



October 24, 2023

The Honourable Steven Guilbeault
Minister of Environment and Climate Change Canada
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RE: Federal Commitments for the Conservation of Threatened Woodland Caribou in Alberta

Dear Minister Steven Guilbeault,

Canadian Parks and Wilderness Society Northern Alberta, David Suzuki Foundation, and Alberta Wilderness Association are writing you to express our concerns regarding the imminent threats to at-risk woodland caribou (*Rangifer tarandus caribou*) recovery in Alberta and express the need for immediate action to implement long-overdue conservation measures.

According to the *Recovery Strategy for the Woodland Caribou (Rangifer tarandus caribou), Boreal population, in Canada (2012)*, range plans should have been completed by the relevant provincial governments no later than 2017. By 2017, the Government of Alberta had no final range plans for any caribou herds. A few years later, however, the *Agreement for the Conservation and Recovery of the Woodland Caribou In Alberta* between Canada and Alberta under Section 11 (Section 11 Agreement) of the *Species at Risk Act (SARA)* was signed in 2020 to ensure that actions would be taken to support the recovery of woodland caribou. The Section 11 Agreement provided a timeline for when the Government of Alberta would produce all range plans by the end of 2025, called "sub-regional plans". To date only two out of 11 sub-regional plans have been finalized, but neither of these plans include commitments to habitat protections and the requisite enabling regulations for the two plans are not yet complete. Annual reports on progress on the Section 11 commitments have not even been completed.

We commend ECCC for upholding their commitment under S.63 of SARA to track and report on actions taken and measures put in place to protect identified critical habitat of species at risk. Alarmingly, despite the urgent need for caribou conservation actions, no progress on caribou conservation or recovery was reported for Alberta in the *Progress report on steps taken for protection of critical habitat for species at risk in Canada (October 2022 to March 2023)*.

Although we recognize the importance of the sub-regional planning process, and we support Alberta's multi-stakeholder approach to the sub-regional Task Forces, we have serious concerns about capacity limitations, planning priorities, and commitments to protect habitat. The result has been overdue commitments, missed deadlines, shortcomings in the finalized sub-regional plans, failure to implement finalized plans, and a lack of protection of caribou habitat while the range-planning process continues. More importantly, we have significant concerns that the existing finalized sub-regional plans do not provide effective habitat protections, as required under SARA. In addition to the lack of formal habitat

protections, to reach the 65% undisturbed threshold, the completed plans rely heavily on projections of habitat restoration through regrowth of previous disturbances that, to date, has not been proven to be accurate. The projections also do not incorporate the risk of fire.

We are asking for ECCC to uphold its commitments to species at risk recovery by:

- Holding the Government of Alberta accountable for its commitments to caribou conservation, such as those outlined in the Section 11 Agreement, which include:
 - o Completing and releasing the remaining draft and final sub-regional plans with urgency;
 - o Passing enabling regulations to implement the two finalized sub-regional plans (Cold Lake and Bistcho);
 - o Reconvening and expediting the caribou task force and sub-regional planning process including participation of environmental non-governmental organizations;
 - o Releasing the overdue 2021 Annual Report under the Section 11 Agreement, including woodland caribou local population and range habitat metrics;
 - o Halting ongoing and proposed activities which may impact existing critical habitat for woodland caribou until the sub-regional planning process has concluded;

- Releasing the overdue reports on the progress of Recovery Strategy implementation for boreal and southern mountain woodland caribou. Progress reports are required to be published every five years under SARA section 46 and should have been released in 2022 for boreal caribou and 2019 for southern mountain caribou;

- Assessing the two finalized sub-regional plans (Cold Lake and Bistcho) for their equivalency with range plans and whether they provide effective habitat protection under SARA and the recovery strategy, and publish the findings of this assessment in a publicly accessible manner; and

- If Alberta's finalized sub-regional plans are assessed as inadequate for caribou recovery as outlined under SARA and the recovery strategy, then the Minister must consider the recommendation of an Emergency Order and/or a Safety Net Order for the protection of woodland caribou on Alberta's provincial lands.

Sincerely,



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Conservation Specialist



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Background:

Woodland caribou were listed as threatened under Schedule 1 of SARA in 2003. The purpose of SARA is to prevent wildlife species from becoming extinct or extirpated, and to help in the recovery of extirpated, endangered, or threatened species. Under SARA, there is a two-year deadline for the competent minister to prepare a recovery strategy for species listed as endangered, threatened, or extirpated under the Act. The Recovery Strategy for the Woodland Caribou, Boreal population, in Canada (hereafter the boreal Recovery Strategy), was not released until 2012, nine years after caribou were first listed under SARA. The Recovery Strategy for the Woodland Caribou, Southern Mountain population in Canada was only released in 2014.

Following the release of the boreal Recovery Strategy in 2012, ECCC directed the provinces to develop range plans for the management of woodland caribou herds within provincial jurisdiction. The provinces were informed that they would have five years (until 2017) to develop and implement herd range plans, and that these range plans needed to establish how the province would achieve the critical habitat needs for boreal woodland caribou, including:

- the area within the boundary of each boreal caribou range that provides an overall ecological condition that will allow for an ongoing recruitment and retirement cycle of habitat, which maintains a perpetual state of a minimum of 65% of the area as undisturbed habitat; and
- biophysical attributes required by boreal caribou to carry out life processes.

Alberta failed to meet the five-year deadline for implementing herd range plans for woodland caribou by 2017. Instead, caribou habitat destruction and degradation has continued at an unsustainable rate, which further compromises the likelihood of recovery for Alberta's caribou herds.

It wasn't until August 2019 that the Government of Alberta (GoA) announced the commencement of caribou sub-regional task forces to advise the GoA on land-use planning at a local scale, including caribou recovery actions. The task force process began in November 2019 with the Bistcho and Cold Lake subregions, the first two out of 11 total caribou sub-regional planning areas in Alberta.

Under SARA, an Emergency Order is a regulation that can be made when Cabinet and the Minister agree that the species faces imminent threats to its survival or recovery. An Emergency Order could protect a listed wildlife species on both federal and non-federal lands. As per subsection 80(2) of SARA, the Minister must recommend an Emergency Order to Cabinet if he or she is of the opinion that a listed wildlife species faces imminent threats to its survival or recovery. The final decision on whether to issue the Emergency Order rests with Cabinet.

In 2018, ECCC Minister Catherine McKenna announced that southern mountain caribou were facing imminent threats to their recovery and sent a recommendation to cabinet that an Emergency Order be issued for southern mountain caribou.

In October 2020, ECCC Minister Jonathan Wilkinson also recommended a critical habitat protection order under Section 61(4) of SARA to cabinet for the protection of boreal woodland caribou, and that cabinet had voted against the order.

Rather than issuing the recommended Emergency Order and critical habitat protection order, the Government of Canada chose instead to sign the Section 11 Agreement with the Government of Alberta for woodland caribou. The Section 11 Agreement was established in October 2020 for a five-year term and outlines the following commitments to be taken by both parties (among others):

- Short term (5 years or sooner): Management actions to maintain or achieve stable or positive population growth;
- Short term (5 years or sooner) – Finalize and implement sub-regional plans;
- Short term (5 years or sooner) – Initiate or continue woodland caribou critical habitat restoration in local population ranges; and
- Publicly available annual reports including woodland caribou local population and range habitat metrics.

Current Status of Caribou Range Planning:

As of the time of writing (September 2023), the Government of Alberta has finalized only two of 11 sub-regional plans – Bistcho and Cold Lake – with associated caribou recovery actions. However, the requisite enabling regulations have not been passed in the legislature to implement either of these plans in a meaningful way. These plans also include many shortcomings, such as (but not limited to) the exclusion of any formal protected and/or conserved areas, no justification for how each plan will achieve the necessary 65% undisturbed critical habitat, a lack of short-and-medium-term objectives, and the implementation of disturbance limits appear to depend solely on the voluntary action of industry.

Although the GoA hopes to implement the subsequent two sub-regional plans (Upper Smoky and Wandering River) by the end of 2024, that will result in the completion of only four of 11 total sub-regional plans by the 2025 deadline. According to the commitments outlined in the Section 11 Agreement, sub-regional planning is one of the “short term objectives” to be completed before the Section 11 Agreement terminates in 2025.

With regards to the required publicly available annual reports outlined in the Section 11 Agreement, ECCC and the GoA are nearly three years behind schedule. As of September 2023, the 2021 annual report has not been published, which means that environmental organizations and the public lack crucial information regarding the present state of caribou populations and their habitat as a result. Adaptive management for the conservation of caribou is more difficult without timely, accurate, and transparent data.

Rather than taking meaningful action to address the imminent crisis of caribou population decline, both the Government of Canada and the Government of Alberta have consistently chosen to defer action. The expected finalization of caribou range plans was originally set for 2017, yet as we approach 2024, only two sub-regional plans have been finalized by the Government of Alberta, and regrettably, neither has undergone implementation. Had ECCC adhered to the required timeline and released the caribou recovery strategies in 2005 as mandated under SARA, and had range plans then been completed by 2010, caribou in Alberta may be well on their way to recovery. In this regard, we are presently trailing by a significant [nearly] 14-year margin from the point where caribou conservation ideally should stand.

As the Ministry responsible for protecting, restoring, and conserving species at risk in Canada, we are asking that ECCC hold the Government of Alberta accountable for their commitments under the Section 11 Agreement. The Government of Alberta must improve the efficiency of the range planning process in order for the Section 11 Agreement to be sufficient in addressing the imminent threats to caribou recovery in Alberta. If the Section 11 Agreement does not adequately address these threats, the Government of Canada must take additional actions to ensure caribou survival and recovery.