

March 25, 2021

## Federal Government Declines Emergency Order for Southern Mountain Caribou

By: Shaun Fluker

**Matter Commented On:** Government of Canada, [Statement: Government of Canada's approach to addressing the imminent threats to the recovery of Southern Mountain Caribou](#) (18 March 2021)

The federal government recently added a [Statement on Southern Mountain Caribou](#) to the [species at risk public registry](#) announcing that the Governor in Council has declined to issue an emergency protection order under section 80 of the *Species at Risk Act*, [SC 2002, c 29](#). This statement was a response to the recommendation for the order made by the federal Minister of the Environment following her finding in March 2018 that the southern mountain caribou face an [imminent threat](#) to their recovery. I wasn't planning to comment on this announcement because it is fully consistent with the federal strategy of deference to the provinces on the woodland caribou file, a strategy which I debunked recently in [Canada and Alberta Agree to More Pie-In-The-Sky on Woodland Caribou](#). Accordingly, this announcement was not surprising, or particularly newsworthy in Alberta. However, I changed my tune last Friday afternoon while perusing my inbox looking for a weekly fix of Alberta government spin, and Jason Nixon, the Alberta Minister of Environment and Parks, did not disappoint with his comments in [Federal recognition of Alberta's caribou recovery efforts: Minister Nixon](#), expressing that the federal Statement is a recognition of Alberta's strong caribou recovery efforts to date.

The fact that Alberta takes some credit for the federal decision not to issue an emergency protection order would be comical if it wasn't such a sad reflection on the reality of caribou politics these days. The federal Statement on Southern Mountain Caribou is clearly directed at British Columbia – the home for the overwhelming majority of remaining southern mountain caribou populations. Yes, Alberta has a few resident populations along its western border north of Jasper (specifically, the Narraway, A La Peche, and Redrock/Prairie Creek herds). However, the federal Statement only mentions Alberta in relation to the Alberta-Canada [Agreement for the conservation and recovery of the Woodland Caribou in Alberta](#), entered into in October 2020, which I described in [Canada and Alberta Agree to More Pie-In-The-Sky on Woodland Caribou](#) as “... yet another shameful exercise by those who merely want to give the appearance of effective public policy on reversing the decline of woodland caribou populations in Canada.” There is nothing of substance in terms of regulatory measures in that agreement to even slow down, let alone halt, the demise of woodland caribou in Alberta.

I was surprised, however, that the Minister did not reference the substantive measures which could qualify for some recognition by the federal government: the proposed expansion of the Kitaskino Nuwenéné Wildland Provincial Park and the [Moose Lake Access Management Plan](#).

Others have recognized these as significant for the recovery and protection of woodland caribou in Alberta. As the Alberta Wilderness Association summarized in its [media release](#):

The Moose Lake Access Management Plan is a truly innovative advance in the management of cumulative industrial impacts on Alberta public lands. It applies to a 10 kilometre wide Zone around the Gardiner and Namur Lake reserves of Fort McKay First Nation (the Moose Lake reserves), covering 100,000 hectares total (Figure 1). Half of the Zone is on ‘mixed use’ public lands outside designated protected areas. The Plan recognizes that ‘edge effects’ to wildlife habitat extend 50-200 metres beyond industrial disturbance points. It sets a maximum limit of ‘buffered’ industrial disturbance in the Zone at 15% (it is currently 13.5%); it further allocates the allowed disturbance limit amongst the forestry, oil and gas and sand/gravel sectors. It commits to significant community-based monitoring, enhanced reclamation practices, and restoration of legacy seismic lines. This is a significant, encouraging precedent that should inform management of critical habitat of species at risk – such as woodland caribou, native fish and grasslands species – and further the exercise of Indigenous rights and traditional land uses everywhere in Alberta.

The proposed expansion of Kitaskino Nuwenéné Wildland Provincial Park (Figure 2) is significant in size and habitat value. It covers 144,000 hectares, roughly 15 townships, of boreal highlands and will almost double the existing Park’s size. It will connect more protected lands with the existing Birch River Wildland Provincial Park to the west. It includes significant range lands of the threatened Red Earth woodland caribou population. From a watershed perspective, it will protect more lands south of Wood Buffalo National Park whose waters flow into the Peace Athabasca Delta. The Delta is one of the world’s largest freshwater deltas, supporting globally significant wildlife populations.

Hopefully the Minister follows through with his reference to strong caribou recovery measures by ensuring the wildland park is expanded and by incorporating the terms of the management plan into the [Lower Athabasca Regional Plan](#) as enforceable regulations pursuant to the *Alberta Land Stewardship Act*, [SA 2009, c A-26.8](#).

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