ALBERTA WILDERNESS ASSOCIATION
"Defending Wild Alberta through Awareness and Action"

July 28, 2017

Parks Canada
Species Conservation and Management
Natural Resource Conservation
Parks Canada
30 Victoria Street 3rd floor
Gatineau, QC
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Re: Multi-Species Action Plan for Jasper National Park of Canada [Proposed]

Alberta Wilderness Association (AWA) appreciates that the Parks Canada Agency has submitted a proposed multi-species action plan pursuant to sections 41 and 47 of the *Species at Risk Act* (SARA). Our comments on the Agency's proposed action plan, *Multi-species Action Plan for jasper National Park of Canada [Proposed],* are offered below.

AWA, founded in 1965, works throughout Alberta towards more representative and connected protection of the landscapes that are the source of our clean water, clean air, and vital habitat for wildlife in each of our six natural regions. We help Albertans learn more about the value of our wilderness and wildlife, and participate in opportunities to protect and care for the legacy we will leave for future generations. With over 7,000 members and supporters in Alberta and across Canada, AWA remains committed to assuring protection of wildlife and wild places in Alberta for all Canadians.

Much of the tone, themes, and language in AWA's comments on the proposed Multi-species Action Plan for Jasper National Park is borrowed from the comments we have issued previously with respect to similar proposed plans for Waterton Lakes National Park and Banff National Park. This shouldn't surprise since Parks Canada has adopted the same template for its proposed plans to meet the legal requirements of SARA; it also shouldn't surprise since Parks Canada adopts the identical approach or management philosophy towards its SARA duties in all three of these proposed plans.

General Overview of the Proposed Multi-species Action Plan for Jasper National Park

While AWA appreciates Parks Canada's commitment to a better future for Canada's endangered and threatened species we believe the Agency's proposed action plan for Jasper National Park is woefully insufficient/deficient. A lack of measurable actions, deadlines, and firm targets for recovery plagues this document. The document also lacks a sense of urgency for the need to recover the at risk species identified therein. We question, therefore, whether this proposed action plan satisfies the legal requirements for action plans established in section 49 of the SARA.

In the Preface to the Jasper National Park proposed action plan Parks Canada writes: "Implementation of this action plan is subject to appropriations, priorities, and budgetary constraints of the participating jurisdictions and organizations." (ii) Of course, Alberta Wilderness Association realizes that the Government of Canada doesn't have unlimited resources. Nonetheless, AWA is very concerned that this language effectively tries to diminish the legal imperatives mandated in SARA and ignores the need for urgent action that is inherent in the phrase "species at risk."

This concern is amplified by placing this qualifying statement and other conditional/tentative commitments found throughout the proposed action plan in the context of Parks Canada's national spending priorities in the medium-term. As AWA pointed out previously in a May 8, 2017 letter to Minister McKenna, the financial priorities outlined in the Parks Canada Agency's 2017-18 Departmental Plan place far too little weight on ecological integrity, the first priority of the Parks Canada mandate. That departmental plan continues the worrying decline in the Agency's commitment to the Heritage Conservation program. Heritage Resources Conservation program spending is planned to fall to 13.8 percent of the Agency's total spending by the 2019/20 fiscal year. Meanwhile, Parks Canada plans tremendous spending increases in infrastructure. In current dollars, the Agency plans to spend $468.5 million on infrastructure in 2019/20 – that's a greater than $364 million increase (4.5 times) from infrastructure spending in the 2011/12 fiscal year. The habitat and wildlife of our national parks are the ecological infrastructure fundamental to the key priority of ecological integrity. The timid, tentative commitment to protecting and recovering species at risk offered in the Agency's action plan does not serve that priority well or adequately. The millions of dollars planned for dubious infrastructure projects such as the Icefields Trail would be far better spent fulfilling Parks Canada's legal obligations under the *Species at Risk Act.* Without giving our national parks system's core values much more emphasis AWA believes parks visitors will be cheated of the experiences in nature they seek in our mountain parks.

The discussion of ecological integrity in this proposed action plan also raises concerns about the strength of Parks Canada's commitment to fulfilling its legal obligations under SARA. Early in the proposed action plan the Agency writes that maintaining or restoring ecological integrity "shall be the first priority of the Minister" when it comes to managing Canada's national parks. (p. 5) On page 8, the proposed action plan reduces ecological integrity's importance to "a priority." Concerns about whether ecological integrity really is, as the law states, "the first priority" unfortunately are strengthened on page 9. There the Agency writes that the ecological effectiveness of its proposed measures are "(t)he primary consideration" but a range of other

factors also are considered. Those factors include “visitor experience.”

This pattern is suggestive of the fact that Parks Canada has interpreted its overall ecological integrity management mandate under section 8(2) of the Canada National Parks Act as an exercise in balancing recreational interests along with the protection of historical resources and the parks environment. The Federal Court of Appeal has ruled this management approach is fundamentally inadequate when it comes to protecting endangered and threatened species under the *Species at Risk Act* (See Canada (Fisheries and Oceans) v David Suzuki Foundation, 2012 FCA 40). Accordingly, it is incorrect in law to state that species at risk in Jasper National Park are adequately protected by existing national park regulations and management regimes. (p. 6) Given the *Threatened* status of the woodland caribou populations in Jasper National Park and the recent sharp decline in most of these populations it is simply incorrect to suggest that: “Species at risk, their residences, and their habitat are therefore protected by existing national park regulations and management regimes.” (p. 8) They should be, but they are not currently.

Benchmarks Are Needed To Promote Accountability

One of the glaring weaknesses of this action plan, like that prepared for Jasper’s sister parks in Alberta, concerns the issue of accountability. The substance of this action plan will make it very difficult, if not impossible, for the public to hold the Minister of Environment and Climate Change and Parks Canada accountable for their actions. Philip Tetlock, an American social scientist and expert on government accountability, contends that accountability “refers to who must answer to whom for what under what ground rules.” With respect to SARA the Minister responsible for the Parks Canada Agency and her officials must answer to Canadians for the results of government measures intended to improve the health of endangered species in Canada. The multi-species action plan for Jasper National Park is very deficient when it comes to identifying what Tetlock called the “for what under what ground rules.” In this respect, despite the action plan’s repeated reference to “measures,” it is silent about the specific programs and projects, specific financial amounts, and specific personnel resources that are now committed, and will be committed in the future, to fulfill the Agency’s legal obligations under SARA. Desired outcomes are seldom assigned definitive target dates for their realization.

Furthermore, the proposed action plan, while noting that “(s)ome recovery measures are already being implemented in the Park” fails to report meaningfully on those measures already taken and the efficacy of those already implemented species at risk recovery measures. Without such specific information and commitments Canadians cannot understand the value of maintaining ecological integrity in our parks; they cannot hold either the Minister or the Parks Canada Agency accountable for their good intentions regarding the future of Canadian species at risk. Parks Canada should be able to provide such details since, in the Agency’s words, “(t)he conservation of species at risk, using both ecological measures and educational programs, is an important part of the day-to-day work of Parks Canada.”(p. 5) This proposed action plan should be rewritten to provide such details.

Does the Proposed Multi-species Action Plan for Jasper National Park Meet the Requirements of Section 49 of the *Species at Risk Act?*

Section 49. (1) states: An action plan **must include,** (emphasis added) with respect to the area to which the action plan relates,

> (*a*) an identification of the species' critical habitat, to the extent possible, based on the best available information and consistent with the recovery strategy, and examples of activities that are likely to result in its destruction;
> (*b*) a statement of the measures that are proposed to be taken to protect the species' critical habitat, including the entering into of agreements under section 11;
> (*c*) an identification of any portions of the species' critical habitat that have not been protected;
> (*d*) a statement of the measures that are to be taken to implement the recovery strategy, including those that address the threats to the species and those that help to achieve the population and distribution objectives, as well as an indication as to when these measures are to take place;
> (*d.1*) the methods to be used to monitor the recovery of the species and its long-term viability;
> (*e*) an evaluation of the socio-economic costs of the action plan and the benefits to be derived from its implementation; and
> (*f*) any other matters that are prescribed by the regulations.

The proposed Multi-species action plan for Jasper National Park fails to fulfill this section of SARA.

(a) Identification of species' critical habitat:

With respect to the identification of critical habitat the proposed action plan, like those for Waterton Lakes and Banff National Parks, reads in part: "No new critical habitat is identified in this action plan. Critical habitat for some species has been identified previously in their respective recovery strategies." (iii) The fact that critical habitat is identified in recovery strategies does not excuse government agencies from identifying critical habitat in their action plans. There is nothing in section 49 that excuses federal agencies from identifying critical habitat. It is insufficient for the Parks Canada Agency to refer readers to other documents when it comes to identifying the critical habitat relevant to the Jasper National Park proposed action plan. The proposed action plan should list the critical habitat in Jasper National Park that has been identified there for the species discussed therein.

(c) Identifying any portions of the species' critical habitat that have not been protected

As in the Waterton Lakes National Park proposed action plan, the proposed plan for Jasper National Park states: "Where critical habitat identification is not complete, it will be identified in an upcoming or amended action plan or revised recovery strategies for the species." (p. 12) Could Parks Canada please state which of the seven species addressed in the Jasper National Park proposed action plan where such habitat identification is not complete? Could it further

outline what efforts are underway in Jasper National Park to identify critical habitat for those species?

(b)/(d) Statement of measures proposed to protect the species' critical habitat/statement of measures intended to implement the recovery strategy

Appendix B lists the measures Parks Canada intends to implement through the Multi-species action plan for Jasper National Park. Virtually without exception, these 26 measures, as well as their desired outcomes and timelines, are very vague. They fail to disclose what personnel and financial resources will be devoted to implementing them. They too often fail to set specific target dates for outcomes to be accomplished. Such vagueness and indeterminacy make it very difficult, if not impossible, to hold Parks Canada and the Minister of Environment and Climate Change accountable for delivering meaningful progress on the protection of critical habitat and the goals of the respective species' recovery strategies. Where Parks Canada believes that an increase in the population of a species at risk is not possible within the park, it is important for the action plan to state the and clearly list actions that will be undertaken to prevent the further decline of this species within the park.

The Case of Woodland Caribou

The proposed action plan's discussion of woodland caribou illustrates this problem and suggests just how difficult it will be to hold government accountable for making substantial progress towards protecting and recovering species at risk through the Jasper National Park action plan. On page 10, after noting the importance of predation by wolves to the recent decline of caribou populations in the park, the proposed action plan relates increased predation by wolves to the cessation of decades of wolf control in 1959. If wolf control ended in 1959, could Parks Canada please explain how a management action taken nearly 60 years ago has contributed to the steep recent decline? Since no academic studies about this issue are listed in the proposed action plan's list of references could Parks Canada also identify the studies it used to support this linkage?

One of the recovery measures for woodland caribou that the proposed action plan could have identified and discussed is the winter closure of backcountry areas in Jasper National Park. From the perspective of caribou recovery has this decision lived up to then-Superintendent Fenton's assertion that this closure was "a major achievement in support of caribou conservation?" (quoted in "Large portion of Jasper closed in winter for caribou," *Hinton Parklander*, July 31, 2013). The proposed action plan should comment on the effectiveness of this measure.

The document also should offer, with respect to Measure #6, some specifics about what additional measures are planned and when they will be implemented. The "measure" cell for Measure #6, as stated in the proposed action plan, states management's intention but it fails to outline what specific measures will be implemented to "(r)educe threat of predator access to high quality caribou habitat by managing extent and timing of human activities." Management's intent here is not a measure.

The confusion of intent with measures and a lack of specifics regarding measures is a general flaw of this management proposal that is particularly pronounced in the woodland caribou section of Appendix B. The measure described in #8, "(r)educe highway-caused mortality" is a desired outcome, not a measure. The key issue of what specific actions (measures) will be implemented to reduce mortality is not addressed. What are the specifics of the guidelines for aircraft flying over caribou habitat introduced in Measure #7? Those specifics would constitute real measures that the public could hold Parks Canada accountable for carrying out. What measures will be implemented to "(m)anage forests near caribou range to maintain and/or increase caribou habitat quality and availability?" (Measure #5) Accountability is not strengthened simply by listing management's intent.

The fourth measure in Appendix B establishes the desired outcome, in part, as: "Increasing population trend for one subpopulation in the short-term and other subpopulations to follow." What subpopulation does the "one subpopulation" refer to? What does Parks Canada mean by "short-term?" Is this the 2016-21 timeline described in this measure? Or, is this 2016-21 timeline the "long term" associated with the sustainability of the Local Population Unit?

The language regarding augmentation in Appendix B differs significantly from the language used in the discussions of augmentation on pages 10 and 18 of the proposed management plan. On page 10 the Agency writes about investigating the feasibility of augmentation; on page 18 Parks Canada speaks of investigating augmentation's potential. In Appendix B, Measure #4, the Agency writes about "next steps" in augmentation (p.20). This suggests to AWA that the Agency has decided, not just to investigate feasibility or potential, but to develop a plan to proceed.

AWA is not, in principle, opposed to augmentation. But, if augmentation is going to do nothing more than release caribou into insecure habitat, then AWA will oppose this approach strenuously. To this end, AWA believes the first priority of Parks Canada with respect to woodland caribou must to ensure the security of caribou habitat. As the 2014 *Recovery Strategy for the Woodland Caribou, Southern Mountain Population (Rangifer tarandus caribou)* stated on page 43: "In many of the areas identified as critical habitat, the quantity and quality of habitat will need to be improved for recovery to be achieved."

With respect to critical habitat the 2014 Recovery Strategy noted on page 49 the need for further mapping to complete the identification of critical habitat for southern mountain caribou. Could Parks Canada please clarify if Jasper National Park was considered then as a national park where such further mapping was needed? Since this mapping was supposed to be completed in 2014 could Parks Canada clarify if this mapping has been completed? Could the Agency also include its map(s) of critical habitat for woodland caribou in this proposed action plan?

The Relationship Between Recovery Strategies and Action Plans: the case of Whitebark Pine

As AWA stated with respect to the Waterton Lakes National Park proposed action plan, we are concerned that the Jasper National Park proposed action plan "puts the cart before the horse." The document *Environment and Climate Change Canada's Three-year Recovery Document Posting Plan* states: "(t)he competent Minister(s) in respect of a recovery strategy must prepare one or more action plans on the Species at Risk Public Registry **based on the recovery strategy**." (emphasis added) With respect to whitebark pine, that species' recovery strategy was due to be released in the 2015/16 fiscal year. Approximately two years after this deadline the whitebark pine recovery strategy still has not been posted. Management plans or Recovery Strategies were supposed to be posted for 71 species in 2015/16. Whitebark pine is one of only four species still waiting for the posting of its recovery document.

Without the ability to consult the final recovery strategy for whitebark pine it is impossible to evaluate the contribution the proposed measures for whitebark pine listed in the Jasper National Park proposed action plan will make to the recovery of this species.

At the very least, in the absence of the whitebark pine recovery strategy, Parks Canada must commit to prepare a whitebark pine supplement/amendment to the Jasper National Park proposed action plan within 60 days of the release of that recovery strategy.

AWA also would say that, given the *Endangered* status of whitebark pine, some of the measures/desired outcomes listed in Appendix B appear very unambitious and lack any sense of urgency. If the desired outcome of planting 3,500 rust resistant whitebark pine seedlings by 2019 reflects a serious effort to recover this species could Parks Canada please supply some evidence to support that conclusion? If Parks Canada regards recovering this endangered species as a top priority shouldn't the Agency's commitment beyond 2019 be stronger than that part of Measure #2's desired outcome which reads: "Continue annual planting beyond 2019 **as resources are available and based on priority areas for restoration need**." (emphasis added) With respect to restoring whitebark pine habitat, the goal of restoring just two hectares of habitat by 2019 and the failure to commit to restoring habitat beyond 2019 again strikes AWA as very unambitious. If AWA's conclusion is mistaken could Parks Canada please supply some evidence to support why a goal of restoring a mere five acres of whitebark pine habitat by 2019 should be seen as reflecting a serious effort to recover this species?

General comments re the need to elaborate/clarify/offer additional justifications

AWA asks that Parks Canada revise this proposed action plan to increase the clarity and meaning of certain key phrases:

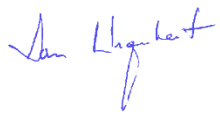
- On page 13 the Agency writes in part: "The proposed measures seek a balanced approach to reducing or eliminating threats to species at risk populations and habitats…" What, in the Agency's judgment, does the phrase "a balanced approach" entail? How does such an approach conform to the legal duties found in the *Species at Risk Act*?
- Parks Canada, at several places in Appendix B, uses the phrase "priority audiences." Could the Agency specify who those audiences are?

Conclusion

The Parks Canada Agency's proposed action plan, *Multi-species Action Plan for Jasper National Park of Canada [*Proposed*]*, lacks the sense of urgency that is inherent in the phrase "species at risk." Alberta Wilderness Association regards this document as very deficient. AWA does not believe this proposed action plan fulfills the legal requirements established in the *Species at Risk Act*. AWA urges Parks Canada to make the following revisions to its action plan:

1.) Identify species' critical habitat as required by section 49 (1)(a) of the *Species at Risk Act*.
2.) Identify portions of species' critical habitat that have not been protected as required by section 49 (1)(c) of SARA.
3.) With respect to sections 49 (1)(b) and (d) correct the vagueness and indeterminacy of the proposed action plan. Provide specific financial and personnel commitments (and project details where applicable) for each of the measures listed in this proposed action plan. Assign definitive target dates for the desired outcomes in the proposed action plan.

Sincerely,
ALBERTA WILDERNESS ASSOCIATION



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