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File #: 540

January 22, 2025

Sent via e-mail to ministre-minister@ec.gc.ca

The Honourable Steven Guilbeault, MP
Minister of Environment and Climate Change Canada

Dear Minister Guilbeault:

Re: Ongoing (10 year) delay in completing critical habitat mapping for Southern Mountain Caribou and urgent need for federal action to protect Southern Group

I write again on behalf of the Wilderness Committee, Wildsight and Stand.earth. We have been engaging with Environment and Climate Change Canada (ECCC) for several years to encourage you and your predecessors to fulfill your duties under the *Species at Risk Act* ("SARA") and complete the long-overdue identification of critical habitat for the Southern Mountain Caribou.

Given ECCC's lengthy delay in completing this duty under SARA and the harm that delay has caused to the species, **the most urgent federal priority for Southern Mountain Caribou is to complete the identification of critical habitat for the most endangered of the three populations that make up Southern Mountain Caribou – namely the Southern Mountain population (the "Southern Group") – and begin protecting that habitat.** The Southern Group has been in sharp decline for decades¹ and is likely to be functionally extirpated in large portions of its range without urgent federal action to begin protecting the full habitat it needs for its survival and recovery.

ECCC's shifting timelines for Southern Mountain Caribou have become meaningless

The end of December marked a sad milestone for Southern Mountain Caribou. ECCC promised in the species' June 2014 recovery strategy to complete the identification of its critical habitat by the end of 2014. **As of December 31, 2024, ECCC was ten years**

¹ See latest (2014) COSEWIC assessment and status report for the three proposed sub-divisions of the species currently SARA-listed as Southern Mountain Caribou, including the Southern Group, available at: https://wildlife-species.canada.ca/species-risk-registry/virtual_sara/files/cosewic/sr_Caribou_Northern_Central_Southern_2014_e.pdf.

overdue in meeting this deadline. The latest update ECCC sent to us about its progress indicates that a proposed updated recovery strategy for the species with a full critical habitat identification will not be published until sometime in 2026.² The update also notes that this timeline “may shift”.

As detailed in our February 8, 2022 letter to you (copy attached as Appendix 7), ECCC’s timelines for completing identification of the species’ critical habitat have “shifted” so regularly as to render them meaningless. As of June 2014, ECCC thought the task could be completed in six months. In August of 2020, ECCC confirmed its intent to finish identifying critical habitat for Southern Mountain Caribou by the summer of 2021. After missing that deadline, in November of 2021 ECCC said that they expected the timeline to complete the species’ critical habitat identification and publish an updated recovery strategy “may once again shift”. That timeline has indeed continued to shift in the last few years.

Over the last decade, ECCC has produced a string of internal deadlines for completing identification of the species’ critical habitat and has met none of them. As noted above, ECCC is already hedging on meeting its current 2026 timeline for posting a proposed updated recovery strategy.

We are frustrated and disappointed by your and your predecessors’ ongoing failure to meet your duties under SARA for Southern Mountain Caribou. That failure undermines the purposes of SARA by greatly reducing the likelihood that the species will survive and recover. The Southern Group, in particular, is likely to be functionally extirpated in much of its former range by the time ECCC has confirmed the identification of critical habitat for the relevant herd ranges and started contemplating whether and how to protect that habitat.

The Southern Group

In 2011 and 2014, respectively, COSEWIC recommended that the Southern Group be SARA-listed separately from other Southern Mountain Caribou populations and that it be listed as an endangered species.³ The federal government did not respond to COSEWIC’s recommendations until several years later, in February of 2022, at which point it took no action other than to refer the assessments back to COSEWIC “for further information or consideration”.⁴

This eight-year delay in responding to COSEWIC has further undermined the chances that the Southern Group will survive and recover. While ECCC currently claims to be working on completing a full critical habitat identification in an updated recovery strategy, that document is being prepared (at glacial speed) for Southern Mountain Caribou as a whole.

² 2024-08-28 Email from Blair Hammond, Director, Pacific Region - Canadian Wildlife Service, ECCC to Ecojustice.

³ See 2014 COSEWIC Assessment, note 1 above.

⁴ Order referring 2014 COSEWIC Assessment back to COSEWIC – see: <https://canadagazette.gc.ca/rp-pr/p2/2022/2022-02-16/html/si-tr7-eng.html>.

ECCC is proceeding this way in spite of decade-old advice from COSEWIC that the species as currently listed under SARA does not conform to biological realities.

ECCC's progress in identifying critical habitat for the highly-endangered Southern Group is undoubtedly being slowed by efforts to simultaneously identify critical habitat for the Central Mountain and Northern Mountain populations. COSEWIC's 2014 recommendation for the Northern Mountain population was that it be listed as a species of special concern. Special concern species do not require identification of critical habitat under SARA. It is thus likely wasted effort for ECCC to spend time and resources identifying critical habitat for the Northern Mountain population. That wasted effort adds further delay to the federal government's painfully-slow progress in identifying and protecting critical habitat for the Southern Group.

Further, when COSEWIC provides its updated recommendation, it is very likely to recommend once again that Southern Mountain Caribou be split into three separate SARA-listed populations. If the federal government finally accepts this recommendation and lists the Southern Group as a separate species, the Southern Group will require its own SARA recovery strategy.⁵ Given ECCC's history on this file, this will likely lead to years of further delay before the Southern Group receives the federal attention it desperately needs.

The decline of Southern Mountain Caribou and of the Southern Group

British Columbia still has not enacted endangered species legislation that meets the basic requirements the province agreed to in the 1996 *Accord for the Protection of Species at Risk in Canada*.⁶ As a consequence of that failure, BC has for decades allowed destruction of the habitat that Southern Mountain Caribou, and the Southern Group in particular, needs for its survival and recovery. Rates of provincially-approved logging in the species' critical habitat in BC actually *increased* after 2014, when the federal government released the SARA recovery strategy and partial critical habitat maps for Southern Mountain Caribou.⁷

ECCC's ongoing delays and inaction amount to a tacit endorsement of the extermination of a species. The federal government noted in 2020 that the overall population of Southern

⁵ Under s 41(3) of SARA, ECCC has the option of producing a multi-species recovery strategy (which could cover both the Central and Southern Groups). But if COSEWIC once again recommends, and ECCC agrees, that the Northern Group be listed as a species of special concern, the Northern Group will need a management plan (under SARA s 65). Management plans have different minimum required contents than recovery strategies, and special concern species do not have critical habitat under SARA.

⁶ See Nixon S, Dawe C and Podolsky L. **B.C. Biodiversity Report Card**. Ecojustice and Wilderness Committee, May 2021, esp. at pp 4-6. Available at: <https://ecojustice.ca/wp-content/uploads/2021/05/BC-Biodiversity-Report-Web.pdf> and attached to previous correspondence.

⁷ Palm EC, Fluker S, Nesbitt HK, Jacob AL, Hebblewhite M. **The long road to protecting critical habitat for species at risk: The case of southern mountain woodland caribou**. Conservation Science and Practice. 2020; e219. <https://doi.org/10.1111/csp2.219> (attached to previous correspondence).

Mountain Caribou in February of that year was approximately 3100 animals, **a decline of 53% over six years.**⁸

The Southern Group and its habitat have been hit hardest, with eight of 18 herds extirpated largely within the last two decades (see map attached as Appendix 1 to this letter). October of 2021 was the last full provincial population estimate for the Southern Group, at 1254 individuals (a 50% decline from the 1995 estimate of 2500 individuals).⁹

SARA required ECCC to produce a recovery strategy in 2007 for Southern Mountain Caribou, including the Southern Group. ECCC missed that statutory deadline by seven years, finally producing a strategy with a partial identification of critical habitat in mid-2014 (following litigation by environmental groups, including Wilderness Committee and Wildsight). If ECCC had done what SARA required it to do in 2007 – namely, fully identify and begin considering protection of all habitat the species needs for its survival and recovery – the prospects for the Southern Group’s survival and recovery would not look so dire.

Six of the eight extirpated Southern Group herds have become extirpated or functionally extirpated since 2007. In that same time period, the Southern Group has been functionally or fully extirpated from 17,674 square kilometres of habitat in BC.

Because your predecessors had a duty as of 2007 to produce a recovery strategy for Southern Mountain Caribou that meets the requirements of SARA (including a full identification of critical habitat), we are using 2007 as the base year in two attached maps that show the destruction of the Southern Group’s critical habitat.

The first, attached as Appendix 2, shows logging from 2007 to 2023 in the Southern Group’s critical habitat, as partially identified in the June 2014 federal recovery strategy. GIS analysis completed by Geoff Senichenko, Research and Mapping Coordinator at Wilderness Committee, shows that **there was a total of 194,703 hectares (1,947 sq. km) of logging in this partially-identified critical habitat from 2007 to 2023, with 26,435 hectares (264 sq. km) of that logging in high/low elevation “core” habitat.**

The second map, attached as Appendix 3, shows logging in the same time period (2007-2023) in the closest surrogate available to us of the full critical habitat the federal government should have identified for the Southern Group, as set out in 2019 mapping from the province of BC. **Further GIS analysis by Mr. Senichenko shows that there was a total of 310,120 hectares (3,101 sq. km) of logging in this BC-mapped critical**

⁸ See 2020 Statement: Government of Canada’s approach to addressing the imminent threats to the recovery of Southern Mountain Caribou (“2020 Statement”), available at: <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/related-information/approach-addressing-imminent-threats-recovery-southern-mountain-caribou.html>.

⁹ See Province of British Columbia, **Population Estimates for Caribou Herds of British Columbia** (October 2021), available at: https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/wildlife-wildlife-habitat/caribou/bc_caribou_herds_population_estimates.pdf.

habitat in 2007-2023, with 51,313 hectares (513 sq. km) of that logging in core habitat.

These maps clearly show the damage caused by ECCC's long-standing failure to identify and begin protecting critical habitat for the Southern Group.

For broader context about the overall condition of the Southern Group's habitat, the final map, attached as Appendix 4, shows the extensive historical and recent logging from 1900-2023 in the critical habitat partially identified in the June 2014 federal recovery strategy.

Finally, the data sources for the maps in Appendices 2-4 are listed in Appendix 5.

Splatsin Nation's inherent rights to hunt and manage Southern Mountain Caribou

Splatsin, whose territory overlaps with several Southern Mountain Caribou herd ranges, has shared with us their attached caribou infographic (see Appendix 6), explaining the importance of caribou culturally and historically to Splatsin peoples. We support Splatsin's goal of protecting critical caribou habitat, including large areas of old growth forest in their area of caretaker responsibility, so that caribou can recover to healthy and self-sustaining populations. The Splatsin people proudly exercise their responsibility to caretake these lands and the four-legged, and their inherent rights to hunt and manage this culturally significant species.

Conclusion - The need for urgent federal action to protect the Southern Group

The full identification of critical habitat is a crucial step under SARA to ensure the survival and recovery of Canada's at-risk wildlife, including the Southern Group.

ECCC's long-standing failure to fully identify the species' critical habitat undermines two of your central duties under SARA with respect to terrestrial species: namely, your duty under s. 63 to monitor whether all portions of critical habitat are protected, and your duty under s. 61 to recommend federal protection of that habitat if a province fails to protect it effectively.

ECCC singled out Southern Mountain Caribou at least six years ago, in 2018, as one of six priority species in the *Pan-Canadian Approach to transforming species at risk conservation in Canada*. If ECCC is unable to meet statutory or internal deadlines to fully identify and begin protecting critical habitat for one of the small handful of priority species it claims to be focussing on, it bodes poorly for the hundreds of other endangered and threatened species listed under SARA.

Further, we are approaching the five-year anniversary of the *Canada - British Columbia Conservation Agreement for Southern Mountain Caribou*, and this SARA section 11 agreement has not led to any measurable changes to "business as usual" in Southern Group caribou ranges or to the protection and recovery of the Southern Group. The substantive measures to protect critical habitat in this conservation agreement (as set out in the federal

government's 2020 Statement about addressing imminent threats to the species) do not generally apply to the Southern Group.¹⁰

Accordingly, we ask you to complete the identification of critical habitat for the Southern Group and begin protecting that habitat from further destruction as soon as possible. Our clients are willing to give you until March 19, 2025 to publish a proposed amended recovery strategy that includes a full identification of the Southern Group's critical habitat. As noted in past correspondence with you, BC completed a thorough updated mapping of critical habitat in 2020 that the federal government could adopt in the amended recovery strategy.¹¹

Our clients have tried for years to encourage you and your predecessors to meet your duties under SARA for mountain caribou without the need to resort to the courts. They are understandably losing patience and are considering additional actions.

We look forward to your response.

Sincerely,



Sean Nixon
Barrister and Solicitor

Encl.: see attached appendices

cc: Blair Hammond, Director, Pacific Region, Canadian Wildlife Service [blair.hammond@canada.ca]; the Honourable Jonathan Wilkinson, federal Minister of Energy and Natural Resources [HonJonathan.Wilkinson@nrcan-rncan.gc.ca]; Attorney General of Canada [mcu@justice.gc.ca]; the Honourable Randene Neill, BC Minister of Water, Land and Resource Stewardship [WLR.Minister@gov.bc.ca]; the Honourable Ravi Parmar, BC Minister of Forests [FOR.Minister@gov.bc.ca]; the Honourable Tamara Davidson, BC Minister of Environment and Parks [ENV.Minister@gov.bc.ca]

¹⁰ 2020 Statement, note 8 above (emphasis added). The substantive habitat protection measures listed in the 2020 Statement apply only to the Central Group population.

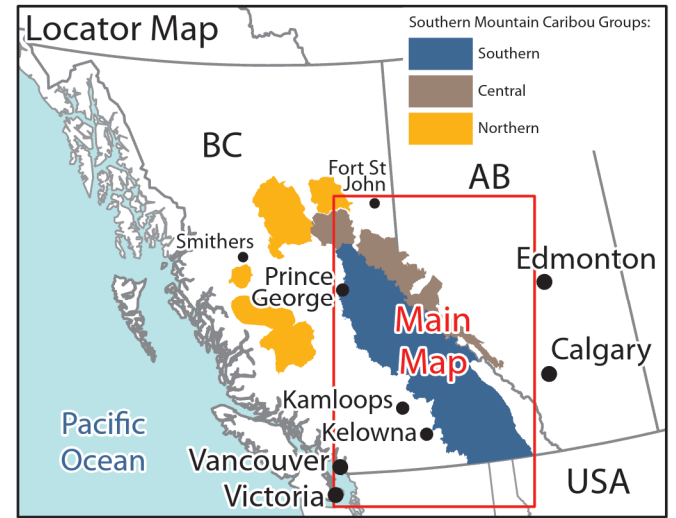
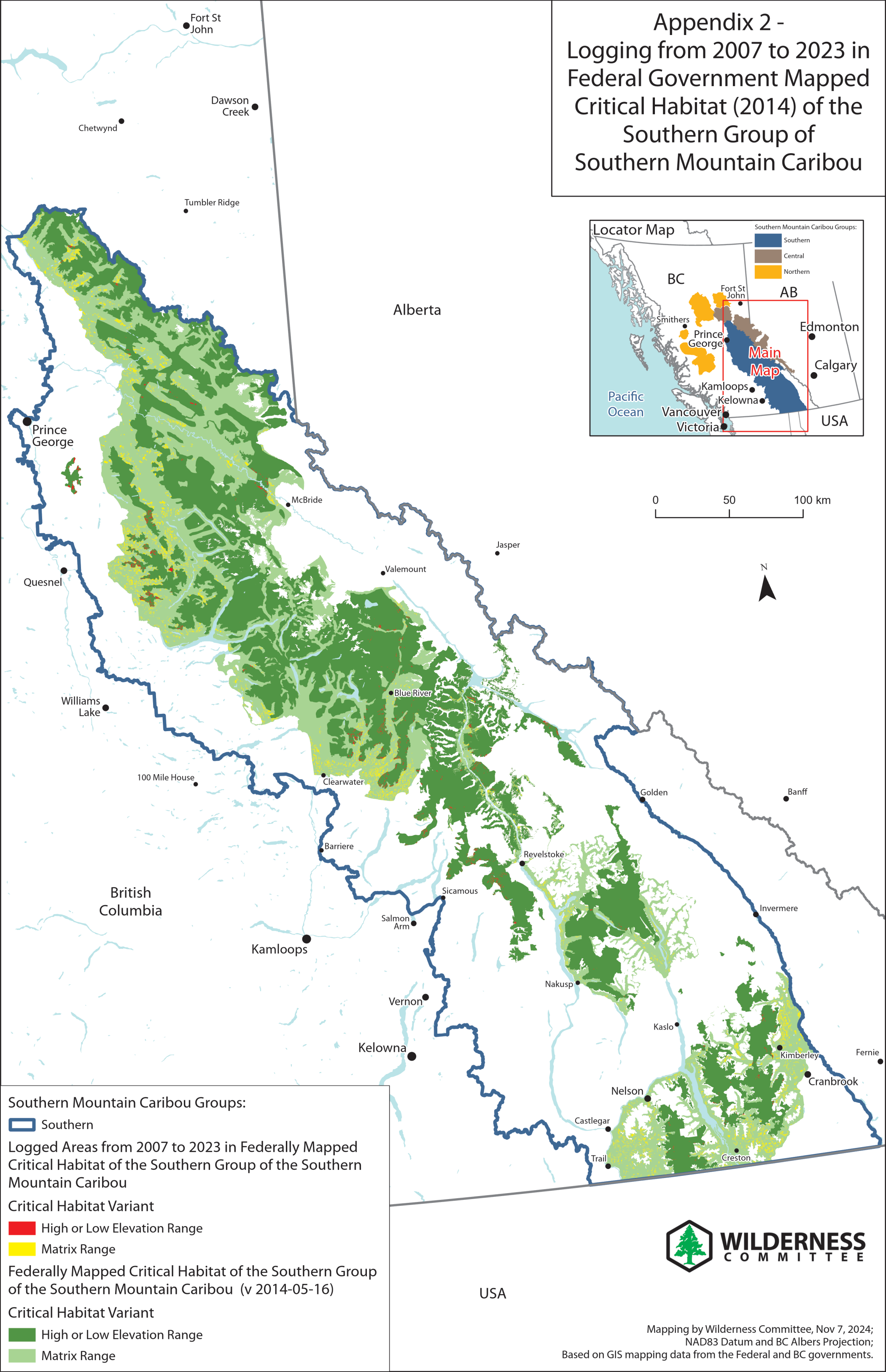
¹¹ See 2022-02-08 letter from Sean Nixon, Ecojustice to Minister Guilbeault (attached for convenience, without its original appendix, as Appendix 7). That letter also explained why ECCC should continue to use existing, precautionary thresholds for habitat disturbance in core and matrix habitat (i.e. continue to use the thresholds already set out in the 2014 federal recovery strategy). For further information on the BC government's critical habitat mapping for Southern Mountain Caribou, see Nicola Dodd and Tyson Carswell, **Caribou Core and Matrix Habitat in British Columbia – Mapping Methods**, BC Ministry of Environment & Climate Change Strategy, Oct. 2019 (attached as Appendix 8).

Appendix 1: Deep-Snow Mountain Caribou (Southern Group) Herds
(Shawn Parkinson / The Narwhal)¹²



¹² See 2024-08-15 article by Ainslie Cruikshank in *The Narwhal* (online news publication), “Logging proposals in B.C. caribou habitat threaten endangered herd’s recent gains, conservation group warns”, available at: <https://thenarwhal.ca/bc-proposed-logging-threatens-endangered-caribou/>.

Appendix 2 - Logging from 2007 to 2023 in Federal Government Mapped Critical Habitat (2014) of the Southern Group of Southern Mountain Caribou



0 50 100 km



Southern Mountain Caribou Groups:

- Southern

Logged Areas from 2007 to 2023 in Federally Mapped Critical Habitat of the Southern Group of the Southern Mountain Caribou

Critical Habitat Variant

- High or Low Elevation Range
- Matrix Range

Federally Mapped Critical Habitat of the Southern Group of the Southern Mountain Caribou (v 2014-05-16)

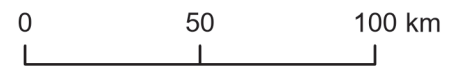
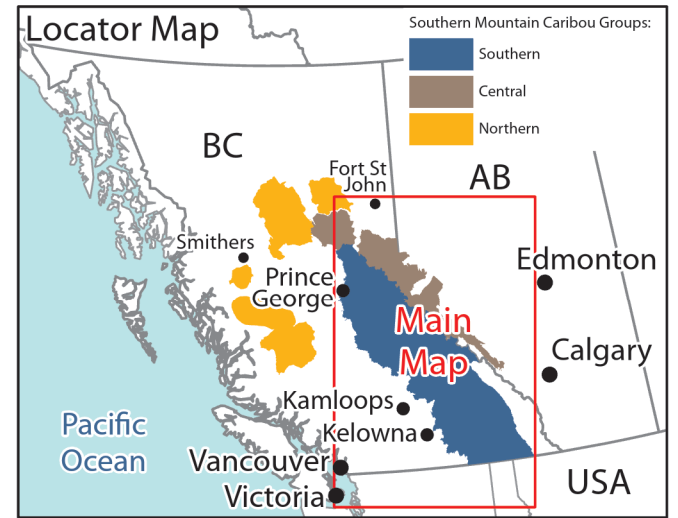
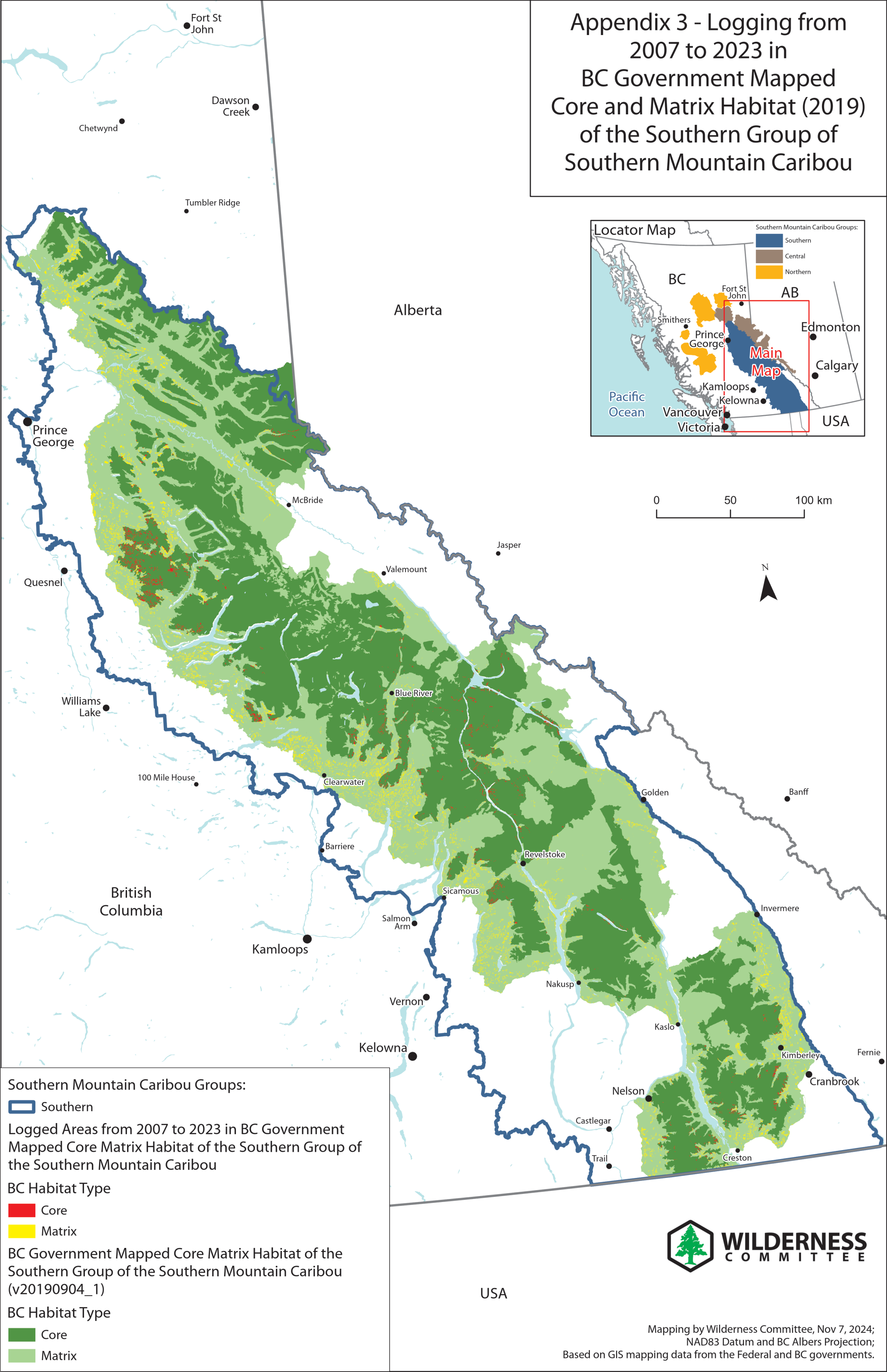
Critical Habitat Variant

- High or Low Elevation Range
- Matrix Range



Mapping by Wilderness Committee, Nov 7, 2024;
NAD83 Datum and BC Albers Projection;
Based on GIS mapping data from the Federal and BC governments.

Appendix 3 - Logging from 2007 to 2023 in BC Government Mapped Core and Matrix Habitat (2019) of the Southern Group of Southern Mountain Caribou



Southern Mountain Caribou Groups:

- Southern

Logged Areas from 2007 to 2023 in BC Government Mapped Core Matrix Habitat of the Southern Group of the Southern Mountain Caribou

BC Habitat Type

- Core
- Matrix

BC Government Mapped Core Matrix Habitat of the Southern Group of the Southern Mountain Caribou (v20190904_1)

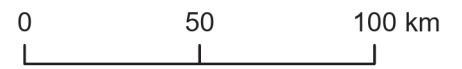
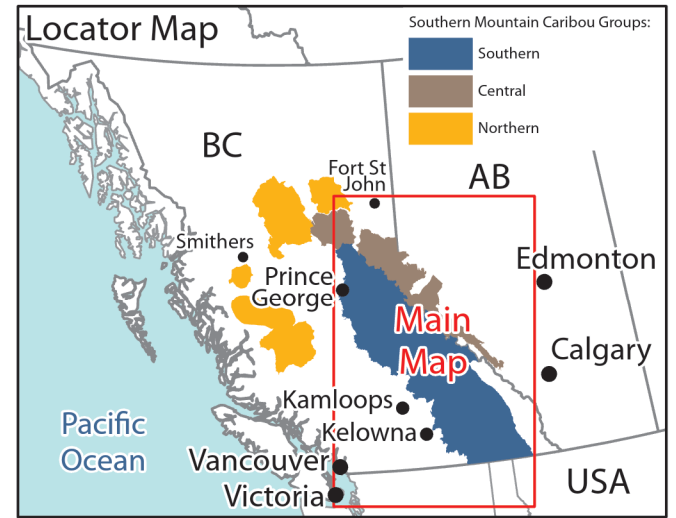
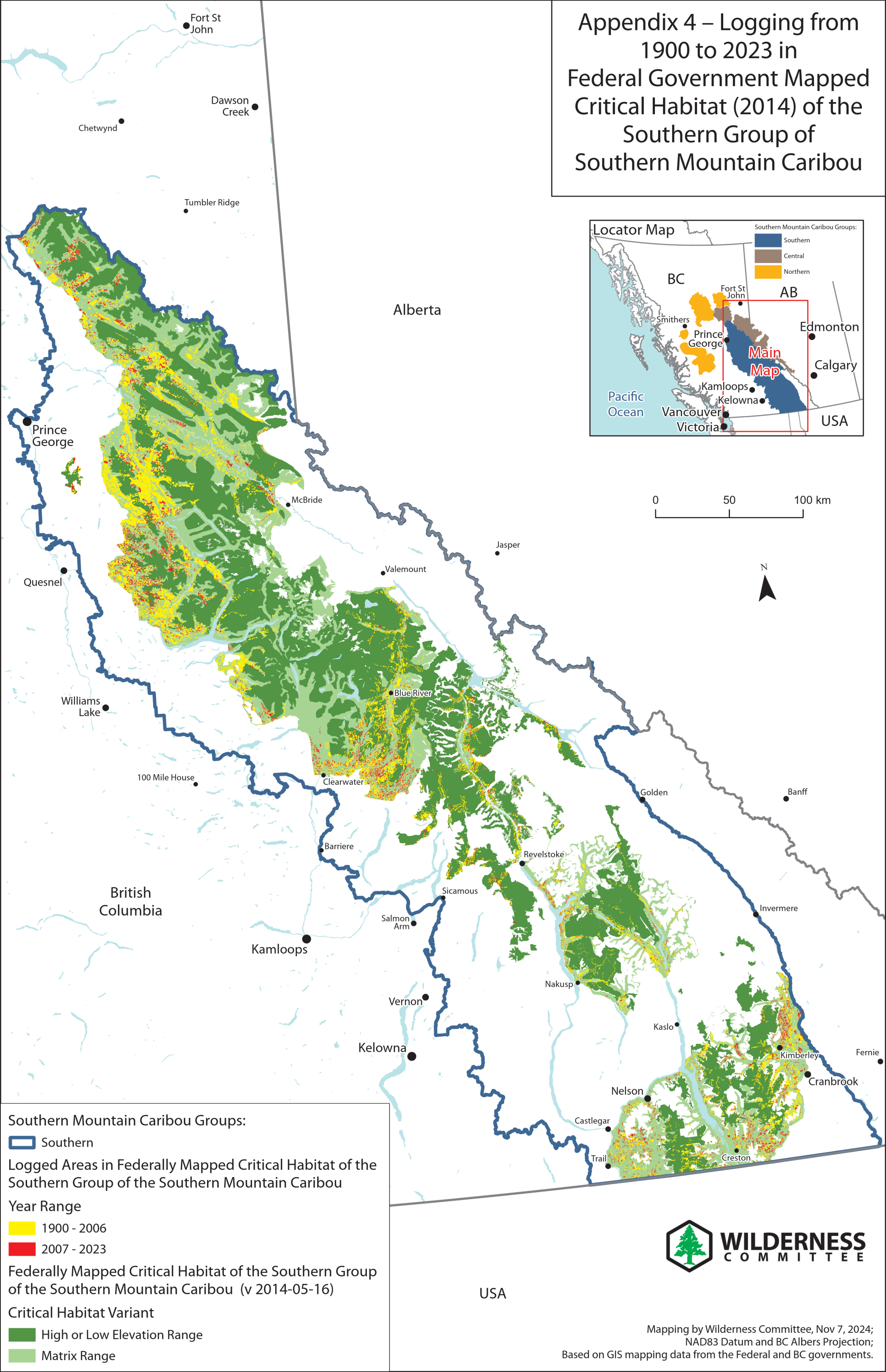
BC Habitat Type

- Core
- Matrix



Mapping by Wilderness Committee, Nov 7, 2024;
 NAD83 Datum and BC Albers Projection;
 Based on GIS mapping data from the Federal and BC governments.

Appendix 4 – Logging from 1900 to 2023 in Federally Mapped Critical Habitat (2014) of the Southern Group of Southern Mountain Caribou



Southern Mountain Caribou Groups:

- Southern

Logged Areas in Federally Mapped Critical Habitat of the Southern Group of the Southern Mountain Caribou

Year Range

- 1900 - 2006
- 2007 - 2023

Federally Mapped Critical Habitat of the Southern Group of the Southern Mountain Caribou (v 2014-05-16)

Critical Habitat Variant

- High or Low Elevation Range
- Matrix Range



Appendix 5 – Data Sources for Maps in Appendices 2-4

Appendix 2 – Logging 2007-2023 in Federal Government Mapped Critical Habitat (2014) of the Southern Group of Southern Mountain Caribou

- Federal Government mapped Southern Mountain Caribou Critical Habitat (2014) was selected from the Critical Habitat for Species at Risk National Dataset - Canada: <https://open.canada.ca/data/en/dataset/47caa405-be2b-4e9e-8f53-c478ade2ca74>.
- Southern Mountain Caribou Southern Group Boundary (for Appendices 2-4) selected from the Site Name field (Local Population Units designated as DU9) of the same federal critical habitat dataset.

Appendices 3 and 4 – Logging 2007-2023 and 1900-2023 in BC Government Mapped Critical Habitat (2019) of the Southern Group of Southern Mountain Caribou

- BC Government mapped core and matrix habitat for the Southern Group of the Southern Mountain Caribou was downloaded from a BC government Ministry of Forests FTP site as shapefile "BC_caribou_core_matrix_habitat_v20190904_1_shp". The mapping was housed and downloaded on the following FTP site: <https://www.for.gov.bc.ca/ftp/HTH/external/!publish/Caribou%20Recovery%20Program/>.
 - **Further background about these maps:** In 2017 and 2018 the province of BC convened their caribou experts and used all of their caribou data and the 2014 federal critical habitat mapping to produce a provincial map of core and matrix habitat based on the science, expert opinion, telemetry data, herd boundaries, censuses and other best available information. The latest map linework was finalized in September of 2020. For further information on the BC government's critical habitat mapping for Southern Mountain Caribou, see Nicola Dodd and Tyson Carswell, **Caribou Core and Matrix Habitat in British Columbia – Mapping Methods**, BC Ministry of Environment & Climate Change Strategy, Oct. 2019 (attached as Appendix 8).

Appendices 2-4 – Logged Areas

- Logged areas for Appendices 2-4 are cutblock boundaries from the Harvested Areas of BC (consolidated cutblocks) dataset: <https://catalogue.data.gov.bc.ca/dataset/harvested-areas-of-bc-consolidated-cutblocks->.

Since settlers arrived in *Secwepemcúlecw* (Splat-sin territory), caribou were overhunted and the land has changed significantly through human expansion, logging, dam building and reservoirs. Over time, these impacts have led to dramatic loss of caribou.

Settlers also took control and made new rules about how people could live. They put Splat-sin people into residential schools and reservations, taking them away from their responsibility as *Yucwmenlúcwu*.

Caribou and other animals have been displaced by the activities of settlers (e.g., logging, roads, railways). Now animals overlap in places they never used to, throwing the ecosystem into imbalance.

Roads and logging are especially bad for caribou. Logging converts old forest to young forest, attracting moose and deer into areas occupied by caribou. *Malást'iya* (wolves) follow, using roads for quick access.

Caribou did not evolve to cope with such high wolf numbers and are easily killed. As a result, caribou are now very rare in Splat-sin territory.

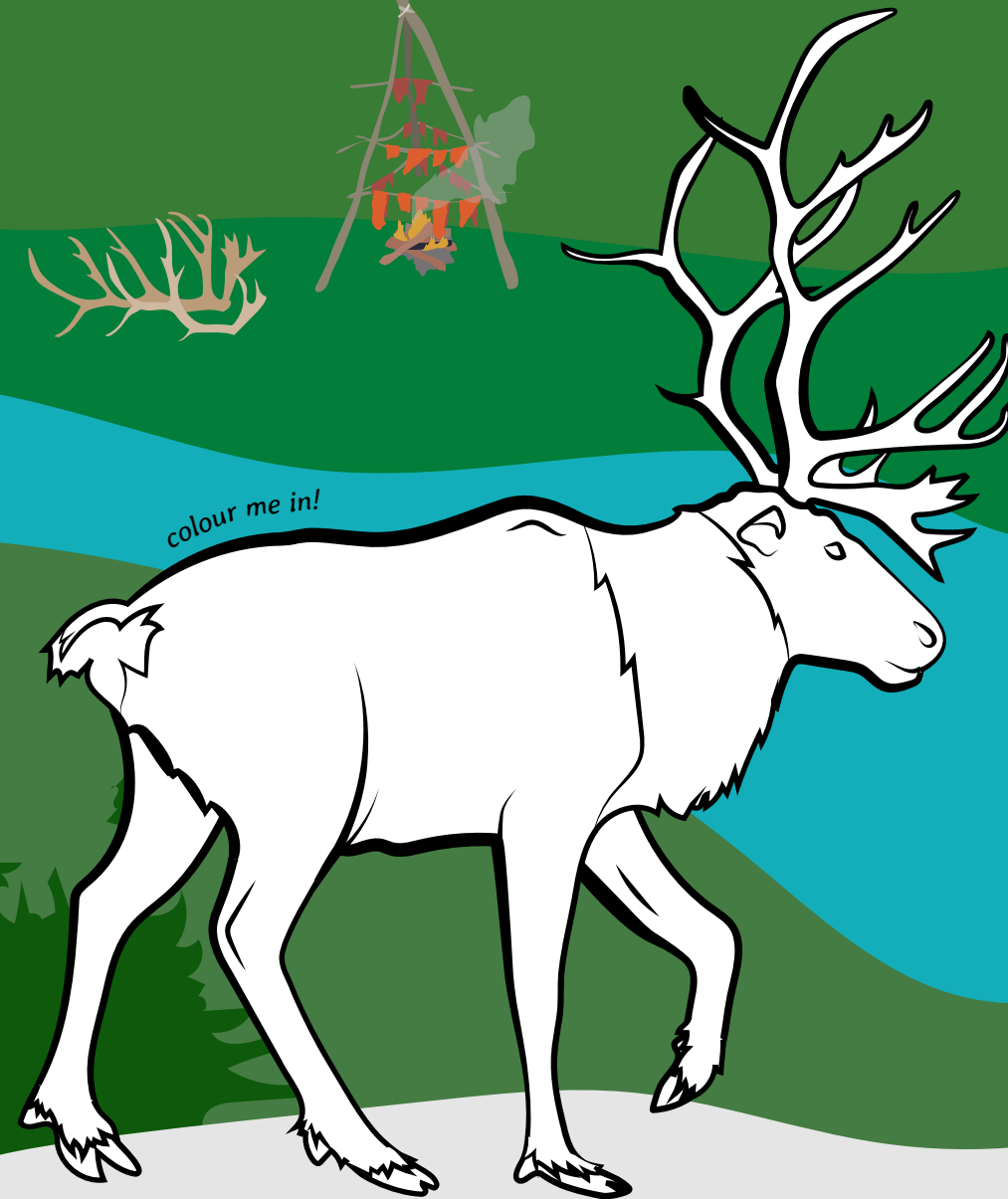
CARIBOU

in Splat-sin Territory

(*Secwepemcúlecw*)

A story of reconnection

colour me in!



Acknowledgements
Thank you to Trina Antoine, Ash Simpson, Wapiti Studios and Biodiversity Pathways. Secwepemcúlecw language translations from First Voices (Eastern Dialect) and Spallumcheen Re Splat-sínac's Cqweqwelútn Shuswap & English Dictionary by Cindy Williams (1980).

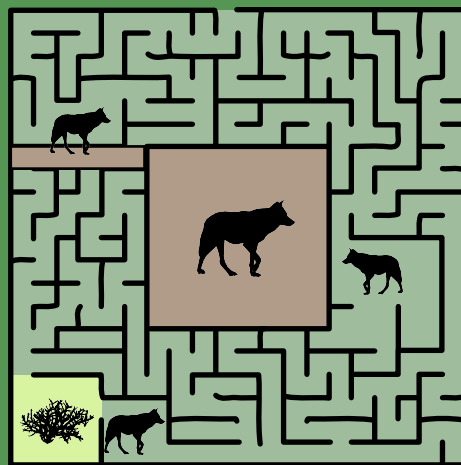


MAZE

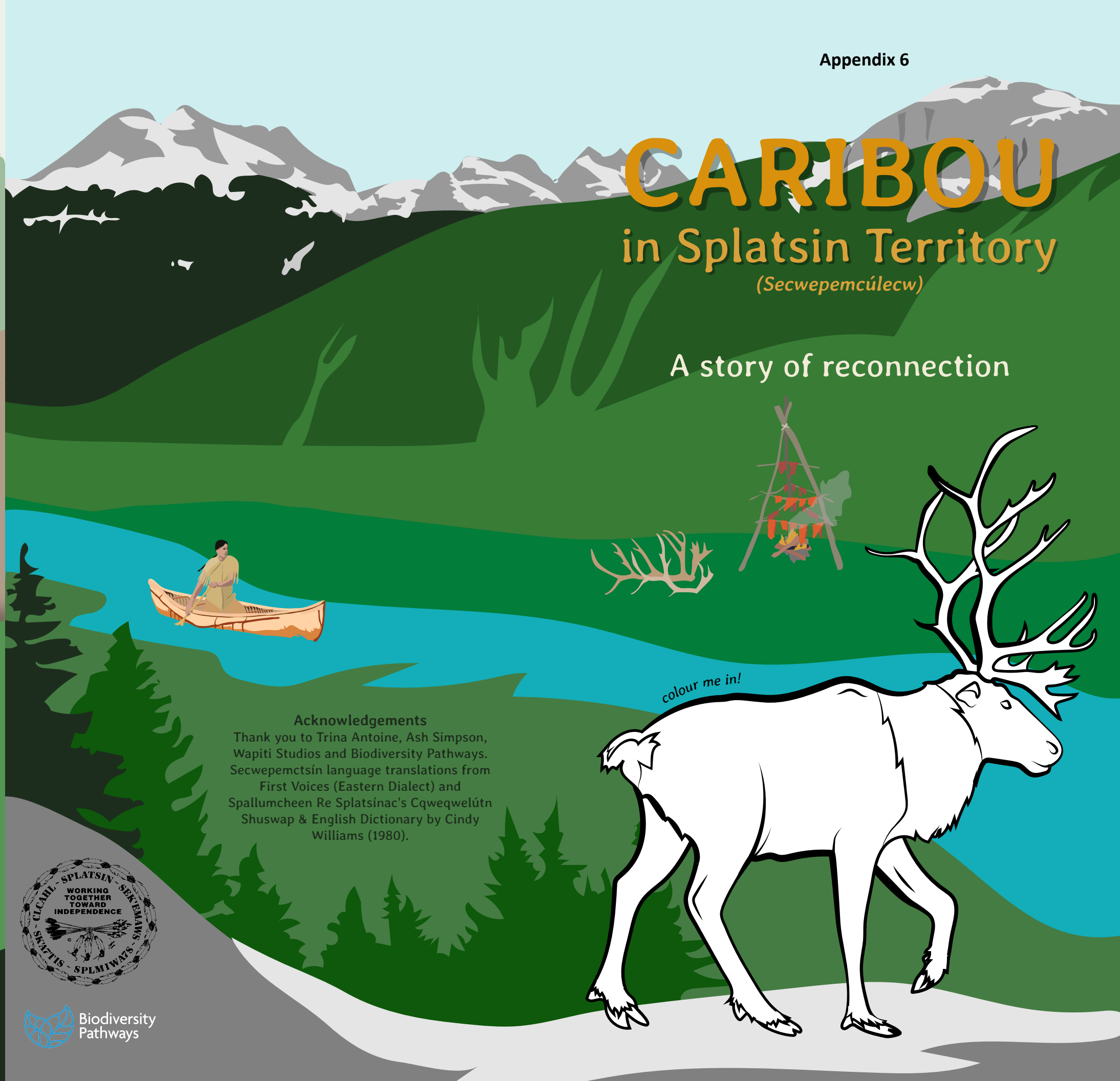
Try navigating your caribou around the cutblock and road to reach its food: *wíla* (lichen)!



Be sure to avoid wolves to survive.



Despite the many hardships and injustices Splat-sin people have faced, today's Splat-sin people have adapted to the changes and now have a strong relationship with the *selcwáyaca* (moose) that have moved into Splat-sin territory over the last century.



Pre-contact, as *Yucwmenlúcwu* (Caretakers of the Land) Splatsin people took care of the land and it took care of them in return. People cared for the *Tmicw* (land and all living things) so that caribou were plentiful.

There were so many *ygálcka* (caribou) that people needed to wait four hours for herds to pass through certain areas.



People, deer, elk, caribou, wolves, and other animals co-existed in a more harmonious balance.



Splatsin people depended on *ygálcka* (caribou) as a main food source and even lived by following their migration routes.

One of the most important gatherings of the year was in the Wells Gray Park area, where Splatsin and other communities would come together (*Mlkwátaka*) following the caribou migration.



I would like to see future generations hunt caribou. They were a part of our culture that has been lost. We haven't been hunting them because there hasn't been enough – but they're part of our culture and language.

- Loretta Eustache

Splatsin community members are sharing and preserving caribou knowledge and regaining their responsibility as *Yucwmenlúcwu*.



In April 2022, a three-day Knowledge Gathering Forum was held at the Splatsin Community Centre.



Check out this short video to learn more about the Forum!

The information gathered from Elders, Knowledge Keepers and western scientists is being used to preserve the histories and cultural values related to caribou, moose, deer, and elk, and determine a population goal for caribou in the next 100 years.

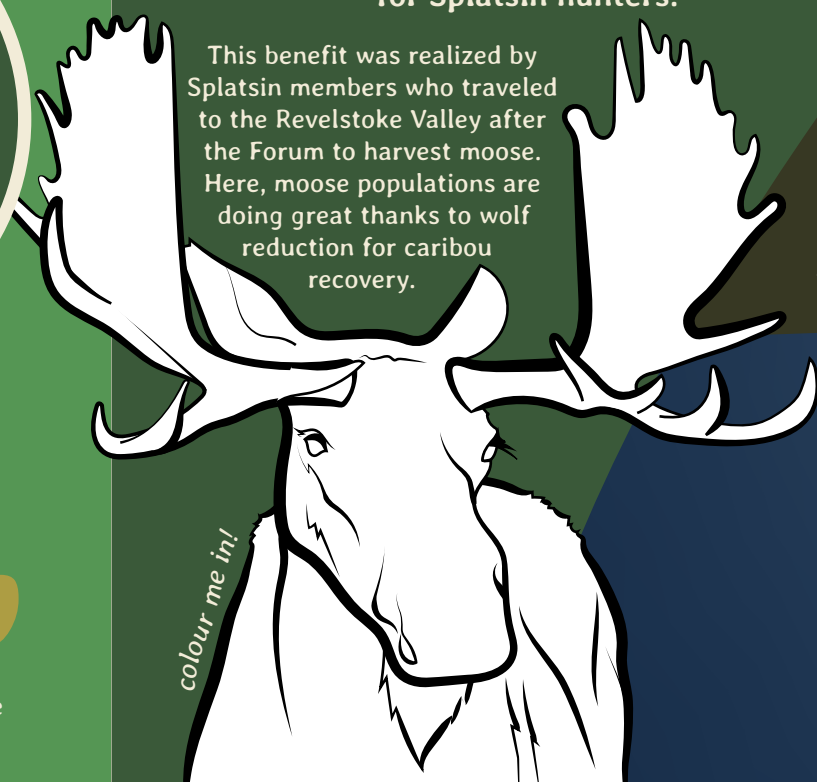


It's not so much for us anymore – it's planning for the future generations. For those yet unborn, I think it's important we have a herd that give Splatsin an opportunity to hunt caribou.

- Marshall Jones

Recovering caribou could also help grow *selcwáyaca* (moose) populations in the short term. Moose numbers can grow when wolf numbers decrease, providing more harvest opportunities for Splatsin hunters.

This benefit was realized by Splatsin members who traveled to the Revelstoke Valley after the Forum to harvest moose. Here, moose populations are doing great thanks to wolf reduction for caribou recovery.

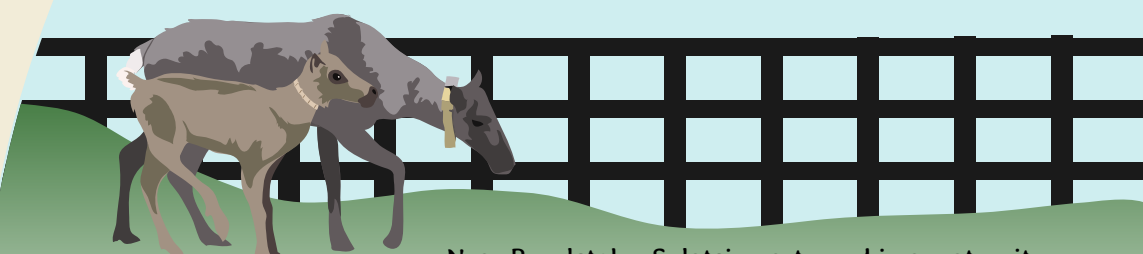


colour me in!

In the long term, to keep caribou in Splatsin territory large areas of old growth forest need to be protected.

Splatsin members continue to fight to regain their rights as *Yucwmenlúcwu*, which will allow our community to have greater power to make these types of decisions.

While impacted habitats recover, it's important to manage wolves, moose, and human recreation such as snowmobiling and heli-skiing to ensure the survival of caribou.



Near Revelstoke, Splatsin partnered in a maternity pen project to help boost caribou numbers.



Pregnant caribou were kept in a fenced area safely away from predators. They gave birth and reared their calves before being returned to the wild.



Learn more about the maternity pen project!

WORD MATCH

Match the Splatsin words on the left to the living thing on the right. Hint: you can find all the translations throughout this document!

- Selcwáyaca
- Malást'iya
- Wíla
- Ygálcka



Everything is connected: if we can take care of the land and take care of the caribou, they will take care of us and all our relations into the future.

8 February 2022

Sent via e-mail

The Honourable Steven Guilbeault, MP
Minister of Environment and Climate Change Canada

Email: ***ec.ministre-minister.ec@canada.ca***

Sean Nixon, Barrister & Solicitor
Vancouver office
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f: 604.685.7813
e: snixon@ecojustice.ca

Dear Minister Guilbeault:

Re: Updating critical habitat identification and SARA recovery strategy for Southern Mountain Caribou

I write again on behalf of the Wilderness Committee, Echo Conservation, Wildsight, and Stand.earth. We congratulate you on your appointment as Minister of Environment and Climate Change Canada (ECCC).

We have been engaging with ECCC for several years to encourage your department and your predecessors to meet their legal duties under the *Species at Risk Act* (“SARA”) to protect and recover Southern Mountain Caribou.¹ As with most of Canada’s terrestrial species at risk, the root cause of this species’ ongoing decline is the loss and degradation of its habitat.² Put simply, Southern Mountain Caribou is likely to become functionally extinct within the next few decades unless the habitat the species needs for its survival recovery is identified and protected as soon as possible.³

Thus, one of the key focuses of our recent engagement with ECCC has been your department’s ongoing failure to identify (i.e. map and describe the attributes of) the critical habitat that Southern Mountain Caribou needs for its survival and recovery. ECCC promised in the species’ 2014 SARA recovery strategy to complete this identification by the

¹ Woodland caribou, southern mountain population (i.e. the species as currently listed under Schedule 1 of SARA).

² See 2018 Imminent Threat Assessment for Southern Mountain Caribou, available at: http://www.registrelep-sararegistry.gc.ca/virtual_sara/files/ImminentThreatAnalysisSmc-v00-2018Jun-Eng.pdf (“Imminent Threat Assessment”) at 4 – the assessment notes that the ultimate threat to the recovery of the species is widespread habitat alteration, destruction, and fragmentation.

³ *Imminent Threat Assessment*, note 3 above – see e.g. page 9, which notes that “the effects of the threats [to Southern Mountain Caribou – including the “ultimate threats” of widespread habitat alteration, destruction, and fragmentation] will make the survival of the species highly unlikely or impossible if they remain unaddressed...”.

end of 2014. **More than seven years after this deadline, ECCC has not yet released an updated recovery strategy that identifies the species' full critical habitat.** As described in more detail below, ECCC has not even been able to commit to a firm deadline by which it will finish identifying the species' critical habitat and release an updated recovery strategy.

We cannot emphasize enough that ECCC's ongoing delay in identifying and protecting Southern Mountain Caribou critical habitat has significantly harmed the species and its habitat, undermining both the purposes of SARA and Parliament's intent in passing the Act. As pointed out in our past correspondence with ECCC, British Columbia continues to permit clearcut logging in Southern Mountain Caribou critical habitat (both in areas already identified as critical habitat in the 2014 Recovery Strategy and in the wider area that ECCC should have identified by the end of 2014 as habitat necessary for the species' survival and recovery). In fact, rates of logging in Southern Mountain Caribou critical habitat in BC actually *increased* after 2014.⁴ As a consequence, as noted in the Lamb and Ford paper ECCC shared with us in April of 2021, “[t]he majority of [Southern Mountain Caribou] populations not receiving direct interventions intended to be short term emergency measures (i.e. wolf reductions, maternal penning, etc.) are in decline...”⁵ As noted in the *Imminent Threat Assessment*, Southern Mountain Caribou populations declined by 35% between 2014 and 2018, from roughly 5800 to 3800.⁶

Further, BC still has no provincial endangered species law and no other laws or policies that meet the bare requirements set out in the 1996 Accord for the Protection of Species at Risk in Canada.⁷ The “safety net” provisions in SARA are meant to provide a backstop of federal protection when the provinces fail to effectively protect Canada's threatened wildlife and their habitat. In the absence of provincial protections, the provisions for critical habitat protection in sections 61 and 80 of SARA are some of the only laws (outside

⁴ See Palm EC, Fluker S, Nesbitt HK, Jacob AL, Hebblewhite M. **The long road to protecting critical habitat for species at risk: The case of southern mountain woodland caribou.** Conservation Science and Practice. 2020; e219. <https://doi.org/10.1111/csp2.219> -- as described in and attached to the 2020-07-16 letter from Sean Nixon to the Hon. Jonathan Wilkinson.

⁵ Lamb C and Ford F. **Expert capacity and analysis for developing seasonal-range-specific disturbance thresholds for Southern Mountain Caribou critical habitat.** Produced for ECCC. 2021. (“Lamb and Ford, 2021”) At page 1. Copy attached to 2021-04-28 e-mail correspondence from Ian Parnell, Acting Director, Pacific Region, Canadian Wildlife Service to Ecojustice.

⁶ *Imminent Threat Assessment*, note 3 above, at p 8 – the assessment also notes that recent survey date was not available for all LPU.

⁷ See Nixon S, Dawe C and Podolsky L. **B.C. Biodiversity Report Card.** Ecojustice and Wilderness Committee, May 2021 (attached as appendix), esp at pp 4-6. Some of the key requirements of the 1996 Accord include: establishing an independent process for assessing the status of species at risk; legal listing; providing immediate protection from harm and long-term habitat protection to threatened and endangered species; and timely development and implementation of recovery plans. See 1996 Accord for the Protection of Species at Risk in Canada, available at: https://www.sararegistry.gc.ca/virtual_sara/files/agreements/aa_Canada-British_Columbia_agreement_on_species_at_risk_0805_e.pdf.

of laws establishing parks and other protected areas) that could meaningfully protect the habitat caribou need for survival and recovery on provincial lands.

ECCC's ongoing failure to identify the full critical habitat of Southern Mountain Caribou in an updated recovery strategy undermines several provisions of SARA, as described in previous letters, and undermines other federal and provincial conservation actions. For example:

- The section 61 SARA safety net can only apply to areas identified as critical habitat in a final SARA recovery strategy or action plan.
- Section 11 conservation agreements for Southern Mountain Caribou have focused to date only on a small portion of the areas identified as critical habitat in the 2014 recovery strategy.
 - The February 2020 “Partnership Agreement” with the West Moberly and Sauteau First Nations was a very helpful step forward in caribou conservation, and one that should be emulated with other Indigenous groups and other Southern Mountain Caribou herds. However, the Partnership Agreement only provided some protections (mostly interim) to some of the identified critical habitat of two herds in the Central Group.
 - The Canada-BC conservation agreement of the same date was essentially administrative and provided no concrete habitat protection measures for the species, instead committing vaguely to future planning processes to be completed by various “target timelines” that, as set out in the agreement, are unenforceable in any court.⁸ Two years after it was signed, this bilateral agreement has not resulted in any new protections on the ground for Southern Mountain Caribou or its habitat.
- The BC-Canada “Nature Agreement” mentioned in your December 2021 mandate letter will likely focus on protecting the critical habitat already identified in final recovery strategies and action plans for SARA-listed species in the province.

Accordingly, completing a full identification of the species' habitat is crucial to its survival and recovery. A full identification would also increase pressure on BC and Alberta to prevent habitat destruction throughout the entire area necessary for the survival and recovery of the species.

In spite of the importance of full critical habitat identification to Southern Mountain Caribou survival and recovery, ECCC continues to provide a vague and continually-

⁸ See *Canada - British Columbia Conservation Agreement for Southern Mountain Caribou in British Columbia*, Feb. 2020, sections 4.1 and 4.4 (available online at: <https://species-registry.canada.ca/index-en.html#/documents/3202>).

expanding timeline for finalizing the identification of the species' critical habitat and releasing the updated recovery strategy:

- In December of 2018, in response to a letter Ecojustice sent on behalf of its clients to one of your predecessors, the Hon. Catherine McKenna, the Minister said that “[ECCC] officials are also working with the province on amendments to the mapping of critical habitat as described in your letter. This information is still in draft form. However, [ECCC] expects seeking feedback on its accuracy from First Nations and other experts once negotiations on the [SARA s. 11] conservation agreements have concluded. Once complete, an amended recovery strategy with updated critical habitat mapping will be posted for public comment.”⁹
- In August of 2020, ECCC confirmed its intent to finish identifying critical habitat for the species by the summer of 2021 and release an updated recovery strategy within a “reasonable time” (we and our clients suggested that a “reasonable time”, given ECCC’s extensive delays to date, would be within six months of the summer of 2021 – i.e. by December 31, 2021).¹⁰
- In April of 2021, ECCC amended this timeline and said that they “are not expecting to be able to post a proposed amendment to the recovery strategy before mid to late 2022”.¹¹
- In November of 2021, ECCC indicated that they “expect the timeline [for completing critical habitat identification and releasing an updated recovery strategy] may once again shift”, and promised to provide a new estimated timeline in December of 2021.¹²
- In its December 2021 update, ECCC did not provide a new estimated timeline for finalizing critical habitat identification and updating the recovery strategy.¹³
- In response to our request for that new timeline, ECCC responded in mid-January of 2022 that they “feel it would be imprudent to commit with certainty to our previous timeline of a proposed amended recovery strategy by mid to late 2022. Notwithstanding, we will continue to diligently work towards completing this as

⁹ December 2018 letter from the Hon. Catherine McKenna, Minister of Environment and Climate Change Canada, to Ecojustice Canada.

¹⁰ Letter dated 2020-08-26 from Blair Hammond, Director, Pacific Region, Canadian Wildlife Service to Ecojustice Canada.

¹¹ E-mail dated 2021-04-28 from Ian Parnell, Acting Director, Pacific Region, Canadian Wildlife Service to Ecojustice.

¹² E-mail dated 2021-11-02 from Blair Hammond, Director, Pacific Region, Canadian Wildlife Service to Ecojustice Canada.

¹³ See e-mail dated 2021-12-21 from Blair Hammond, Director, Pacific Region, Canadian Wildlife Service to Ecojustice Canada and reply e-mail from Sean Nixon to Blair Hammond on same date.

soon as possible with a collective recognition that this work may likely push into 2023.”¹⁴

In light of the above, we hope you understand our frustration. ECCC’s recent correspondence has emphasized the challenges of engaging with Indigenous peoples about the contents of any updated recovery strategy, including the complications presented by COVID-19, and the impact of this past summer’s heat and fires for many Indigenous communities.¹⁵ While these challenges are understandable, they do not explain ECCC’s delays from 2014 to 2020, or in particular its delays from the end of 2018 to the beginning of 2020. As of the summer of 2014, when ECCC released the original recovery strategy, ECCC thought that finalizing critical habitat identification would take six months at most. This six-month timeline has now ballooned into the better part of a decade, with no apparent end in sight.

Past updates from ECCC have not confirmed whether the federal government has finished mapping the geographic locations of Southern Mountain Caribou critical habitat. As ECCC must know, BC finished a thorough updated mapping of Southern Mountain Caribou habitat in September of 2020. While BC has not yet publicly released this map of the species’ habitat, we strongly encourage ECCC to use the provincial mapping to expedite the release of an updated SARA recovery strategy. While the province uses a different definition of (critical) habitat from the one used in SARA, this has not prevented ECCC from using provincial habitat mapping in past: ECCC adopted BC’s maps of Southern Mountain Caribou habitat in the 2014 federal recovery strategy for the species.

ECCC has also claimed in past correspondence with us that significant additional work is required to identify appropriate anthropogenic habitat disturbance thresholds for the species’ critical habitat (i.e. the amount of human-caused and other disturbance, as a percentage of each herd or Local Population Unit (LPU) range, that Southern Mountain Caribou can tolerate if the LPU is to remain self-sustaining).¹⁶ However, the Lamb and Ford, 2021 paper attached to that correspondence confirmed that no self-sustaining populations of the species currently exist.¹⁷

We see no value in spending significant additional time developing these thresholds when they have long-since been surpassed; this is the opposite of a precautionary approach. Every additional day of delay in releasing an updated recovery strategy with a full identification of the species’ critical habitat takes us further away from the habitat

¹⁴ See e-mail dated 2022-01-13 from Blair Hammond, Director, Pacific Region, Canadian Wildlife Service to Ecojustice Canada, in reply to an e-mail from Sean Nixon to Blair Hammon on 2021-12-21.

¹⁵ E-mail dated 2021-11-02 from Blair Hammond, Director, Pacific Region, Canadian Wildlife Service to Ecojustice Canada.

¹⁶ See e.g. 2021-04-28 e-mail correspondence from Ian Parnell, Acting Director, Pacific Region, Canadian Wildlife Service to Ecojustice – attaching Lamb and Ford, 2021 (see note 5 above).

¹⁷ Lamb and Ford, 2021 (see note 5 above) at page 1.

conditions required to maintain healthy, self-sustaining populations of Southern Mountain Caribou.

The obvious solution, as required by SARA (section 38) and by several judgments from the Federal Courts interpreting the Act, is to apply the precautionary principle and use available thresholds that are likely to prevent the extinction of the species and encourage its recovery.¹⁸ Such thresholds are already set out in the 2014 recovery strategy (essentially, in core habitat, maintaining 100% of undisturbed habitat, or a 0% anthropogenic disturbance threshold; and in matrix habitat, maintaining 65% undisturbed, or a maximum 35% disturbance threshold). If ECCC is able to develop more-precautionary thresholds in future, these can be incorporated into a further updated recovery strategy or an action plan.

We note as well that there is strong support from Indigenous Nations for immediate action to protect Southern Mountain Caribou and the habitat it needs for survival and recovery. For example, the Splatsin First Nation (the southernmost band of the Secwepemc Nation) and the Ktunaxa Nation have expressed their concerns about the state of caribou and caribou habitat in their territories and the threats posed by logging in caribou critical habitat.¹⁹

Conclusion

Southern Mountain Caribou were listed a threatened species under SARA in 2002. Nearly twenty years later, the decline of the species and its habitat remains unchecked. Given BC's ongoing failure to protect the species and its habitat, Southern Mountain Caribou will likely become extinct unless ECCC takes immediate steps to address the root causes of the species' decline.²⁰ This requires ECCC to immediately finish identifying the full areas that the species needs for its survival and recovery, and immediately start managing those areas according to precautionary disturbance thresholds.

Our frustration is building as we watch ECCC's slow progress in completing a task that they estimated, as of 2014, would take a mere six months.

¹⁸ The relevant part of section 38 reads as follows: "In preparing a recovery strategy... the competent minister must consider the commitment of the Government of Canada to conserving biological diversity and to the principle that, if there are threats of serious or irreversible damage to the listed wildlife species, cost-effective measures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty."

¹⁹ See 2021-05-10 media release, "Less than 230 Southern Mountain Caribou Remain in Secwepemcúlecw Territory", at: <https://splatsin.ca/news-release-230-southern-mountain-caribou-remain-in-secwepemculecw-territory>; see also <https://www.e-know.ca/regions/ktunaxa-nation/knc-confirms-support-for-argonaut-valley-forest/>.

²⁰ See <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/related-information/responds-imminent-threats-recovery-caribou-sm.html>. See also *Imminent Threat Assessment*, note 3 above, at 1, in which one of your predecessors determined that "**immediate intervention** is required to allow for [the species'] eventual recovery." [emphasis added]

Accordingly, we request the following:

- That ECCC immediately provide us with a firm, expedited timeline by which they commit to finalizing a full identification of Southern Mountain Caribou critical habitat and releasing an updated recovery strategy for the species.
- That ECCC continue to provide us with e-mail updates every four months that demonstrate ECCC's meaningful progress in completing the schedule of studies from the 2014 recovery strategy and preparing an updated recovery strategy – we will expect updates by the ends of April, August and December of each year until the final updated recovery strategy for the species is released.
- For the purposes of the BC-Canada Nature Agreement, that ECCC use as the basis of its discussions with the province **existing** updated maps of the habitat the species needs for its survival and recovery (e.g. BC's habitat map produced in September of 2020) and **existing**, precautionary thresholds for habitat disturbance.

We thank you once again for your attention to the matters set out in this letter. We hope to hear from you or your staff in the near future.

Yours truly,



Sean Nixon, Barrister & Solicitor

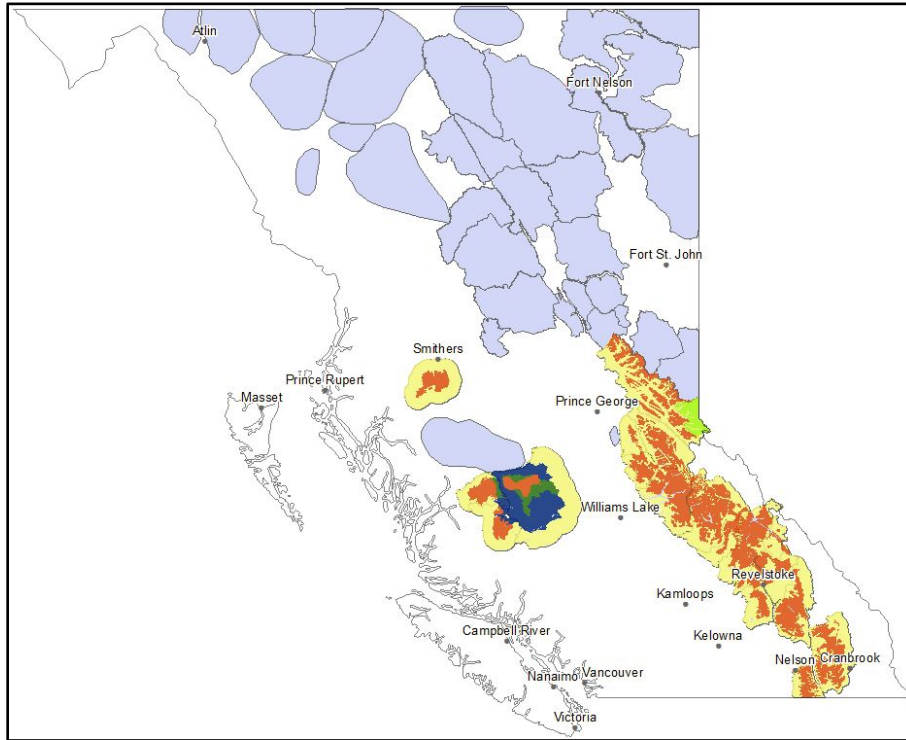
Copy to: Attorney General of Canada [mcu@justice.gc.ca]

Enclosure (appendix):

1. Nixon S, Dawe C and Podolsky L. **B.C. Biodiversity Report Card**. Ecojustice and Wilderness Committee, May 2021.

Caribou Core and Matrix Habitat in British Columbia

Mapping Methods



Nicola Dodd and Tyson Carswell

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Ecosystem Information Section, Knowledge Management Branch
B.C. Ministry of Environment & Climate Change Strategy

Prepared for and in collaboration with:

Caribou Recovery Program
B.C. Ministry of Environment & Climate Change Strategy
B.C. Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Oct. 2019

version 0.1

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Disclaimer

The best available data and information was used to inform the spatial linework of caribou core habitat, matrix habitat, and herd boundaries. As new science and knowledge becomes available, the linework and the mapping methods outlined in this document may be amended.

Version Table:

Version	Change Date (yyyymmdd)	Change Person	Change Reason	Initiator of Change	Comment
0.1	20190918	ND	Documentation to accompany release of core-matrix linework for all Southern Mountain Caribou-southern group, Itcha-Ilgachuz, Rainbow, Charlotte Alplands, and Telkwa herds.	ND	<ul style="list-style-type: none">• Summary of mapping procedure document released• Detailed methods being drafted for future release.

Recommended Citation:

Dodd, N. and T. Carswell. 2019. Caribou Core and Matrix Habitat in British Columbia - Mapping Methods. Caribou Recovery Program, Ecosystem Information Section, Knowledge Management Branch, B.C. Ministry of Environment & Climate Change Strategy. Victoria, B.C.

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1. Introduction

Caribou in British Columbia are classified into ecotype groupings: “boreal”, “northern mountain”, “southern mountain-northern group”, “southern mountain-central group”, and “southern mountain-southern group”. The Province is mapping caribou habitat to identify the geographic areas where core and matrix habitat for woodland caribou occurs in British Columbia. Core and matrix habitat mapping are derived from the best available science and expert knowledge and should be considered in conjunction with complementary information in provincial and regional caribou recovery documents. Recovery documents (and therefore core and matrix habitat) may be amended as new science and knowledge becomes available¹.

British Columbia’s core and matrix habitat mapping for caribou does not necessarily equate to critical habitat mapping as identified in the federal *Recovery Strategy for the Woodland Caribou, Southern Mountain population in Canada (Environment Canada 2014)* or the *Recovery Strategy for the Woodland Caribou, Boreal population in Canada (Environment Canada 2019)*². Federally identified critical habitat is also subject to change via an amended federal recovery strategy, or action plan. British Columbia and Canada are looking to reconcile the habitat mapping used by the Province and the types of critical habitats identified in the 2014 federal recovery strategy, recognizing the unique geographic features of caribou habitat in British Columbia and the current science and knowledge on habitat use.

This document summarizes the habitat definitions, mapping process, and the data and information used to inform and delineate the spatial extents of core habitat, matrix habitat, and herd boundaries for caribou in British Columbia.

2. Habitat Definitions

Caribou Subpopulation (Herd): A geographically connected population of caribou whose dynamics are primarily driven by local conditions and factors rather than immigration or emigration.

Caribou Subpopulation (Herd) Boundary: The area that encompasses the extent of both core and the surrounding matrix habitat for a subpopulation (herd). Based on current understanding this is the area required to be managed to achieve a self-sustaining population. Subpopulation boundaries do not overlap even though some caribou subpopulations share portions of their annual range.

Core Habitat: The area that encompasses the annual range for a subpopulation. Core habitat provides enough suitable range to support the life history requirements of the subpopulation across all seasons and to allow for movements on the landscape over time in response to anthropogenic and natural habitat disturbance. Seasonal core habitat has the ecological attributes associated with the different seasonal ranges and supports most of the caribou life history requirements during that season. Summer core habitat encompasses areas used in spring, calving, post-calving, summer and rut. Winter core habitat encompasses areas used in winter. Core habitat is generally mapped at a broad scale and may encompass areas of non-habitat such as high elevation rock and ice.

¹ Core and matrix habitat mapping for caribou in British Columbia is viewable via this record: <https://catalogue.data.gov.bc.ca/dataset/e76bacdf-2aef-4a8a-b409-b25a1f7251bc>

² Federal critical habitat for species at risk listed on Schedule 1 of the federal Species at Risk Act (SARA) for British Columbia is available via this record: <https://catalogue.data.gov.bc.ca/dataset/critical-habitat-for-federally-listed-species-at-risk-posted->

Critical Habitat: Habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species' critical habitat in the recovery strategy or in an action plan for the species, as per the meaning given to it in the federal *Species at Risk Act* (*Environment Canada 2014*).

Ecotype Group: An ecological grouping (e.g. a group of subpopulations) within a species or subspecies that has adapted to different landscapes or environments as expressed primarily by its movements and feeding behaviour. In British Columbia, caribou ecotype groupings include: "boreal", "northern mountain", "southern mountain-northern group", "southern mountain-central group", and "southern mountain-southern group".

Matrix Habitat: The area adjacent to core habitat that has periodic or low use by caribou but supports primary prey and associated predators that have the potential to affect the caribou subpopulation. Matrix habitat may include connectivity between suitable caribou core habitats. Matrix habitat includes areas up to 30 km from core habitat and is based on winter range of primary prey, local knowledge of predator distribution and barriers to predator movement. Logical boundaries such as landscape features (e.g., large water bodies, glaciers, human settlement) were utilized.

3. Habitat Mapping

Mapping of core and matrix habitat for caribou in British Columbia has been conducted in five phases with each phase described in Figure 1.

Data and information used to inform core and matrix mapping includes survey data, telemetry data, habitat models, forest type, and elevation criteria. For caribou subpopulations within the southern mountain caribou - southern group, core habitat has been mapped without differentiating between seasonal range or high and low elevation range. For subpopulations within the southern mountain caribou - northern group, core habitat has been mapped by season and elevation and may include: high and low elevation winter and/or summer range. The predator matrix buffer varies across caribou herd ranges and is informed by local science on wolf distribution and/or prey distribution, natural or topographic boundaries impeding predator movement, and expert knowledge.

Individual herd boundaries include the extent of core and matrix habitat and do not overlap even though some caribou subpopulations share portions of their annual range; areas of overlapping range have been made part of the subpopulation with greater known usage of the area. For caribou subpopulations that abut or cross jurisdictional boundaries, range mapping has been reviewed for consistency (i.e. the habitat type did not change due to a jurisdictional change).

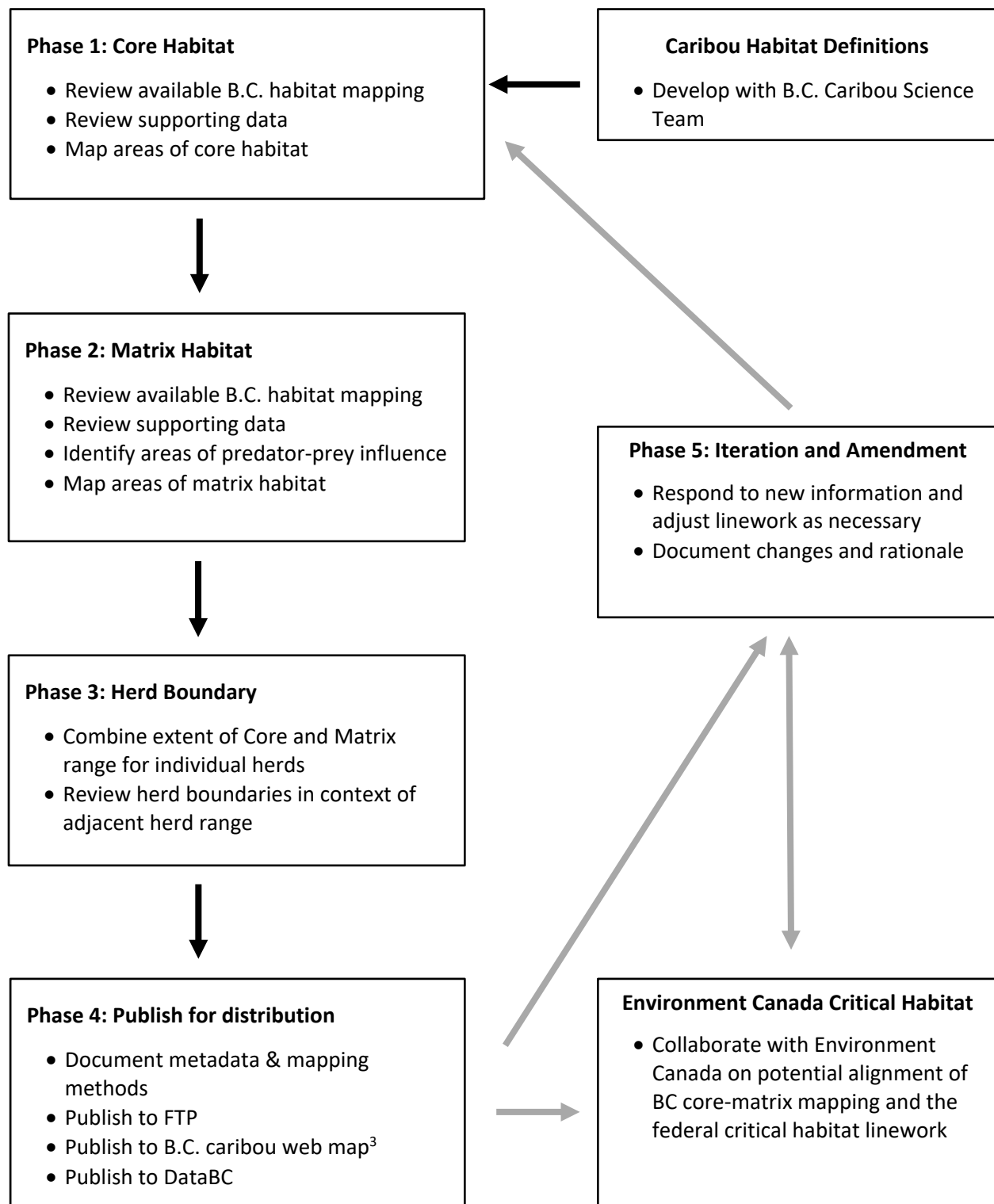


Figure 1. Phases of core and matrix habitat mapping and associated information flows for British Columbia caribou populations

³ British Columbia caribou web map: <https://catalogue.data.gov.bc.ca/dataset/e76bacdf-2aef-4a8a-b409-b25a1f7251bc>

4. References

Environment and Climate Change Canada. 2019. Amended Recovery Strategy for the Woodland Caribou (*Rangifer tarandus caribou*), Boreal population, in Canada [Proposed]. Species at Risk Act Recovery Strategy Series. Environment and Climate Change Canada, Ottawa. xiii + 143pp.

Environment Canada. 2014. Recovery Strategy for the Woodland Caribou, Southern Mountain population (*Rangifer tarandus caribou*) in Canada. Species at Risk Act Recovery Strategy Series. Environment Canada, Ottawa. viii + 103 pp.