alberta's approach to protecting caribou populations and fulfilling the requirements under federal law cannot and will not come at the expense of our economy."

- Hon. Carlier, McCuaig-Boyd, and Phillips

On March 19, 2018 Agriculture and Forestry Minister Carlier and Energy Minister McCuaig-Boyd joined Minister Phillips in a letter to the federal government telling Ottawa that Alberta was suspending any plans to set aside those lands to protect woodland caribou. The Alberta ministers' letter said: "At this stage in the caribou range planning process Alberta is suspending consideration of conservation lands recommended in the Caribou Task Force Report pending further review and the outcome of the socio-economic impact study."

The Alberta letter constitutes a stunning policy reversal from what the Minister of Environment and Parks announced in June 2016. It disavows the statement by Eric Denhoff, now the Deputy Minister of Environment and Parks, used to introduce this up-

date. Professor Shaun Fluker, environmental law expert at the University of Calgary, states in a post to the ablawg.ca blog that the provincial letter signals "the abdication of responsibility for protection and recovery of caribou." AWA hopes Professor Fluker is wrong to suggest that the Notley government "has little intention of completing its Caribou Range Plan" but we certainly see how this latest provincial action encourages that conclusion.

To read the letter I received from Premier Notley about caribou conservation you might well think the government isn't creating caribou conservation areas in northern Alberta for two reasons: a lack of consultation and the damage such action would do to the economy. This is ironic because consulting widely and a concern for the economy were two noteworthy features of Eric Denhoff's report in 2016. Minister Phillips commended Denhoff for this in her quote above. She said the 2016 report's recommendations "engaged every voice on this file" and rested in "collaboration, science and protecting jobs."

Or, if ministerial statements don't convince you, look more closely at the report itself. Collaboration and consultation? Now-Deputy Minister Denhoff produced his report after consulting with 37 stakeholder groups representing First Nations, municipal governments from west-central Alberta, non-governmental organizations (including AWA), the petroleum industry, and the forestry industry.

Protecting jobs? The Denhoff report portrays the proposed conservation areas in northwestern Alberta as being an excellent choice for promoting protection with minimal economic impact. Here's what his report concluded about the conservation measures that would either on their own or in combination with existing protected areas, protect – immediately – 24 percent of the Chincha-ga caribou range, 61 percent of the Bitscho range, 72 percent of the Caribou Mountains range, and 72 percent of the Yates caribou range:

It does not require displacement of any existing forestry tenure and existing oil and natural gas leases can

be grandfathered in; these are not as extensive as some other areas. There are no operations currently underway in the area involving major drilling programs, mines or similar developments. It further protects vast areas of wetlands and there are substantial opportunities to use this protection to provide valuable sinks for carbon.

This job-sensitive approach is the one the Phillips et al letter takes off the table. It's difficult to imagine a more meaningful contribution to species-at-risk conservation efforts in Alberta that would have such a minimal impact on economic activity than following this recommendation from Denhoff's 2016 report.

"What is disappointing to me here is that even under the NDP reign, the Alberta government still pretends it is serious about protecting and recovering endangered species but refuses to do just about anything meaningful in relation to the most important step in the process – which is to protect critical habitat."

- Prof. Shaun Fluker

But, Alberta has decided to ignore that carefully considered recommendation for the time being. The province's action reaffirms the position AWA took last November out of our concern for the five remaining caribou populations in northeastern Alberta, on the other side of the province. Then, in a letter and documents sent to Environment and Climate Change Minister McKenna, we joined the Cold Lake First Nations, the David Suzuki Foundation, and Ecojustice in underlining that the majority of caribou critical habitat in the northeast remains unprotected.

In light of Alberta's refusal to honour its own language about the importance of the rule of law – "Caribou come first. That's the law, and that's the right thing to do" – Ecojustice has again written Minister McKenna on our behalf. AWA, Cold Lake First Nations, and the David Suzuki Foundation again have asked the federal minister to issue an emergency

protection order to protect the critical habitat of the Cold Lake, Richardson, Red Earth, West Side Athabasca River, and East Side Athabasca River caribou populations. We have urged the federal government to recommend a protection order that would prohibit additional disturbances in the ranges of those

five northeastern populations. Such an order should remain in place until the provincial government prepares legally enforceable range plans that will realize the minimum 65 percent undisturbed habitat threshold in the northeast. A similar approach may be applicable to the dilemma the Alberta government

has created in northwestern Alberta.

If Alberta truly intends to lead Canada on woodland caribou it must take its responsibilities under the *Species at Risk Act* as seriously as the dire situation of Alberta's woodland caribou demands.

- Ian Urquhart