



Alberta Wilderness Association
"Defending Wild Alberta through Awareness and Action"

May 29, 2021

Hon. Jason Nixon
Minister of Alberta Environment and Parks
#323 Legislature Building, 10800 – 97 Avenue NW
Edmonton, AB T5K 2B6
By E-mail: AEP.Minister@gov.ab.ca

Dear Minister Nixon:

Re: Draft Bistcho Lake Sub-regional Plan

Alberta Wilderness Association (AWA) appreciates this opportunity to provide comments on the draft Bistcho Lake Sub-regional Plan and the associated Caribou Habitat Recovery Analysis.

AWA, founded in 1965, is an Alberta-based conservation group with 7,000 members and supporters in Alberta and around the world. AWA seeks the completion of a protected areas network and good stewardship of Alberta's public lands, waters and biodiversity to ensure future generations enjoy the abundant benefits they provide.

This plan is long overdue, and has the potential to begin improving the habitat that Bistcho caribou need. AWA is encouraged that the plan recognizes the importance of restoring human footprint and of Indigenous-led initiatives. However, the draft Plan and tools for plan implementation are overly focused on unsustainable forms of economic development while there are inadequate measures to protect caribou critical habitat and support the rights and aspirations of the Dene Tha' First Nation.

Strategic Management Outcomes

To address the current imbalance towards an unsustainable economy, another strategic management outcome should be added: *"A process to identify opportunities for legislated protected areas, especially an Indigenous protected and conserved area (IPCA) in the Bistcho Lake area."*

Outcome 2 should add 'restore industrial footprint' and emphasize "timely" and "caribou", to read: *"Consolidate development and restore industrial footprint in a timely manner to support landscape intactness and naturally self-sustaining plant and wildlife populations, with a focus on caribou."*

Caribou and Multi-Species

It is good to see that a minimum 65% undisturbed habitat in the Bistcho caribou range is recognized as one caribou critical habitat target to meet, to comply with the federal *Species at Risk Act (SARA)*. However, several major gaps in the draft Plan must be closed, or that target will not be reached. In the Caribou Habitat Recovery Analysis document (Appendix A to the draft Plan), the maps assume that significant legacy seismic lines and older access roads are removed in the coming decades, but the draft Plan lacks specific requirements to do so. There must be clear mandatory timelines to recover disturbance such as legacy seismic lines, oil and gas infrastructure, and short-term roads. As well, minimum undisturbed critical habitat requirements can and should be achieved sooner than 100 years from now.

Ensuring adequate caribou biophysical habitat is another key element of protecting boreal caribou critical habitat. The draft Plan states that caribou biophysical habitat “is likely over-estimated” because no new wildfire is assumed (Appendix A, p. 15). Instead, anticipated wildfire should be included and anthropogenic disturbance must be managed accordingly, so caribou do not bear the fire risk on this landscape.

There are still too many landscape units focused on economic activities and road development, and none dedicated to long-term legal protection and roadless areas. An Indigenous protected and conserved area (IPCA) in the Bistcho Lake area should be added. This would signal a much stronger commitment on the caribou habitat protection side and would be more respectful of Dene Tha’ interests and aspirations.

Indigenous Land Uses

It is helpful that the plan recognizes the need to maintain long-term opportunities for Indigenous traditional activities, and that it supports Indigenous-led initiatives, Indigenous participation in land-use planning, and identifying opportunities for Indigenous involvement in plan implementation.

Unfortunately, the lack of a process towards an Indigenous protected and conserved area (IPCA) in the Bistcho Lake area is a glaring omission, particularly since this recommendation achieved full consensus from the government-appointed Bistcho Lake Task Force. An IPCA process must be included if Dene Tha' rights and interests are to be more fully respected. An IPCA would allow the Dene Tha' to assist with caribou conservation while pursuing their interests in landscape level conservation, traditional uses, and sustainable economic activities.

Access Management Plan

AWA supports the general concept in the draft Plan of an Access Management Plan (AMP) that includes:

- appropriate mandatory road density limits in planning units; and
- strict requirements to append any new development closely to a long-term road network that complies with caribou critical habitat requirements.

However, in the draft Plan, the emphasis seems to be to illustrate potential new roads in each of the many planning units, including in areas that are largely intact now and provide important wildlife habitat connectivity. The permafrost soils and extensive inter-connected peat wetlands of this northern boreal landscape are highly sensitive to disturbance.

For these reasons, the AMP should recognize the need for large intact landscapes free of motorized use. It must also include clear mandatory timelines to restore disturbance such as legacy seismic lines, oil and gas infrastructure, and short-term roads, or restoration will not happen.

AWA also supports the draft Plan concept of setting wetland disturbance limits in each planning unit to advance biodiversity goals. However, no specific wetland disturbance limits are provided. These limits should be explicit, as in Table 1 of the draft Cold Lake Sub-regional Plan.

Since it is so difficult to restore industrial disturbances within extensive inter-connected peat wetland systems, there should be a strong emphasis on avoiding new wetland disturbance. There also must be clear mandatory timelines for recovering legacy wetland disturbance, or restoration will not happen.

Economic Sectors

AWA supports the specified mandatory timelines to revegetate pipeline and transmission line corridors, and to reclaim surface material extraction sites. The social license for industry to operate will suffer unless similarly clear, mandatory timelines for limiting and restoring other forms of industrial disturbance are added to the draft Plan.

Mineral tenure sales by the Alberta government confer a right to explore for a resource. New mineral tenure sales should not resume until an access management system is in place with mandatory timelines to recover disturbance such as legacy seismic lines, oil and gas infrastructure, and short-term roads.

As well, Alberta must recognize that resuming government sales of new oil and gas tenure is inconsistent with our climate obligations.

Local Accountability Mechanisms

To deal with the Plan implementation and to continue building support from the Dene Tha' First Nation and local communities, it is important to establish accountability mechanisms whereby progress can be measured and unintended consequences dealt with in an expeditious and effective manner. AWA's suggestion is to establish a local advisory body (or bodies) comprised of local Indigenous and community leaders. Any such body would have clear terms of reference and meet at least annually to advise Alberta on plan implementation and issues of concern.

Regional Plan Mechanisms and Unintended Consequences

AWA strongly supports that a SARA-compliant Bistcho Plan must be enforceable under the *Alberta Land Stewardship Act (ALSA)*, but not in a way that needlessly harms local support. The Lower Peace regional plan, which would be the logical framework under which the Bistcho Sub-regional Plan would be adopted, does not yet exist. *ALSA* s.8(i) authorizes that a regional plan may "manage an activity, effect, cause of an effect or person outside a planning region until a regional plan comes into force with respect to the matter or person".

It is our understanding that this plan will become effective under the Lower Athabasca Regional Plan (LARP). The local community and AWA are unclear if there could be any legal or implementation issues that may arise if the LARP conflicts with the Bistcho Lake Sub-regional Plan. It is important that there be clear communication with the local community about any such concerns. It is AWA's position that the Bistcho Lake Sub-regional Plan should supersede any general guidance in the LARP.

Any discrepancies or unintended consequences should be first dealt with through consultation with a local advisory body that we recommend above.

AWA is concerned that there may be unintended consequences for the local community and Indigenous rights from this plan. Discretion should be available to resolve site-specific issues, especially those related to existing developments and settlements. One specific issue that was identified by the task force relates to the hamlet of Zama that now falls directly within caribou range. In order to continue to build community support while protecting caribou, we think it is important that issues related to development within the hamlet be largely exempted from the plan. There may be similar site specific issues that should also be resolved through consultation with a local advisory body described above. The plan must respect Indigenous rights and also allow for discretion to deal with unintended consequences in favor of local interests provided there is likely to be no material impact on caribou recovery.

Monitoring, Evaluation and Performance Indicators

The draft Plan omits an important reporting commitment made by Alberta in the October 2020 Alberta-Canada "Agreement for the Conservation and Recovery of the Woodland Caribou in Alberta", under SARA s. 11. That commitment should be clearly affirmed in this Plan:

"Annual reporting will be made publicly available, including woodland caribou local population and range habitat metrics (i.e., population size and growth; biophysical habitat attributes by type, area, and location; percent and location of range that is undisturbed or on a trajectory to undisturbed status)." – s. 12. 5 of the Oct. 2020 Alberta-Canada Woodland Caribou Agreement

Annual changes in biophysical habitat area and location will be sensitive to new anthropogenic disturbance. Annual caribou population indicators offer warnings or confirmation of management actions. Reporting on these metrics shows accountability by Alberta to undertake the necessary urgent actions in the next 5 years to restore and manage the Bistcho caribou range to support a naturally self-sustaining caribou population.

Please address these concerns in the finalized Bistcho Lake Sub-regional Plan.

Sincerely,
ALBERTA WILDERNESS ASSOCIATION



Carolyn Campbell
Conservation Specialist

cc: Bev Yee, Deputy Minister, Alberta Environment and Parks
Lisa Sadownik, Assistant Deputy Minister, Lands Division, Alberta Environment and Parks
Craig Dockrill, Director, AEP Land and Environmental Planning, North
Hon. Jonathan Wilkinson, Minister of Environment and Climate Change Canada
Patrick Forest, Director, Priority Species, Canadian Wildlife Service, Environment and Climate Change Canada
Vanessa Charlwood, Regional Director, Prairie and Northern Region, Canadian Wildlife Service, Environment and Climate Change Canada