

December 2, 2020

World Heritage Centre, UNESCO
Bureau of the World Heritage Committee
Attn: Mechtild Rössler, Director
7, place de Fontenoy
75352 Paris 07 SP
France

Sent via e-mail to: M.Rossler@unesco.org

Re: On-the-ground perspective of Wood Buffalo Action Plan implementation from local Indigenous communities and environmental groups

To Ms Rössler,

We write to the UNESCO World Heritage Committee as a group of local Indigenous communities and environmental organizations from Alberta, British Columbia and the Northwest Territories, concerned about the slow implementation of the Wood Buffalo National Park Action Plan. There are harmful local impacts of the degradation of the Wood Buffalo National Park (hereafter, the Park) that persist to this day, despite the release of the Action Plan for the Park in February, 2019. We are concerned that implementation of the Action Plan is hindered by limited resources that fail to appropriately reflect the scope of threats facing the park, and are further exacerbated by provincial decisions that run against the purposes of the Action Plan. The responsible management of a national park is of national importance, and the continued degradation of a World Heritage Site is of international concern.

We are aware that the Government of Canada submitted the State of Conservation update for the Park on December 1, 2020, as per the request at the 43rd World Heritage Committee meeting. In parallel to Canada's report, we submit this letter with concerns from our on-the-ground perspective of risks that continue to threaten the Park and identify several key pieces of the Action Plan that remain stalled. Further materials will likely be provided by some of the signatories to this letter.

Government regulations and actions that increase threats to the Park:

Though the application to construct and operate the Teck Frontier oil sands mine was withdrawn, ongoing provincial actions and changes in regulations are adding new challenges that have not yet been addressed by the federal government. Though provincial and federal activities are identified in the Park's Action Plan, we feel they have fallen through the cracks this year because of a failure, once again, to prioritize recovery of Wood Buffalo National Park.

Reductions in environmental monitoring of threats identified in the Wood Buffalo National Park Strategic Environmental Assessment

In May, 2020, during the spring bird migration, the Province of Alberta and its Energy Regulator made a series of cascading decisions to pause several environmental monitoring and reporting requirements for projects in the oil sands, before reinstating requirements nearly three months later

after immense public backlash and a legal appeal by First Nations^{1,2}. The UNESCO Reactive Monitoring Mission and Action Plan identifies oil sands development and downstream impacts as contributors of cumulative impacts on the Park that threaten its Outstanding Universal Value. Consistent and robust monitoring of the oil sands is a necessary mechanism to manage indirect impacts on the Park, such as monitoring tailings ponds for contact by endangered whooping cranes, or detecting critical changes in water chemistry.

The suspensions, moreover, were carried out without consultation, undermining the Action Plan that is centered around strengthening relationships and collaboration with Indigenous communities.

The unilateral decision also undermined the Transboundary Water Agreement between Alberta and the Northwest Territories, which is supposed to assure cooperation in managing, and monitoring, the ecological integrity of the basin's aquatic ecosystem—a concern already raised in the Northwest Territories Legislative Assembly. The suspensions, again, clearly undermined the goal of inter-jurisdictional collaboration as described in the Action Plan.

Importantly, cumulative effects monitoring through the joint provincial-federal Oil Sands Monitoring Program (OSM) was significantly curtailed this year, as fieldwork was suspended due to the novel COVID-19 virus. A close look at the 2020-21 budget shows that funds were cut to four water quality projects that specifically contribute to the Action Plan³. Because the fieldwork is very remote, adjustments could have been reasonably made to meet COVID-19 safety guidelines—just as industry was able to do—and could have been carried out by the local communities. Many water quality monitoring activities were deemed non-essential to continue because they did not meet the criteria of posing direct 'human health' impacts. Pandemic protocols that parse environmental impacts from human health impacts fail to recognize that the health of the Athabasca River, and the Peace-Athabasca Delta, intimately affect the health of downstream communities. Ecological impacts are related to human health impacts, especially in this region, and they should be treated with equal priority.

River diversion for the Site C Hydroelectric Project is commencing, despite the continued lack of a proper assessment of downstream impacts and despite new construction risks

Significant changes to flow, water quantity, and water quality in the Peace-Athabasca Delta and downstream have been linked to regulation of Peace River by hydroelectric dams in British Columbia. Despite this, the Site C dam, aimed to be built by 2024, moves forward as the third megadam to be built without an environmental impact assessment that considers effects to downstream Wood Buffalo. An overdue report was released in July, 2020, describing issues with the Site C dam including unknown and significant cost overruns, schedule delays, and profound geotechnical troubles⁴. With Site C's future appearing problematic and risky, and imminent river

¹ CBC Edmonton. Bob Weber. May 21, 2020. "Alberta Energy Regulator suspends environmental monitoring for oilpatch over COVID-19". <https://bit.ly/36mUVLs>

² CBC Edmonton. Jordan Omstead, Kashmala Fida. June 8, 2020. "First Nations appeal Alberta Energy Regulator decision to suspend monitoring requirements". <https://bit.ly/3mBR3MF>

³ The 2020-21 Ambient Monitoring Budget and Plan is notably missing: Wood Buffalo National Park Surface Water Quality Analysis; Enhanced Monitoring of the Lower Athabasca; Lake Water Quality Monitoring; and, the Oil Sands Fluid Tailings Risk Assessment. <https://bit.ly/3fPjvT>

⁴ The Narwhal. Sarah Cox. July 8, 2020. "BC Hydro's Site C dam report months overdue, fueling concerns about more cost overruns". <https://bit.ly/36nB7rn>

diversion scheduled, government attention must urgently refocus on working with BC Hydro (an agency of the British Columbia provincial government) to determine protocols for timed releases of water to re-create the necessary natural water regimes in the Peace-Athabasca Delta system.

New information about risks associated with oil sands tailings

Earlier this year, a report from the Commission for Environmental Cooperation (CEC), an entity established under the provisions of the North American Agreement on Environmental Cooperation, concluded after a lengthy investigation that there was scientifically credible evidence for tailings seepage into groundwater, with some wells as close as 150-m to the Athabasca River. The CEC Report confirms that threats from tailings ponds to Wood Buffalo's state of are of significant concern, and that federal and provincial management frameworks for tailings are inadequate, or at least inadequately enforced, raising concern about Alberta's tailings management framework that was expressed in paragraph 8 of 43 COM 7B.15.

The Action Plan committed to a Tailings Risk Assessment (TRA) conducted through OSM to assess in particular the significant risk, and ecological consequences, of catastrophic dam failures. The assessment, also requested by the Reactive Mission, has yet to be funded or initiated. The assessment was cut from the OSM 2020-21 work plan and budget.

Meanwhile, the Alberta Government and the Government of Canada have initiated or advanced processes that aim to lead to the release of oil sands effluent into the Athabasca River. It is possible that tailings effluent will be allowed to be released into the Athabasca River within the next 2-3 years for the first time, potentially without having completed a tailings risk assessment, and without adequate financial security provisions to ensure reclamation.

Inadequate resourcing of the Action Plan

While no budget breakdown or financial accounting for the implementation of the Action Plan has been shared publicly, it is our understanding that funding for the Action Plan is inadequate to undertake important urgent actions. The budget is also soon to expire.

Imminent threats to wood bison are not yet addressed

While the Minister of Environment and Climate Change recently concluded that the unique Ronald Lake Wood Bison herd faces imminent threats to its recovery (and threats that exist even without the Frontier Project), no new agreements between the Government of Alberta and Canada and Indigenous groups have been established to provide a pathway to safeguarding this herd and its habitat. Parts of the herd's range continue to be overlaid with oil sands leases.

Delay in the Wood Buffalo National Park Management Plan

And, finally, the Management Plan for Wood Buffalo National Park was due to be reviewed and updated this year, after ten years since its release. Understandably, the COVID-19 virus has delayed many of the national park management plan reviews, however, Parks Canada has not yet commenced the process for the update of the Management Plan, nor announced any revised deadlines for its completion. Though delayed, the management planning processes are set to restart for Banff and Jasper National Parks, indicating that this work is still possible under COVID-19 restrictions. An updated Management Plan could integrate many important components of the Action Plan, including the critical work to improve governance structures with Indigenous communities

including joint decision-making. We are concerned the updated Management Plan will be delayed significantly.

Pieces of the Action Plan that must progress:

Since the release of the Action Plan almost two years ago (February, 2019) and the most recent World Heritage Committee meeting (July, 2019), our on-the-ground perspective is that progress on several critical pieces of the Action Plan have stalled. These pieces include:

1. The Action Plan committed to a Tailings Risk Assessment (TRA) conducted through OSM, though progress has not been made on it and no funding has been allocated to it. The Government of Alberta steadily progresses its plans to regulate the release of treated tailings waters back into the Athabasca River. Weak regulations that focus only on minimizing acute lethality of a limited selection of contaminants may have unanticipated negative impacts on the aquatic ecosystem of the Park, and the surrounding Indigenous communities. The completion of the assessment must be expedited and included in OSM's work plans for this coming year. If the TRA has been determined to be out of scope for OSM, then the federal government should independently complete it to be accountable to the Action Plan. Downstream Indigenous communities have expressed considerable concern over this issue.
2. Progress is needed to develop protocols and parameters for timed releases of water flows on the Peace River. Though discussions occurred in 2017 between British Columbia and Alberta, we are unaware of any further progress on timed releases.
3. Progress is urgently needed to establish water management agreements and plans to return water to the Park needed to sustain its ecological integrity and Indigenous rights. These water governance structures should address shared responsibilities and power, and monitoring and science capacity by Indigenous communities.
4. Under Action WH2 from the Action Plan, the Ronald Lake Wood Bison Imminent Threat Assessment was completed in January, 2020, however, the full assessment has yet to be released online. Only a summary of the assessment is available⁵, despite several requests to see the full document. The full assessment should be made available to the public, and communicate how its findings will inform the species Recovery Strategy.
5. Significant resources need to be allocated to the next phase of Action Plan implementation.

This is not a complete list of the areas where the Action Plan implementation is falling behind. We urge the World Heritage Committee to view the State of Conservation Report with a critical eye, and not only insist upon more significant progress from Canada on critical pieces of the Action Plan, but also push the State Party to recognize actions by the provincial governments that exacerbate threats facing Wood Buffalo National Park must be immediately addressed.

Sincerely,

⁵ Government of Canada. February, 2020. Summary of the imminent threat assessment for the Wood Bison. <https://bit.ly/2JdLWUj>

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