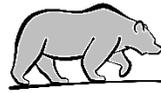


wildsight



Yellowstone to Yukon
Conservation Initiative

December 15, 2017

Honourable Catherine McKenna
Minister of Environment and Climate Change

Honourable George Heyman
Minister of Environment and Climate Change Strategy for British Columbia

On behalf of: Canadian Parks and Wilderness Society – BC Chapter, Yellowstone to Yukon Conservation Initiative, Greenpeace, Wildsight and Conservation Northwest

RE: Species at Risk Act (SARA) Section 11 Conservation Agreement for the Conservation of the Southern Mountain Caribou

Dear Ms. McKenna and Mr. Heyman:

Thank you for the opportunity to comment on the draft SARA Section 11 Conservation Agreement for the Conservation of the Southern Mountain Caribou (“Agreement”). After decades of caribou population decline and the failure of both jurisdictions to implement effective recovery actions, a bold strategy to restore caribou habitat and population is long overdue.

This Agreement between B.C. and Canada could be an exciting opportunity to lay out bold, meaningful actions to recover caribou, including protection consistent with Canada’s international commitment to protect 17 percent of its lands and inland waters by 2020. Unfortunately, by approving the Murray River coal mine project, which will have “significant impact on the survival and recovery of caribou”, during the period for public comment, and the significant steps backward from the 2014 Federal Recovery Strategy, **the parties have revealed that this Agreement is not being developed in order to recover caribou, but rather to facilitate expanded industrial development and allow for the continued destruction of critical caribou habitat.** Approving a project that will exacerbate the existing cumulative impacts of industrial development—which have already exceeded the threshold of 65% undisturbed habitat as set out in the 2014 Recovery Strategy—is completely incompatible with the stated goal of the Agreement to enhance the survival and support the recovery of southern mountain caribou, and demonstrates that the intent of the parties remains prioritizing industrial development at the expense of species at risk.

This is not a path to caribou recovery.

In order to meet the minimum threshold for realistic recovery of southern mountain caribou, the Agreement must include:

- Much higher population recovery targets that meet the requirements of Treaty 8 First Nations.
- Landscape-level habitat protection with meaningful designations in both high and low/matrix caribou ranges: at a minimum meeting the protection outlined in the 2014 Recovery Strategy, with Canada releasing their critical habitat mapping as soon as possible.
- Restoration of legacy habitat impacts through major investment in a restoration trust.
- A plan to engage First Nations and stakeholders immediately, rather than a year from now, and extending the public comment period for the Agreement by at least 30 days which would allow for more meaningful input from stakeholders.
- A moratorium on further degradation of caribou habitat across the caribou ranges until the strategy is implemented.

Given the poor outcomes arising from the past provincial approach, **we strongly recommend implementation of legislation that commits B.C. to the targets of this recovery action with clear, measurable objectives and a path forward.**

Unfortunately, while the Agreement appears to be marginally better than the current provincial recovery plan -- the Peace Northern Caribou Plan (PNCP) -- **it falls short on the key planks of population targets, critical habitat protection and restoration, and lacks a comprehensive, timely strategy for meaningful engagement with First Nations and stakeholders.** In addition, the reliance on “voluntary measures” from industry could well leave us in the untenable situation of continuing to lose critical caribou habitat, a “talk and log-road-drill-mine” scenario that is unacceptable. The parties exemplified this approach while the Agreement was being developed, by issuing approval for a new coal mine in the Quintette range that would have significant adverse effects on Caribou habitat. **It is a step backwards from the 2014 Recovery Strategy.**

Discussion

The continued erosion of mountain caribou critical habitat and populations has significant negative impacts on the rights, cultures and traditional livelihoods of Treaty 8 First Nations. The current state of Southern Mountain Caribou of the Central Group is highly degraded. Historically, these animals were distributed across the landscape throughout the region and in such numbers that First Nations elders recall a ‘sea of caribou’ that were like ‘bugs on the land’. Due to cumulative effects from industrial resource development, current populations are greatly diminished and declining in fragmented and isolated herds or ranges, while some such as the Burnt Pine population have been extirpated. **The failure of both BC and Canada to protect this species is a failure to uphold Treaty 8.**

Despite the Agreement acknowledging that “**recovery will require a landscape-level approach over many years**”, there is little evidence of such an approach in the contemplated measures. The proposed recovery strategy continues a piecemeal approach to habitat protection, looking first to delineate specific habitat being used by the currently existing animals. This leaves both your governments negotiating over tiny parcels of habitat in order to approve new industrial development, rather than implementing an actual large-landscape approach, which would include straightforward protection and restoration of habitats at all elevations, sufficient to provide for significantly higher population numbers

and reconnect the currently isolated herds. In order to determine where the Agreement can be strengthened to meet that test, **Canada must release the critical habitat mapping that was to be conducted as part of the 2014 Recovery Strategy.**

The Agreement is a step backwards from the goals of the federal 2014 Recovery Strategy. Like the PNCP, the Agreement continues to allow the degradation of caribou habitat, while relying on voluntary measures from industry. **The Agreement includes no commitment to new protections or deferrals in the interim, and no final range plans for 720 days. This “talk and log-road-drill” approach is what has gotten us to the perilous place we are at today vis-à-vis caribou recovery.** The 2017 joint BC-Canada Critical Habitat Protection Assessment found that thresholds of disturbance have been exceeded for both low and high elevation habitat for the Central Group herds, clearly illustrating the ineffectiveness of the current approach, including voluntary measures from industry.

A meaningful recovery agreement must include spatially explicit definition of areas that need strong, effective protection, including -- at a minimum -- 100% of high elevation critical habitat that has been or will likely be identified in the 2014 Recovery strategy, and 65% of potential non-high elevation habitat. In order to support this, Canada must commit to finish identifying critical habitat as soon as possible with a moratorium on industrial development in any potential low-elevation or high-elevation habitat until an updated identification of critical habitat has been released. A triage approach cannot be taken as habitat protection measures throughout the ranges of mountain caribou need to be strengthened in order provide for significantly higher population numbers and reconnect currently isolated herds.

The Agreement also falls short of the 2014 Recovery Strategy in terms of population target goals. While an aspirational target of reaching a population level sufficient to support a “self-sustaining harvest by Indigenous peoples within a generation” is laudable, Treaty 8 First Nations must be the ones defining what this means. A recovery target of only 800 animals in 50 years would allow for only a ‘token’ harvest, which amounts to commitment to permanent infringement of Treaty 8 (and the very real possibility of legal action). Much higher population targets are absolutely viable, given the experience of West Moberly First Nations and Sauleau First Nations in recovering the Klinse-za herd. **The parties must set much higher population recovery targets than those proposed in the Agreement.** The parties must commit to a timeframe and targets that ensure a harvestable surplus population of caribou, as guaranteed within Treaty 8, within a generation, before important cultural knowledge is lost.

We recognize the need for a comprehensive recovery approach that includes restoration, especially for a landscape such as this which is intensively logged, mined, and roaded, with additional pressures from oil and gas development, wind farms, hydroelectric dams and infrastructure, and pipelines. That such small restoration targets as a few hundred hectares per year are being presented, given hundreds of thousands of hectares of disturbance, is deeply troubling. In addition, until we know the funding levels behind the restoration measures, it is impossible to comment on the efficacy of these aspirations: How much will it cost to restore range habitat to a level that supports recovery? How much are the parties currently able to fund? How will the parties make up any funding shortfalls to reach a recovery target? **In order to be effective, restoration and recovery must exceed the current rate of disturbance on the land.** This plan falls far short of this requirement.

Finally, we have found the process by which this plan was developed to be opaque and convoluted, with timelines for future engagement far too long. A major cause for concern from local communities and stakeholders including conservation organizations has been the lack of meaningful consultation in this process. Discussions thus far with stakeholders have been informing, not consultative. **The proposed timeframe of 360 days to develop a stakeholder engagement strategy is completely unacceptable.** Meaningful consultation would bring First Nations and stakeholders into the planning process much earlier, rather than after the plans have been developed. In addition, the public comment period for the draft Agreement is far too short, and occurs over the December holidays. **Extending this comment period by at least 30 days would allow for more meaningful input from stakeholders.**

Given the need for extended timelines, **a moratorium on further degradation of caribou habitat across the caribou ranges should be enacted**, to ensure that recovery is not further jeopardized by the time meaningful engagement and recovery action takes place.

Conclusion

We welcome the engagement of Canada on this critical issue, and urge compliance with the federal 2014 Recovery Strategy at an absolute minimum, as well as the immediately cessation of critical habitat degradation. We cannot support the Agreement as written, but assure both of your governments that we are ready to bring significant capacity to bear on making this Agreement one that will stand as a historic precedent in effectively recovering species at risk in Canada, while honouring First Nations treaty rights.

The Northern and Mountain Caribou ecotypes live nowhere else on the planet, and we welcome the leadership of First Nations, Canada, and BC in ensuring these magnificent animals survive for future generations.

Sincerely,

A handwritten signature in black ink, appearing to read 'CMB', with a stylized flourish at the end.

Candace Batycki

BC & Yukon Program Director

Yellowstone to Yukon Conservation Initiative



John Bergenske
Conservation Director
Wildsight



Bruce Passmore
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CC:

Minister Doug Donaldson
West Moberly First Nations
Saulteau First Nations
Macleod Lake Indian Band
Jonathan Wilkinson MP, Parliamentary Secretary to the Minister of Environment and Climate Change