

October 10, 2023

The Honourable Rebecca Schulz  
Minister of Environment and Protected Areas  
Government of Alberta  
By Email: [aep.minister@gov.ab.ca](mailto:aep.minister@gov.ab.ca)

The Honourable Todd Loewen  
Minister of Forestry and Parks  
Government of Alberta  
By Email: [fp.minister@gov.ab.ca](mailto:fp.minister@gov.ab.ca)

**Re: Woodland Caribou Conservation in Alberta**

Dear Minister Schulz and Minister Loewen,

Alberta Wilderness Association, CPAWS Northern Alberta, and Pembina Institute are writing to highlight concerns and opportunities to implement woodland caribou conservation commitments in Alberta.

As you know, the Alberta-Canada Conservation Agreement for Woodland Caribou (2020) under Section 11 of the *Species at Risk Act* (SARA) was signed to ensure imminent actions would be taken to support the recovery of woodland caribou. Alberta has referenced the Section 11 agreement as a way to protect Alberta from a federal emergency order and critical habitat protection order under SARA, and two recommendations for an emergency order and critical habitat protection order for caribou were not accepted by the Federal Cabinet on the basis of the Section 11 agreement. However, out of 11 caribou sub-regional plans overdue since 2017, only two have been finalized and released (Bistcho and Cold Lake) since the Section 11 agreement was signed. Although the Section 11 agreement committed Alberta to release the final Upper Smoky sub-regional plan in 2022, to date there has been no draft plan released to the public. Moreover, annual reporting on the implementation of the Section 11 agreement, including woodland caribou local population and range habitat metrics is more than two years overdue. In the interim, habitat protections in caribou ranges have been inadequate. Specifically, southern mountain caribou in west-central Alberta are facing extirpation due to the cumulative effects of forestry, oil and gas development, and recreation pressures within their ranges on public lands.

Given that the operational rules within caribou ranges remain unchanged as most sub-regional plans are beyond their committed deadlines, we believe that caribou in Alberta still face imminent threats to their recovery. The lack of progress on Alberta's commitments in the Section 11 agreement is extremely concerning and caribou populations continue to decline.

Although we appreciate the steps that have been taken in the sub-regional planning process, and we support the multi-stakeholder sub-regional task force process, we have serious concerns about overdue commitments, missed deadlines, shortcomings in the finalized sub-regional plans, failure to implement finalized plans, and lack of protection of caribou habitat while the planning process continues. We are requesting that the draft Upper Smoky sub-regional plan and 2021 Annual Report under the Section 11 agreement be released without further delay. We would appreciate the opportunity to meet with you to discuss our concerns and potential solutions at your earliest convenience.

Sincerely,

**Alberta Wilderness Association**

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**CPAWS Northern Alberta**

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**Pembina Institute**

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cc: Heather von Hauff, Assistant Deputy Minister, Lands Operations Division, Alberta Forestry and Parks, [heather.vonhauff@gov.ab.ca](mailto:heather.vonhauff@gov.ab.ca)  
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Alberta Wilderness Association



## Background Information

### **Woodland Caribou in Alberta**

Human impacts such as forestry, oil and gas development, settlement and other industrial activities have led to the destruction and fragmentation of the intact older forests and peat-dominant wetlands in Alberta that make up caribou habitat. This has resulted in Alberta's caribou ranges being some of the most highly disturbed ranges in Canada. While the need for formal protection of caribou has been recognized by the conservation community and provincial biologists since the 1940s, woodland caribou were only designated as 'Threatened' under Alberta's *Wildlife Act* in 1985 as a result of declining population numbers and distribution. For the same reasons, both southern mountain and boreal woodland caribou in Alberta were only listed as 'Threatened' under Canada's *Species at Risk Act* (SARA) in 2003. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) recommended that the status of the southern mountain woodland caribou population be changed to 'Endangered' in 2014<sup>1</sup>.

In 2017, the Minister of Environment and Climate Change Canada (ECCC) received three petitions asking that she recommend an emergency order pursuant to Section 80(2) of SARA to protect certain local population units (LPUs) of southern mountain caribou. The Minister determined in 2018 that southern mountain caribou LPUs including Narraway and Redrock/Prairie Creek on Alberta public lands are facing imminent threats to their recovery<sup>2</sup>. This resulted in her recommendation to Cabinet for an emergency order to provide protection of southern mountain caribou. Similarly, the Minister recommended a critical habitat protection order under Section 61(4) of SARA to protect boreal caribou LPUs including Red Earth, Richardson, West Side Athabasca River, East Side Athabasca River, and Cold Lake following a 2019 lawsuit launched by Ecojustice on behalf of First Nations and environmental organisations.

Rather than enacting the emergency order and critical habitat protection order, the Government of Canada opted to enter into The Alberta-Canada Conservation Agreement for Woodland Caribou<sup>3</sup> (2020; hereafter the Section 11 agreement) with the Government of Alberta to protect caribou and their habitat. Under the Section 11 agreement, the Government of Alberta is responsible for completing sub-regional plans that achieve, at the range level, critical habitat outcomes set out in the Recovery Strategies. These critical habitat outcomes include achieving and maintaining a minimum of 65% undisturbed habitat. The Government of Alberta is also responsible for reporting annually on the implementation of the Section 11 agreement, and on woodland caribou local population and range habitat metrics. The Section 11 agreement states that these annual reports are to be made publicly available.

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<sup>1</sup> "COSEWIC Assessment and Status Report on the Caribou Rangifer Tarandus, Northern Mountain Population, Central Mountain Population and Southern Mountain Population in Canada" (COSEWIC, 2014), [https://www.registrelep-sararegistry.gc.ca/virtual\\_sara/files/cosewic/sr\\_Caribou\\_Northern\\_Central\\_Southern\\_2014\\_e.pdf](https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/cosewic/sr_Caribou_Northern_Central_Southern_2014_e.pdf).

<sup>2</sup> "Imminent Threat Assessment for Southern Mountain Caribou" (Government of Canada, June 12, 2018), [https://www.registrelep-sararegistry.gc.ca/virtual\\_sara/files/ImminentThreatAnalysisSmc-v00-2018Jun-Eng.pdf](https://www.registrelep-sararegistry.gc.ca/virtual_sara/files/ImminentThreatAnalysisSmc-v00-2018Jun-Eng.pdf).

<sup>3</sup> "Agreement for the Conservation and Recovery of the Woodland Caribou in Alberta" (Government of Canada, Government of Alberta, October 19, 2020), <https://open.alberta.ca/dataset/40a40950-f210-4a37-b2a1-e274a9c75a48/resource/9d5326f4-0f3a-4aef-b0a2-d6fab8439b4/download/aep-agreement-for-the-conservation-and-recovery-of-the-woodland-caribou-in-alberta-2020.pdf>.

## **Efficiency and Transparency of Caribou Range Planning**

We believe that the multi-stakeholder sub-regional task force process is worthwhile to advise the government on land-use planning at a local scale and recommend caribou recovery actions. It is particularly important that environmental non-governmental organizations and Indigenous representation on task forces is well-supported so that task force recommendations are inclusive of these viewpoints. However, the initial task forces took too long to allow sub-regional plan deadlines to be met, and this process must be made more efficient for subsequent sub-regions.

Since the Section 11 agreement was signed in October 2020, only two sub-regional plans have been finalized and released. The Cold Lake and Bistcho sub-regional plans should have been finalized and released in 2021 as per the Section 11 agreement. Both long-awaited plans were instead only released to the public in April 2022. Furthermore, sub-regional planning for Redrock/Prairie Creek and Narraway ranges (the Upper Smoky sub-region) is committed to be finalized in 2022. As of September 2023, the Upper Smoky draft plan has still not been released for public review. At the current rate, it is unlikely that the majority of caribou range planning will be completed before the end of the 5-year term of the Section 11 agreement which expires in 2025. Delays in completing these sub-regional plans further risks the recovery prospects of Alberta's caribou population and contradicts the commitments outlined in the Section 11 agreement.

In addition to sub-regional planning delays, no annual reports have been published in the three years since the Section 11 agreement was signed. Consequently, environmental organizations and the public lack crucial information regarding the present state of caribou populations and their habitat. The timely release of annual reports is essential for adaptive management, and for upholding public transparency regarding Section 11 commitments and the measures taken to safeguard caribou. These reports must be released without further delay.

For southern mountain and boreal caribou respectively, the emergency order and critical habitat protection order were not pursued by Cabinet on the basis that the Section 11 agreement would achieve caribou recovery. Given the delays in implementing the commitments in the Section 11 agreement, caribou still face imminent threats to their recovery, and it is not clear that the Section 11 agreement will be sufficient to protect caribou from these threats. Delays in plan creation and implementation could be mitigated by increasing departmental staff dedicated to sub-regional planning and caribou recovery.

## **Shortcomings of Sub-regional Plans and Implementation**

The completion and release of Bistcho and Cold Lake sub-regional plans represent modest progress toward caribou protection in Alberta. Management tools within these plans such as disturbance limits (wetland disturbance limits, road density limits), spatially-explicit compartments as planning units, restoration goals and closure quotas, and a plan to manage access across sectors are important mechanisms for limiting harm to caribou habitat on public lands. However, these tools are only as strong as the limits and targets within them. The plans may not provide effective critical habitat protections in

the timeframes which are necessary for woodland caribou recovery in the Bistcho and Cold Lake caribou herds due to the following shortcomings:

1. The sub-regional plans did not have adequate commitment to a process of collaborating with Indigenous communities to support their land-use goals.
2. The sub-regional plans do not include any formal protected areas or conservation areas.
3. Sub-regional plans were released without supporting documentation to show when the 65% undisturbed habitat metric would be met.
4. Implementation of disturbance limits in the plan appears to be dependent on voluntary action by industry.
5. There is an unacceptable projected or suggested increase in access in the Bistcho sub-region.
6. Future wildfire disturbance appears to be ignored in both plans, despite wildfire being a common natural disturbance in the planning areas. Because of this, the plans are unlikely to reach the minimum habitat conditions for self-sustaining caribou outlined in the federal boreal woodland caribou recovery strategy.

Moreover, no enabling regulations have been adopted in the legislature for the implementation and enforcement of these plans to date. The implementation of these plans will determine their effectiveness at reaching the necessary caribou habitat metrics.

### **Caribou Habitat Must be Protected**

Given that operational rules within caribou ranges remain unchanged since the Minister of ECCC recommended a critical habitat protection order and emergency order for the protection of boreal and southern mountain caribou, and sub-regional plans are beyond their committed deadlines, caribou in Alberta still face imminent threats to their recovery. In southern mountain caribou LPUs, unsustainable levels of forest harvesting continue to remove intact older forests that are necessary for caribou recovery and survival. The continued destruction of caribou habitat also prolongs Alberta's overreliance on intensive and unethical wolf culls to prop up caribou populations.