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"RAC"KING OUR BRAINS OVER OILSANDS COUNTRY

By Jason Unger, *Staff Counsel*

The Lower Athabasca Regional Advisory Council (RAC) recently published a vision document for the Lower Athabasca Region, an area encompassing the majority of oilsands deposits in Alberta.¹ The document outlines various recommendations (the *RAC Recommendations*) and will inform the production of a regional plan (the Lower Athabasca Regional Plan or LARP) that will be implemented through the *Alberta Land Stewardship Act (ALSA)*.²

The RAC itself was composed of 17 members with a wide range of backgrounds including industry, all levels of government, First Nations and Métis, and environmental interests. The *RAC Recommendations* are presented as consensus based as there are no dissenting or conflicting viewpoints or recommendations outlined.

General approach

The vision for the Lower Athabasca seeks a "balanced" approach to development.³

Sustainable economic, social and environmental outcomes are balanced through the use of aboriginal, traditional and community knowledge, sound science, innovative thinking, and accommodation of rights and interests of all Albertans.

The *RAC Recommendations* propose specific zoning or land use categories for the Lower Athabasca region. The Government of Alberta published several maps that illustrate land use categories and overlays. The Government's map for the overall plan and its five land use categories is recreated at Figure 1 (page 2). The land use categories include agriculture, conservation, mixed-use resources, population centres, and recreation and tourism.

Specific management approaches are set out for each land use class. The agricultural classification cites policy development around preservation



Photo by Gord McKenna
<http://www.flickr.com/people/gord99/>

of agricultural land and the use of best management practices across the industry.⁴ Conservation areas are managed through the creation of management plans and will have little or no industrial use, a freeze on mineral tenure grants, a phase out of undeveloped tenures, and management of traditional uses that are consistent with conservation objectives.⁵ The RAC has identified 14% of the region for conservation area (with an additional 12 % proposed). The mixed-use area has a policy focus on integrated land use management to limit disturbance, progressive land reclamation, and special management areas for dealing with protecting caribou or for tourism and recreational value.⁶

In addition to these land use categories, there are three overlays proposed: Lakeland Country, Multi-Use Corridor, and River Corridor. The Lakeland Country overlay is focused on promoting recreation and tourism development in the Lakeland area. Multi-Use Corridors

may include a variety of infrastructure such as transportation, power lines and pipelines, and is focused on consolidating this infrastructure into corridors through a "robust multi-stakeholder planning process".⁷ These corridors may be sited through conservation areas. River Corridors will have specific management criteria to determine allowable uses within the overlay areas and to clarify the "diverse level of protection and setbacks currently in place."⁸ The *RAC Recommendations* identify the dominant functions of these areas are to "maintain water quality and quantity, maintain natural diversity (including biodiversity, vegetation and landforms), provide critical habitat for fish and wildlife and provide landscape connectivity between conservation areas and other habitat".⁹ The *RAC Recommendations* also indicate that "the use of best practices in all industry activities within river corridors is required."¹⁰

(continued on page 2)

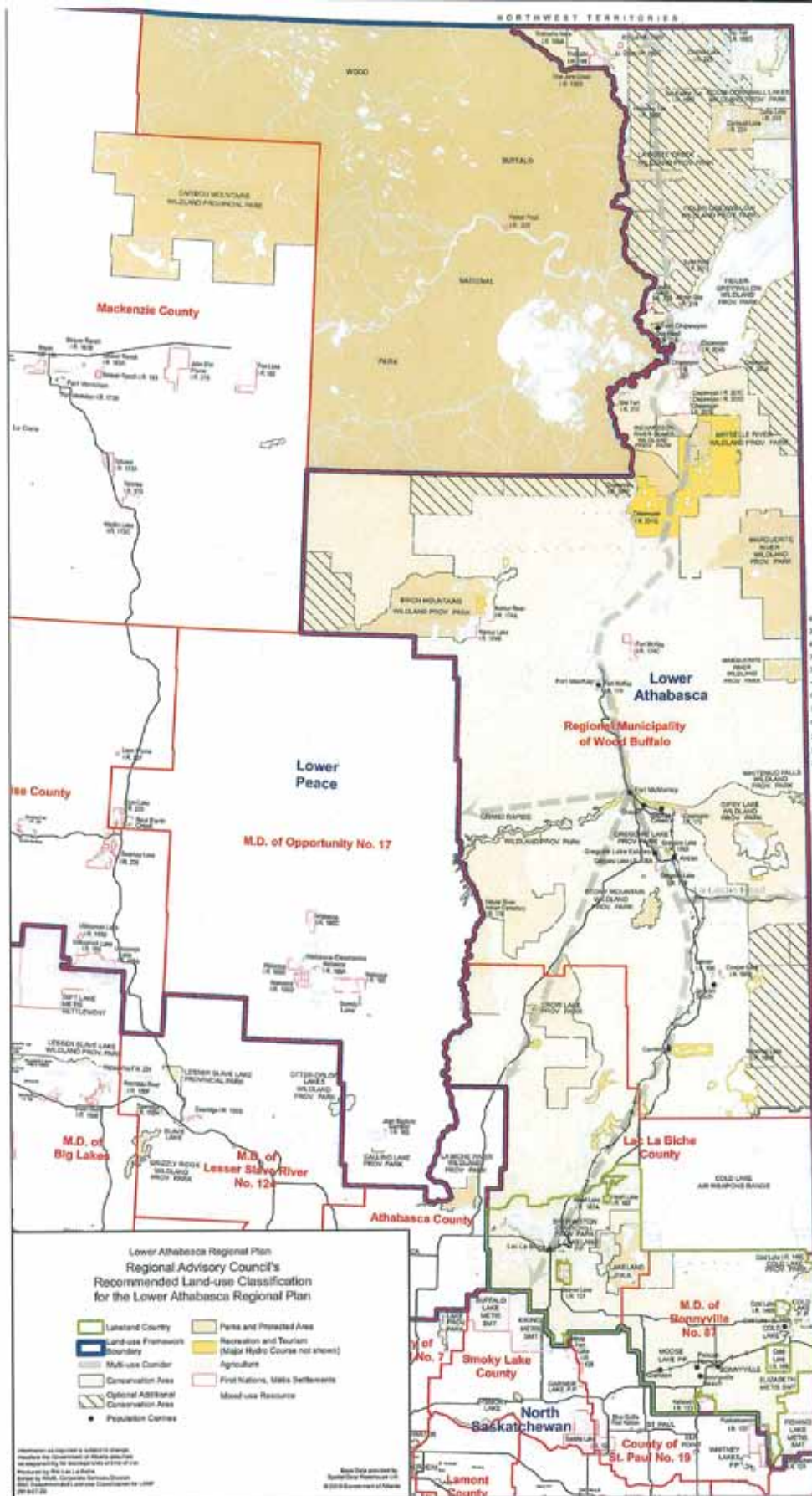


Figure 1: Lower Athabasca Regional Plan Regional Advisory Council's Recommended Land-use Classification for the Lower Athabasca Regional Plan <<http://www.landuse.alberta.ca/RegionalPlans/LowerAthabasca/documents/LARP-RACMap-LandUseClassification-Aug2010.pdf>>

The RAC Recommendations are a high level planning and strategy document with few specific standards or directions. This leaves it in government hands to conduct the "balancing act" for developing the region. The recommendations rely heavily on future programs, planning, and policy development, including:

- groundwater, surface water, and air management frameworks (that are currently under construction);¹¹
- integrated reclamation planning;¹²
- cumulative environmental impact assessment of land disturbance to guide future management decisions;¹³
- community monitoring and reporting programs;¹⁴
- a riparian area policy (or what appears to amount to one);¹⁵
- a biodiversity management framework;¹⁶ and
- implementation of an agricultural land preservation plan (although not stated as such).¹⁷

The recommendations also call for integration across sectors and various media, including:

- integration of agricultural stewardship with biodiversity planning and management;
- using integrated land management to minimize disturbances; and
- integration of watershed planning into the regional planning process.

Also of interest from an environmental perspective is the recommendation to limit the area disturbed by oil sands extraction at any point in time to 15 % in the mixed-use area.¹⁸ This is significant

(continued on page 3)

Common Acronyms

LUF - Land Use Framework

TOR - Terms of Reference

RAC - Regional Advisory Council

LARP - Lower Athabasca Regional Plan

EMF - Environmental Management Framework

because of its potential consequences for project development and reclamation; however, serious questions are not answered by the recommendations. How does this disturbance level vary from the status quo? Why is it focused solely on oil sands extraction? How is infrastructure central to oil sands extraction but used by others considered?

Discussion

The *RAC Recommendations* are quite comprehensive, insofar as they identify the vast majority of key issues in the area. They are also quite indeterminate, insofar as no one can say that they will lead to effective management and the balancing of environmental, economic, and social considerations on the landscape. The comments that follow are focused on the environmental aspects of the *RAC Recommendations*.

As with most broad policy and planning recommendations, the devil is in the details. The government will need to sort these details out to arrive at a substantive land use plan for the region. This is no small test, as the land use plan will become the template from which the other regions' plans are based. Assuming that the *RAC Recommendations* are adopted by government, arriving at the land use plan for the Lower Athabasca region must (i) contend with building capacity and operationalizing the various management planning processes recommended by the RAC (i.e., carrying out the next steps), (ii) ensure that there exists clear accountability for integration of objectives, and (iii) ensure that the overall land use plan strikes the balance promoted by the RAC's vision.

(i) Operationalizing the next steps

A heavy reliance on future processes raises alarm bells from the start. The success of such planning processes, particularly when they are collaborative and multi-stakeholder in nature, is mixed in Alberta, with a tendency towards failure.¹⁹ Further, this reliance raises significant questions about the timely arrival at plan implementation. The delay in having applicable planning actions in place, in the absence of any regulatory transition provisions to deal with developments, will further undermine the balancing that must take place in the region. One might argue that this is a symptom of an imbalance, as each delay

in plan development likely costs the environment exponentially more than economic and social outcomes. Collaborative planning processes themselves will begin their work inherently unbalanced, with many negotiating at the table with vested interests, in the form of mineral tenures and public land dispositions. These dispositions and tenures, in the absence of any intent to retroactively amend these instruments, set an uneven stage for collaborative negotiation.²⁰

Questions regarding the financial and technical resources that will be necessary to develop and implement all the plans and frameworks also remain.

(ii) Accountability

The issue of accountability is central to an effective land use planning process. The *RAC Recommendations* are ambitious and overarching. If the LARP is similarly overarching, the question becomes who will be accountable for the plan outcomes. Accountability in a land use plan requires that the plan include standards, thresholds, and a robust monitoring system, and it must be enabled by legal and regulatory tools.

Questions of accountability in the *RAC Recommendations* are illustrated by the objective regarding monitoring and reporting for land, air, water, and biodiversity which states:²¹

Work with local communities to develop stewardship responsibilities, accountability and roles for local communities in air, land, biodiversity and watershed monitoring and reporting.

What is an appropriate budget for monitoring such an area? Who will pay for this monitoring and reporting? Is this monitoring and reporting in addition to proponent obligations to do the same? How are local communities to "develop... accountability"?

Further, the government has yet to establish statutory or policy approaches to integrate watershed plans or biodiversity plans into regional plans or into the host of other departments' mandates.²²

(iii) The balancing act

The issue of balance is cited in the RAC's vision statement and this is reflected in the recommendations as promoting all aspects of development and conservation. Yet a balance inherently requires tradeoffs be made. Under the historic and current system the environment has not received a "balanced" consideration. Impacts on the environment are rarely avoided; rather, development impacts on the environment are framed in terms of mitigation with little discussion of how and whether the mitigation mechanisms actually protect environmental integrity.

The concern then becomes whether, with the motherhood promotion of everything, the plan will lead to continuing with the status quo with the exception of a "payout" to the environment in the form of 20% of the land being classified as conservation lands (with varying degrees of allowable activities). Flipping this notion on its head, to only 20% of the land base subject to any industrial or municipal development, illustrates the bluntness of this approach to "balance". One must also question the value of a conservation area where current oil sands tenure agreements remain in place and the resulting development this entails.

So the issue of balance lands squarely in the lap of the government, and issues of conflicting interest between social, environmental, and economic outcomes still loom large.

Conclusion

As the first set of recommendations out of the regional land use planning gate, the *RAC Recommendations* appear to cover most bases in varying degrees of focus and detail. There are significant questions about whether a balance of environmental, economic, and social objectives will result in the forthcoming land use plan. As is discussed in one of the following articles it appears that biodiversity in particular is not given its due. While the Environmental Law Centre recognizes that such balance is not an easy task, particularly for a multi-stakeholder committee with limited time to negotiate, there remain significant questions about how the *RAC Recommendations* will be moved forward and how accountability for outcomes will be ensured. If there is a balance to be struck, it appears the government's land use planning team will have to rack their collective brains. •

(footnotes on page 4)

Footnotes

- 1 Lower Athabasca Regional Advisory Council, *Advice to the Government Regarding a Vision for the Lower Athabasca Region* (August 2010), online: Government of Alberta, Land-Use Framework <<http://www.landuse.alberta.ca/RegionalPlans/LowerAthabasca/documents/LARP-VisionForLowerAthabascaRegion-Aug2010.pdf>> (hereinafter the *RAC Recommendations*).
- 2 S.A. 2009, c. A-26.8.
- 3 *Supra* note 1 at 8.
- 4 *Ibid.* at 26.
- 5 *Ibid.* at 27.
- 6 *Ibid.* at 28.
- 7 *Ibid.* at 33.
- 8 *Ibid.* at 34.
- 9 *Ibid.* at 34.
- 10 *Ibid.*
- 11 *Ibid.* at Outcome 5 at 19.
- 12 *Ibid.* at Objective 4.2.(b).
- 13 *Ibid.* at Objective 4.2.(a).
- 14 *Ibid.* at Objective 3.2.(b).
- 15 *Ibid.* at 34.
- 16 *Ibid.* at Objective 4.3(a).
- 17 *Ibid.* at Objective 1.4.(a).
- 18 *Ibid.* at Objective 4.1 (c).
- 19 It should be noted that the *RAC Recommendations* specifically identify strengthening of multi-stakeholder groups as a stand-alone objective (*Supra* note 1, Objective 3.3 at 16.)
- 20 It should be noted that the *Alberta Land Stewardship Act* does empower the retroactive alteration of statutory instruments to meet regional plan objectives at s.11.
- 21 *Supra* note 1 at 16 (Objective 3.2 (b)).
- 22 Under the *Alberta Land Stewardship Act*, *supra* note 2, the government has broad discretion to adopt other plans as part of a regional plan but it is not required and no specific policy has been developed in this regard (at s.10). Watershed plans, watershed management plans, or integrated watershed management plans are created through the Watershed Planning and Advisory Council process formalized by the *Water for Life* strategy.

Other RAC recommendations of note:

The “detailed recommendation in the sea of generality”:

Establish a program to eliminate hanging culverts to reintegrate natural surface water flow.¹⁹ (Objective 4.3(m)).¹

The “anytime now” recommendation:²

Implement Alberta’s new wetland policy once it is developed. (Objective 4.1(d)).

The “deregulation vs. streamlining” recommendation:

Revise regulatory processes to be competitive in the development of oil sands and other key industries. (Objective 1.1 (g)).

The “let’s meet current goals and obligations” recommendation:

Recover species designated as endangered or threatened under the Alberta Wildlife Act.³ (Objective 54.3(n)).

- 1 A program to eliminate hanging culverts should of course be implemented province wide.
- 2 The wetland policy was put before the Alberta Water Council in 2005 with a final report going to the provincial government in 2008.
- 3 This one seems a bit odd because to state otherwise would be contrary to generations of endangered and threatened species law and policy. The big unanswered question here is the distribution of recovered species and whether some Caribou herds in the area will be extirpated, whereas others will be focused on for recovery.



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FROM THE EDITOR

It took a little longer than expected, but here it is: the new *News Brief*.

As you may know, the ELC has been publishing *News Brief* for many years. Originally it was a print publication that was mailed (with stamps and everything!) to subscribers. A few years ago it became an exclusively online publication. A couple of years ago (in those heady days of 2008 when I had just started here and didn't know an Act from an Order) we started collecting website usage statistics. Those statistics, coupled with a survey conducted in the summer of '09, brought a couple of things to light with regard to our beloved *News Brief*.

First, readership was pretty low. ELC staff members were spending hours researching, writing, editing, formatting and posting articles, but only a handful of people were reading them. Second, readers thought that the information presented was useful and relevant, but the format and readability of the publication left a little to be desired. So, we decided to shake it up a little. You're looking at the result.

The plan is to publish *News Brief* quarterly. We'll continue to provide at least one article in the longer, more scholarly format you're used to. We'll also have a couple of shorter articles, news bites, follow-up pieces on previously discussed topics, and so on. We're hoping changes in content and tone will not only satisfy our existing readership, but also attract a broader and more diverse audience.



So? Do you love it? Hate it? Feel ambivalent? We'd like to hear from you. We'd also appreciate suggestions about what topics you'd like to see addressed in future issues. And, we're always interested in guest articles and photo submissions. •

Leah Orr
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SOME TERMS IN THE RAC ADVICE

By Adam Driedzic
Staff Counsel

Best management practice

Management practices designed to be effective and reduce impact on the environment. May be determined by a regulatory agency. Specific uses include preventing pollution of water, especially non-point source pollution.

Biodiversity

Short for “biological diversity”. Refers to the variety of life forms that inhabit the Earth or a given area. Includes genetic diversity within a species, diversity of species, and diversity of ecosystems.

Cumulative Effect

The combined effect of past, present, and future actions; the combined effect of components of a development or multiple developments. Cumulative effects can result from individually minor actions that interact or become collectively significant.

Integrated Resource Management (IRM)

IRM is a management approach that recognizes how resource uses and values impact each other, especially in geographic regions where activities overlap. IRM approaches generally aim

to conserve or optimize resources, and to reduce the total human footprint or cumulative impact of human activity on the landscape. Some IRM approaches also emphasize the social dimension of resource use and involve multiple parties. IRM is the opposite of a regime where resource uses take place concurrently but independently, with a focus on mitigating the effect of individual activities.

A leading IRM issue in Alberta involves tree cutting by the energy sector. For example, when logging and mining occur in the same area, a coordinated approach can optimize resources and reduce the total human footprint by building one road and logging before mining. IRM has been considered in Alberta since the 1970s and formal efforts began in the late 1990s.

Integrated Land Management (ILM)

ILM is a specific initiative by [Alberta Sustainable Resource Development](#) to reduce the human footprint on public land. The Terms of Reference for the Lower Athabasca Region predict a shortfall of forest resources due to oil sands development and cites ILM as one response. The [RAC Advice](#) references ILM in the following sections:

Objective 1.2 forestry is optimized (page 9)
Objective 1.4 agriculture is optimized (page 10)
Objective 4.1 landscapes are managed (page 17)
Objective 4.2 land is reclaimed (page 17)
Land-use Classification 3.1.3 Mixed-use resource (page 28)
Land-use Classification 3.1.5 Recreation and tourism (page 29)

Mitigation

Measures taken to reduce adverse impacts on the environment.

Reclamation

The process of returning the site of an activity to a natural state. Alberta’s [Conservation and Reclamation Regulation \(Alta. Reg. 115/193\)](#) defines this state as an “equivalent land capability”: the capability to support various land uses equivalent to that prior to the activity, even though the individual land uses are not identical.

Stewardship:

Activities undertaken to care for the Earth. •



Photo by Suat Eman
FreeDigitalPhotos.net

For more helpful definitions see:

William A Tilleman, ed., *The Dictionary of Environmental Law and Science*, 2d ed. (Edmonton, Alberta: Environmental Law Centre, 2005).

Glossary of Oil Sands Mining, Processing, and Environmental Management, (Oil Sands Research and Information Network, 2010) online: OSRIN Publications <<http://www.osrin.ualberta.ca/Resources/OSRINPublications.asp>>.

Philip Dearden & Bruce Mitchell, *Environmental Change and Challenge: a Canadian Perspective* 2d ed. (Don Mills, Ontario: Oxford University Press, 2005).

Recommendations to the Minister of the Environment for the Northern East Slopes Sustainable Resource and Environmental Management Strategy (Regional Steering Group, Alberta Environment, 2003). Online: Legislative Assembly of Alberta: <<http://www.assembly.ab.ca/lao/library/egovdocs/alene/2003/142715.pdf>>.

NOT LOST IN TRANSLATION: LEARN TO INTERPRET THE LAND USE FRAMEWORK



By Adam Driedzic
Staff Counsel

Engaging with the *Regional Advisory Council's Advice for the Lower Athabasca Region* means tackling the sometimes-confusing language of Alberta's Land Use Framework. Language barriers can create participation barriers: a particular concern when the barrier is between citizens and policy makers. Fortunately, all languages are learnable.

Common Sense

Different languages use different words for the same thing. For example, what [RAC Objective 1.1 Strategy b \(page 8\)](#) calls "value added-secondary industry", another might call oil refineries and petrochemical plants. Technical language without any common equivalent is true

jargon. Jargon has a legitimate role in multidisciplinary exercises like land use planning. It is simply easier to use hybrid terms like "integrated resource management" than to repeat lengthy descriptions. See pages 2 and 6 of this *News Brief* for definitions of technical terms in the RAC advice and a list of helpful glossaries.

Users of multi-disciplinary jargon must determine whether they are experiencing a true meeting of the minds. Much of the RAC advice relies on broad terms like "sustainability" and "conservation" that mean different things to different people. Jargon that loses meaning becomes buzzwords. For example, [RAC Objective 3.1 Strategy a \(p.15\)](#) is to:

Ensure that the process to assess the environmental implications of major projects includes a means of tracking and reporting on stewardship of approved mitigation.

"Assess", "reporting", "stewardship", "approved", and "mitigation" all mean more on their own than as one sentence, no matter how impressive sounding. Adding vague words like "ensure", "implications" and "tracking" suggests that no one will be required to reduce environmental harm.

Common Grammar

Note modifiers. Is "Stewardship Ethic" the same as "Stewardship"? The definition of "stewardship" on page 6 of this *News Brief* is taken from an environmental studies textbook.¹ "Stewardship Ethic" is described on page 15 of the [Land Use Framework \(LUF\)](#).

Examine sentence structure. For example, the RAC was directed to:

Examine growth with regard given to *cumulative environmental management* considerations. ([RAC Advice 1.2.1, p.2](#)).

"Cumulative effect" is the result of multiple activities. "Environmental management" is a procedure.

"*Cumulative environmental management*" is neither. The sentence only makes sense if it is the "management considerations" that are cumulative.

Consider multiple definitions. For example are the "objectives" cited throughout the RAC advice a noun or an adjective?

Objective *n*: Something towards which effort is directed. GOAL.

Objective *adj*: Use of facts without distortion by personal feelings. STANDARD.

(continued on page 8)



Photo by Nattavut
FreeDigitalPhotos.net

The right interpretation could even be a both noun and adjective because sound environmental objectives are themselves objective. Such 'objective-objectives' are often numerical values or scientific criteria that have been adopted into regulatory standards or guidelines.

Uncommon interpretations

Lawyers and courts tackle words with multiple meanings through contextual interpretation. This approach can also help interpret policies like Regional Plans that are meant to be legally binding.

Begin with a word's ordinary meaning. The "objectives" cited by the RAC include "outcomes" and "thresholds". An "outcome" could be any result, but the word usually has a positive connotation: something to aspire to. A "threshold", on the other hand, has a negative connotation: a limit or cut off point.

Read the word together with the entire document(s). Legal documents often contain definitions to displace common meanings:

Alberta Land Stewardship Act Section 2(ff):

"Threshold" has the meaning given to it in a regional plan...

As no regional plans are complete yet, the next closest document is the Terms of Reference for the Lower Athabasca Region. These provide that:

Under cumulative effects management, regional thresholds for air and water will be established. These will represent the maximum allowable impacts in the region. Development will need to be managed such that these thresholds are not exceeded.

A "threshold" is definitely a cut off point. But what is that point? On Cumulative Effects Management, the Land Use Framework provides that:

Cumulative effects denotes the combined impact of past, present and reasonably foreseeable human activities *on a region's environmental objectives*. (LUF page 31)

This definition is different from an ordinary meaning of "cumulative effects" on the environment itself. Even though environmental objectives are usually objective, there is enough uncertainty to revisit the context.

Consider the writer's intention: What is the policy maker trying to achieve? The Land Use Framework states that cumulative effects management is not about "shutting down development" (LUF p.31). The Terms of Reference for the Lower Athabasca Region provide no scenarios of reduced bitumen production. Therefore when it comes to environmental thresholds, "objective" might be a noun but not an adjective. In other words, to achieve the policy maker's intention, environmental objectives might be subjective.

The RAC advice is only advice, and there will be more public consultation when a draft plan emerges. When it does, participants have every reason to ask: "what are we talking about?" •

1 Philip Dearden & Bruce Mitchell, *Environmental Change and Challenge: a Canadian Perspective* 2nd ed. (Don Mills, Ontario: Oxford University Press, 2005)



By Cindy Chiasson
Executive Director

Two actions worth watching for their potential effects on the Lower Athabasca region were recently filed in the Federal Court. *Alberta Wilderness Association v. Minister of the Environment* (Court file no. T-1439-10) and *Adam v. Minister of Environment* (Court file no. T-1437-10) both deal with protection for the boreal population of woodland caribou under the federal *Species at Risk Act*.

What are the actions about?

Both actions seek a court order requiring the federal Minister of Environment to recommend that the Cabinet make an emergency order under the *Species at Risk Act* to protect woodland caribou herds in Alberta's

northeast oil sands region. Under section 80 of the Act, the Cabinet can make an emergency order to protect a listed species (such as the woodland caribou), on the recommendation of the Minister.

The actions will argue that the Minister has either failed or refused to recommend an emergency order, based on the wording of section 80(2), which says that the Minister *must* make the recommendation if of the opinion that the species "faces imminent threats to its survival or recovery."

Why are there two actions?

One action is being pursued by two environmental organizations, the Alberta Wilderness Association and the Pembina Institute, while the other was filed on behalf of three First Nations (Beaver Lake Cree, Enoch Cree and Athabasca Chipewyan). Both seek the same order, but the First Nations have additional legal rights under constitutional law, Treaty 8 and the *Species at Risk Act* that could be relevant in this action.

How are these actions relevant to development of the regional land use plan for the Lower Athabasca?

Because the Act requires the Minister to recommend an emergency order if the species' survival or recovery is under significant threat, much of the evidence to go before the Court will likely focus on the level of threat to the woodland caribou in the Lower Athabasca region and steps being taken by both the federal and provincial governments to protect the caribou. The federal government had a representative on the Lower Athabasca Regional Advisory Council (RAC), which provided advice on the regional plan to be developed. Success in the court actions does not guarantee an emergency order would be issued to protect the woodland caribou, as that remains a discretionary decision on Cabinet's part. However, if issued, an emergency order could identify necessary habitat and prohibit activities that would adversely affect the caribou and that habitat. Such an order could affect how the regional plan is developed or applied. •

LOWER ATHABASCA REGIONAL PLAN ENGAGES IN BIODIVERSITY DOUBLESPEAK

By Laura Bowman
Staff Counsel



It has been 18 years since Canada signed the international Convention on Biodiversity acknowledging Canada's obligation to conserve biodiversity as a common concern to humankind. Biodiversity, or the variety of life on earth in all its forms, has intrinsic value. It is important to maintaining resilient ecosystems and natural functions that sustain our lives.

The Lower Athabasca region is home to a wide array of intact ecosystems, including high rates of diversity for mammals, birds, reptiles, trees, large wetlands within intact forests, and variety of old-growth forests. In this context, the advisory council on the Lower Athabasca was instructed to explore options for conserving more than twenty percent of the region's landscape while maintaining stated economic objectives.¹

Earlier this year, the Lower Athabasca Regional Advisory Council released recommendations addressing biodiversity in that region. Biodiversity conservation and enhancement objectives were addressed by the advisory council through land conservation.² This included direction "to maintain ecological systems and processes by conserving land in the region, and where necessary effectively manage land use."³

The advisory council also recommended that the government develop a biodiversity management framework by 2012 to protect the ecological integrity of all land use areas in the region. The advisory council also recommended the addition of conservation areas, and that species listed under the *Alberta Wildlife Act* be "recovered."

However, biodiversity issues in the region are complex, and relate to more than simply landscape preservation for many species. Sensitive species can be impacted by industrial facilities, water use, pollution, and wetland reclamation policies. Some endangered or threatened species within the region - such as caribou - may be impacted by human activity distant from their habitat.

It is indeed encouraging that the advisory council understood the need to enhance ecosystem recovery and that ecosystem integrity must factor into management beyond the edge of conserved lands. This is particularly true since the recommended conservation areas protect the habitat of some highly endangered species and at risk habitats. Unfortunately, when considered as a whole, the recommendations for conserved land do not appear able to reflect known habitat conservation needs for healthy ecosystems, despite the express goal of "ecosystem integrity."

For example, numerous scientific advisory papers have recommended the protection of all caribou ranges, or the species faces considerable risk of extinction. In spite of this, the advisory council proposed that only portions of some ranges be protected. Likewise, information provided to the advisory council on the location of at risk wetlands and other ecosystem components does not appear to be reflected in the conserved land recommendations. Since 2010 is the International Year of Biodiversity, we hope that the Minister will reflect further upon the need to adequately protect wetlands, forests and endangered species habitat before implementing a plan for the region. •

¹ Government of Alberta, Terms of Reference for the Lower Athabasca Regional Plan (Edmonton: Government of Alberta, 2009), online: Land Use Framework <<http://www.landuse.alberta.ca/RegionalPlans/LowerAthabasca/documents/TermsOfRefDevLowerAthabascaRegionalPlan-Jul2009.pdf>> at 15.

² Lower Athabasca Regional Advisory Council, Advice to the Government of Alberta Regarding a Vision for the Lower Athabasca Region (Edmonton: Government of Alberta, 2010), online: Land Use Framework <<http://www.landuse.alberta.ca/RegionalPlans/LowerAthabasca/documents/LARP-VisionForLowerAthabascaRegion-Aug2010.pdf>> at 17.

³ *Ibid.* at 16.

SPECIES AT RISK IN THE LOWER ATHABASCA



Photo by Frank Kelley (PolarTREC 2009) Courtesy of ARCUS
www.arcus.org

Woodland Caribou are not the same animals as the slender brown elk you normally see in Banff and Jasper. They are a different type of animal, more closely related to the caribou in the Arctic. Populations of woodland caribou have dwindled from Alberta parks due to road access issues and disappeared from Banff completely last year. These animals have been listed as threatened provincially since 1985. There are several very small herds in the Lower Athabasca Region. Caribou eat shrubs but primarily rely on tiny lichens normally found in older forests, particularly boreal forests in the northern parts of most provinces. Caribou are incredibly sensitive animals that require large areas of old forests without disturbance from roads, forestry, oil and gas exploration, and predators to maintain populations.



Photo by Dr. George K. Peck - Courtesy of WILDSPACE™
<http://www.on.ec.gc.ca/wildlife/wildspace/media/mainpic/large/YERA.jpg>

Yellow Rail is a small, difficult to see marsh bird. The bird has suffered from wetland losses throughout its migratory range, which stretches down to Mexico. The rail depends on Canadian habitat almost exclusively for breeding. The bird is only listed federally; the province does not recognize it as threatened. Yellow rail habitat was disturbed by some oil sands operations in the Lower Athabasca Region.

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