

**STATE PARTY REPORT**

**ON THE STATE OF CONSERVATION OF**

**WOOD BUFFALO NATIONAL PARK WORLD HERITAGE SITE**

**(CANADA)**

**IN RESPONSE TO:**

**WORLD HERITAGE COMMITTEE DECISION 39 COM 7B.18**

FOR SUBMISSION BY

1 APRIL 2017



Peace-Athabasca Delta, Wood Buffalo National Park (Photo: J. McKinnon, Parks Canada)

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## 1. Executive Summary

Wood Buffalo National Park (WBNP) is a special place. Established in 1922 to protect the last remaining herds of wood bison, it is Canada's largest national park and is located in the traditional territory of Cree, Chipewyan, Dene and Metis peoples of the region. The park is home to one of the largest free-roaming, self-regulating bison herds in the world, the only remaining nesting ground of the endangered whooping crane, the biologically rich Peace-Athabasca Delta, extensive salt plains unique in Canada, and some of the finest examples of gypsum karst topography in North America. This presence of rare and superlative natural phenomena led to the park's inscription as Canada's eighth UNESCO World Heritage Site in 1983.

In December 2014, the Mikisew Cree First Nation (MCFN) petitioned the World Heritage Committee (the Committee) to have WBNP added to the List of World Heritage In Danger as a result of their concerns that ascertained and potential dangers to the property from existing and planned hydroelectric and oil sands development projects, climate change and inadequacies in the management frameworks for property were compromising the integrity of the property's Outstanding Universal Value (OUV). The Committee considered the MCFN petition at its 39<sup>th</sup> session in July, 2015.

This report on the State of Conservation of WBNP World Heritage Site responds to Decision 39 COM 7B.18 (2015) (Appendix A). With regard to the four specific requests of that decision, this report notes that:

- The State Party is undertaking a SEA to assess the potential cumulative impacts of all developments on the OUV of the property, to be completed by the end of March, 2018. The State Party is ensuring that the MCFN and other Indigenous groups have an opportunity to be fully and effectively involved in the SEA process;
- No irreversible decisions related to any proposed hydroelectric or oil sands development projects that may impact the property will be taken until the completion of the SEA, and the State Party affirms its commitment to inform the Committee of any impending regulatory decisions as appropriate; and
- The State Party hosted a Reactive Monitoring Mission between September 25 and October 4, 2016 and the final report of that mission was issued on March 10, 2017.

The Government of Canada welcomes the report of the World Heritage Centre/International Union for Conservation of Nature (WHC/IUCN) Reactive Monitoring Mission, and is committed to responding to this report as part of its on-going commitment to protecting Canada's heritage places. The findings and recommendations contained in the Reactive Monitoring Mission report represent a call to action – one that requires the State Party to work closely with all levels of government, with Indigenous peoples and with stakeholders.

While this State of Conservation report presents the State party's preliminary view of the mission's findings, the Government of Canada is committed to developing an Action Plan guided by the recommendations of the mission report. It will do so in close collaboration with provincial, territorial governments, with Indigenous groups, with industry and other stakeholders. The Action Plan will be developed using the best available science and the traditional knowledge of Indigenous communities. By taking a unified and collaborative approach, a path forward will be created to secure the future of WBNP, so that it remains a treasured place with Outstanding Universal Value for generations to come.

## 2. Introduction

### 2.1. Wood Buffalo National Park World Heritage Property

Wood Buffalo National Park (WBNP) straddles the boundary between the province of Alberta and the Northwest Territories, and encompasses 4.5 million hectares of forest, wetland and grassland, including the majority of the Peace-Athabasca Delta (PAD) (Figure 1). WBNP is the largest national park in Canada and is renowned for its size, remoteness, very low human population density and the absence of industrial resource extraction activities within its boundaries. The park was established in 1922 and the Parks Canada Agency is the site manager.

WBNP was inscribed as a World Heritage Site (WHS) in 1983 based on an assessment of its characteristics of Outstanding Universal Value (OUV). The park was inscribed on the World Heritage List based on the following World Heritage criteria:

Criterion (vii): The great concentrations of migratory wildlife are of world importance and the rare and superlative natural phenomena include a large inland delta, salt plains and gypsum karst that are equally internationally significant.

Criterion (ix): Wood Buffalo National Park is the most ecologically complete and largest example of the entire Great Plains-Boreal grassland ecosystem of North America, the only place where the predator-prey relationship between wolves and wood bison has continued, unbroken, over time.

Criterion (x): Wood Buffalo National Park contains the only breeding habitat in the world for the whooping crane, an endangered species brought back from the brink of extinction through careful management of the small number of breeding pairs in the park. The park's size (4.5 million ha), complete ecosystems and protection are essential for in-situ conservation of the whooping crane.

The PAD and the whooping crane nesting area (another large wetland area in the park) have also been declared Wetlands of International Importance under the Convention on Wetlands of International Importance (a.k.a., Ramsar Convention).

Despite its size, remoteness and lack of internal development pressures, WBNP is vulnerable to the impacts of external development and climate change. In December 2014, the Mikisew Cree First Nation (MCFN), whose homeland includes the PAD, petitioned the Committee to have WBNP added to the List of World Heritage In Danger as a result of their concerns that ascertained and potential dangers to the property from existing and planned hydroelectric and oil sands development projects, climate change and the inadequacies of the management frameworks for property were compromising the integrity of its OUV. The Committee considered the petition at its 39<sup>th</sup> session in July, 2015 and requested that Canada invite a WHC/IUCN Reactive Monitoring Mission "to review the impact of the developments on the property, to evaluate its state of conservation, and to exchange in more depth with the State Party, petitioning First Nation, and other stakeholders as appropriate." The mission to the property was undertaken between September 26 and October 4, 2016 and the mission report was released on March 10, 2017.

The mission report concluded that the PAD, widely recognized as the particularly valuable and vulnerable heart of the park, is being impacted by external developments and climate change and that these impacts are not currently being adequately addressed. Three overarching concerns were identified:

- 1) longstanding and unresolved conflicts and tensions between Aboriginal Peoples and governmental and private sector actors which call for a coherent management response in line with the legal framework and unambiguous political commitments to reconciliation;
- 2) governance deficiencies, including but not limited to water management across jurisdictions, impact assessment and environmental monitoring; and
- 3) the effects of observable and anticipated climate change affecting the property's high-latitude ecosystems.

The mission recommended that the State Party “be given one opportunity under the World Heritage Convention to immediately develop a structured and adequately funded Action Plan” guided by the 17 recommendations in the mission report.

This State of Conservation report responds directly to Decision 39 COM 7B.18 (2015) and is the first to be prepared following the release of the Reactive Monitoring Mission report. The information presented is intended to demonstrate Canada's acknowledgement of the challenges facing parts of the property and to assist decision-making regarding the property. Much work remains to be done in developing and implementing an Action Plan for the property, and for the PAD in particular. The State Party is committed to taking effective steps, in partnership with the petitioner, other Indigenous groups and other levels of government, to do this promptly and effectively.

The following section provides a brief summary of how the State Party works to ensure the protection of the OUV and integrity of the property. This work is conducted primarily in the context of Parks Canada's (site manager) legally defined mandate to protect and present WBNP, the legally defined requirement to maintain and restore the ecological integrity of the site, and the Government of Canada priorities regarding environmental stewardship and relationships with Indigenous groups.

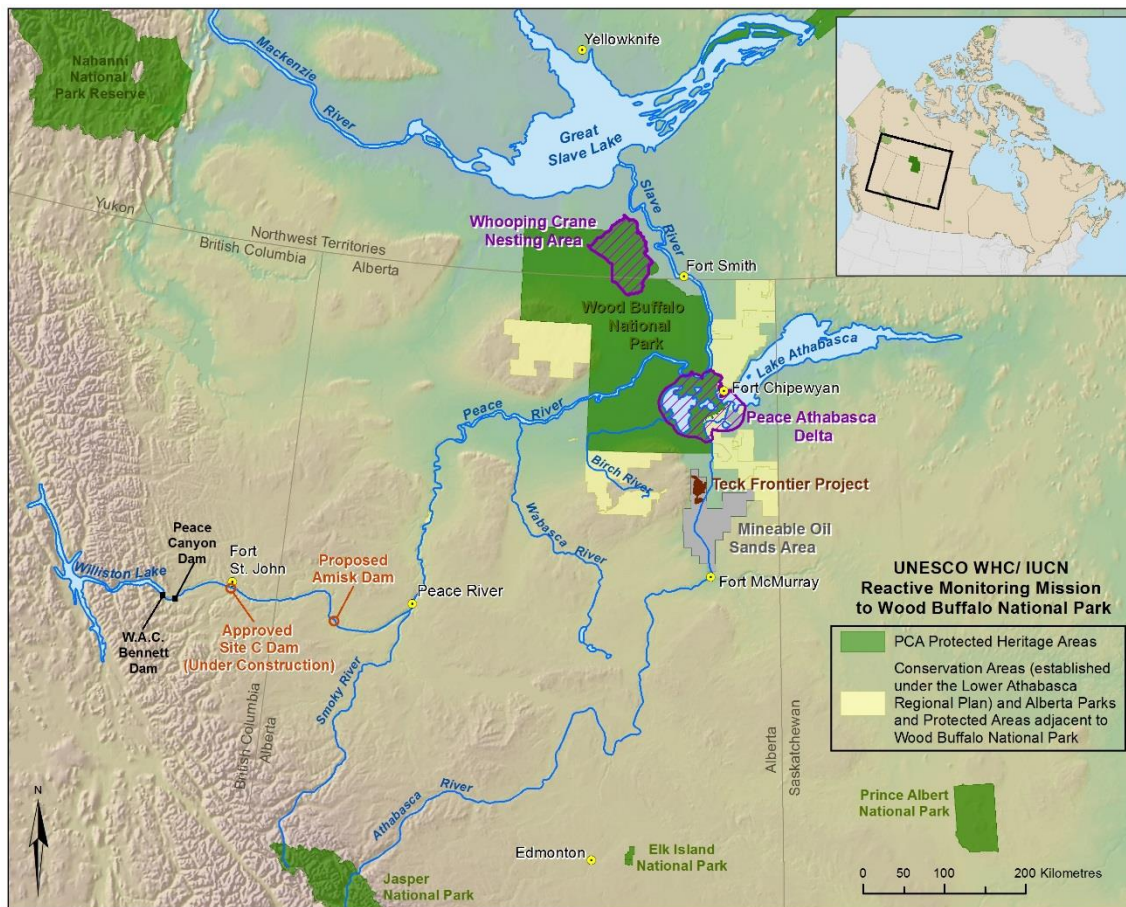


Figure 1: Wood Buffalo National Park regional context

## 2.2 Conservation and management of Wood Buffalo National Park

Canada is a federation and the Canadian Constitution identifies that the responsibility for natural resource management is shared between the federal and provincial governments, and in some instances, by the territories and by Indigenous governments under self-government agreements. Provinces and territories have jurisdiction over most aspects of land and water management and protection, and may delegate some authorities to municipalities or other local management authorities. The federal government has jurisdiction over federal lands (including national parks, Indian reserves, and military bases; overall a small portion of Canada’s land base) and over water on federal lands. The federal government also has specific responsibilities for certain aspects of fresh water stewardship across all of Canada, including fisheries, navigation, international and trans-boundary waters, and environmental monitoring.

To assure the conservation and sound management of national parks that are embedded within this context of shared jurisdiction, close cooperation and collaboration among all levels of government, Indigenous groups, and the public are required regarding most land and water management decisions affecting national parks. This is true for the development of the action plan required to respond in a structured and coordinated manner to the recommendations made in the mission report. The Government of Canada is committed to developing this

response in full cooperation with all relevant provincial and territorial government departments and agencies, as well as Indigenous groups and relevant stakeholders.

The following paragraphs describe the frameworks and initiatives that support the management of WBNP.

The *Canada National Parks Act* (2000) provides legal protection for WBNP and also prescribes that the “maintenance or restoration of ecological integrity, ... shall be the first priority of the Minister when considering all aspects of the management of parks.” There are a number of other relevant federal acts that also support the protection of the park including, among others: *Navigation Protection Act*; *Canada Water Act*; *Fisheries Act*; *Species at Risk Act*; *Migratory Birds Convention Act, 1994*; *Canadian Environmental Protection Act, 1999*; *Canadian Environmental Assessment Act, 2012*; and *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*. Parks Canada collaborates closely with other federal, provincial and territorial departments regarding the application of federal legislation in and around the park.

Park managers work with 11 Indigenous groups (for whom WBNP is an area of significant cultural value) to cooperatively manage the park (Table 1). The Aboriginal Committee for the Cooperative Management of Wood Buffalo National Park was established in 2014. The committee meets 3-4 times per year to discuss park management issues. Parks Canada recognizes that there is much work to be done in strengthening the cooperative management committee with a view to increasing engagement of all Indigenous groups in park management.

Table 1: Indigenous groups of Wood Buffalo National Park

Athabasca Chipewyan First Nation	Deninu K’ue First Nation
Fort Chipewyan Métis Local #125	Fort Resolution Métis Council
Fort Smith Métis Council	Hay River Metis Government Council
K’atloodeche First Nation	Little Red River Cree Nation
Mikisew Cree First Nation	Salt River First Nation
Smith’s Landing First Nation	

Specific to the area of the PAD, Canada and MCFN entered into a Treaty Land Entitlement Agreement (1986) which (among other obligations) explicitly commits Canada to “make every reasonable effort to correct man-induced changes to the natural water-level regime of the Peace/Athabasca Delta basin.”

The most recent park management plan was approved in June 2010 (<http://www.pc.gc.ca/eng/pn-nt/nt/woodbuffalo/plan/plan1.aspx>) and provides direction for managing key aspects of the park’s features of OUV, and for providing opportunities for visitors to experience and learn about the park. The plan commits to the development of an Area Management Approach for the PAD to address the challenges of managing the delta’s ecological and cultural values in cooperation with other levels of government, partners and stakeholders. While there is much work to be done, Parks Canada’s intention is for the PAD Area Management Approach to play a key role in the long-term monitoring of the PAD and informing appropriate actions related to actual and potential impacts of upstream development and climate change on the PAD.

The impacts on the park from stressors originating outside the park (such as Peace River flow regulation, surface water withdrawals, and industrial / municipal discharge) are monitored by Parks Canada and a range of other organizations including other federal and provincial government departments and agencies, local Indigenous groups, and academic institutions. One such effort is the Peace-Athabasca Delta Ecological Monitoring Program

(PADEMP), a multi-stakeholder group made up of Indigenous groups, government and non-government organizations facilitated by Parks Canada, whose mandate is to measure, evaluate and communicate the state of the delta using both Traditional Knowledge and western science. Another example is the Oil Sands Monitoring Program, a joint federal-provincial effort to monitor the impact of oil sands development in the Lower Athabasca region, including aspects of biodiversity, water quality and quantity, and air quality that may influence the status and evolution of the PAD. Canada is committed to working to improve PADEMP and environmental monitoring in the PAD and improving collaboration with the MCFN Community-Based Monitoring Program, where MCFN members use both western science and Indigenous knowledge to monitor environmental and traditional use conditions in the PAD.

Species at risk and their critical habitat in the park, including the breeding grounds of the whooping crane, are protected under provisions of Canada's *Species at Risk Act*. Parks Canada works with the Department of Environment and Climate Change Canada (ECCC), other federal, provincial and territorial government departments, Indigenous groups, U.S. government agencies, and private conservation organizations to ensure the long term recovery of the park's whooping crane flock. Parks Canada also works closely with other federal, provincial and territorial departments and agencies and Indigenous groups to ensure the recovery of other species at risk, including the threatened wood bison.

Parks Canada (along with other federal government departments and agencies) participates in environmental assessment processes regarding major development projects proposed to occur outside the park boundary that have the potential to impact the park (in particular, hydroelectric and oil sands development projects).

Canada also provides input into the development of provincial land-use planning processes where such processes may implicate WBNP. On another level, the Mackenzie River Basin Board (established in 1997 under the Mackenzie River Basin Transboundary Waters Master Agreement) commits the Governments of Canada, Saskatchewan, Alberta, British Columbia, Yukon and Northwest Territories to manage the water resources of the basin in a manner consistent with the maintenance of the ecological integrity of the watershed's aquatic ecosystem, including the PAD.

Canada recognizes a series of commitments to the MCFN that can support the protection of the PAD, beginning in 1986 pursuant to the MCFN Treaty Land Entitlement Agreement wherein Canada committed to "make every reasonable effort to correct man-induced changes to the natural water-level regime of the Peace/Athabasca Delta basin." Most recently in 2015, in recognition of concerns expressed by MCFN about the health of the PAD and the impact of regulated Peace River flows, the federal Minister of the Environment and Climate Change committed to:

- continued monitoring of water levels and stream flow at hydrometric stations along the Peace River and in the Peace Athabasca Delta, and continued Parks Canada ecological integrity monitoring in the Peace Athabasca Delta;
- enhanced monitoring and research regarding the regional hydro-climatology and ecology of the PAD and the effects flow regulation, water withdrawals, and changes in climate might have on its productivity and biodiversity, in collaboration with local Aboriginal groups, and governmental and non-governmental organizations;
- participation in discussions with other parties including Indigenous groups, British Columbia, BC Hydro and Alberta, on best management practices that can be applied to restore and preserve the aquatic ecosystems in the PAD; and



- meeting with the Athabasca Chipewyan First Nation and the MCFN to explore the viability of establishing a multi-stakeholder technical committee to define the ecological flow needs that would be required to achieve specific environmental and / or traditional use objectives in the PAD, as recommended by the Department of the Environment in its written submissions to the Site C Joint Review Panel.

### 3. Response to the Decision of the World Heritage Committee (39 COM 7B.18)

This State of Conservation report addresses paragraphs 3 through 8 of Decision 39 COM 7B.18 (the Decision), and provides the preliminary State Party views regarding the recommendations of the report of the Reactive Monitoring Mission to WBNP. The State of Conservation report is provided to inform discussions of the Committee at its 41<sup>st</sup> session in 2017.

**Paragraph 3:** *Notes with concern the environmental impacts on the Peace-Athabasca Delta from hydro-electric dams, oil sands development, and proposed open-pit mining in the vicinity of the property, which could negatively impact its Outstanding Universal Value (OUV);*

#### State Party's View:

The Government of Canada acknowledges the Committee's concerns and notes that, while the mission report concluded that large parts of the property are not currently affected by and are unlikely to be affected by these environmental impacts, the major exception is the PAD, the state and future of which the mission determined is uncertain at the very best.

The Government of Canada further acknowledges the concerns of the mission report which determined that governance deficiencies relating to environmental impacts - including water management across jurisdictions, impact assessment and environmental monitoring - is an overarching concern with the property. The mission report identified a number of recommendations regarding data gathering, enhanced monitoring, and additional project-related and governance-related assessments that will assist the Government of Canada in responding to the Committee's concern outlined in this paragraph.

The Government of Canada is committed to working with the petitioner, and other Indigenous groups and with other levels of government, regarding environmental impacts on the PAD and the recommendations that pertain to the concern of the Committee outlined in Paragraph 3 of the 2015 decision.

The State Party is committed to ensuring that all current and future environmental assessment reviews conducted pursuant to the *Canadian Environmental Assessment Act, 2012* explicitly consider both the incremental and cumulative impacts of upstream development on the OUV of the park and are aligned with the IUCN World Heritage Advice Note on Environmental Assessment and World Heritage, to the extent possible. Parks Canada is also preparing a Strategic Environmental Assessment (pursuant to Paragraph 5 of the Decision 39 COM 7B.18) to further inform its understanding of all potential threats to the OUV of the park and its integrity (see below).

Parks Canada actively participates in the environmental assessment of proposed hydroelectric and oil sands projects upstream of WBNP and has raised concerns regarding the potential impacts of these activities on the PAD in its submissions to these review processes. Parks Canada, and Environment and Climate Change Canada, are presently participating in two such environmental assessments and will provide expertise in these reviews based on their mandated responsibilities and areas of expertise, which include features integral to the OUV of the park such as the PAD and wood bison.

In response to concerns about Canada's environmental assessment processes, the federal government is presently undertaking a review of certain environmental and regulatory processes including environmental assessment. The Minister of Environment and Climate Change Canada is leading the review, and has established an Expert Panel to review federal environmental assessment processes associated with the *Canadian Environmental Assessment Act, 2012* (CEAA 2012).

The review is being conducted in a coordinated, open and transparent manner taking into account input from other levels of government, Indigenous groups, and a wide range of stakeholders, including the public, industry, and environmental groups. The Expert Panel will provide a report and recommendations to the Minister of Environment and Climate Change Canada by March 31, 2017 and the Government of Canada will then prepare a response to the report. Ultimately, this review is expected to result in continuous improvement in environmental and regulatory practices in Canada. More information on the environmental assessment processes review is available at:

[www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes.html/](http://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes.html/).

In addition to these public processes, the Government of Canada is committed to ensuring that the MCFN and other Indigenous groups are fully and effectively involved in the scoping and implementation of Canada's responses to the mission report's recommendations.

**Paragraph 4:** *Also notes with concern the lack of engagement with indigenous communities in monitoring activities, as well as insufficient consideration of traditional ecological knowledge, and takes note of the State Party's three commitments to strengthen monitoring and management with a wide participatory approach in order to address the concerns raised by the Mikisew Cree First Nation;*

State Party's View:

The Government of Canada is committed to renewing the relationship with Indigenous groups, based on recognition of rights, respect, co-operation and partnership. The State Party will bring that commitment to the process of working with the petitioner, and other indigenous groups, to create a genuine partnership with Indigenous groups regarding the property, and to develop and implement an Action Plan that in effect amounts to "major operations" in the sense of paragraph 177 of the *Operational Guidelines for the Implementation of the World Heritage Convention*. Consultation and engagement activities are a reflection of the government's commitment to a whole-of-government approach to Nation-to-Nation relationships.

Parks Canada is committed to improving the participation of Indigenous groups in the monitoring and management of WBNP. Since 2008 Parks Canada has been leading the development of the Peace-Athabasca

Delta Ecological Monitoring Program (PADEMP) to enhance engagement with Indigenous groups in monitoring activities. PADEMP is guided by a Steering Committee comprised of representatives from Indigenous groups, federal, provincial and territorial governments and non-governmental organizations. Parks Canada also initiated the Aboriginal Committee for the Cooperative Management of WBNP in 2014 to enhance cooperation on park management issues with the 11 Indigenous groups associated with WBNP. As a relatively new committee with a terms of reference developed in 2016 it is recognized that there is much more work to be done with the committee to increase Indigenous involvement in park management. The State Party also acknowledges a continuing need for bilateral engagement on specific issues.

The State Party is committed to further collaboration between federal, provincial and territorial governments and Indigenous groups related to regional monitoring initiatives.

**Paragraph 5:** *Requests the State Party to undertake a Strategic Environmental Assessment (SEA) to assess the potential cumulative impacts of all developments on the OUV of the property, including hydroelectric dams, oil sands development, and mining, in line with IUCN's World Heritage Advice Note on Environmental Assessment.*

#### State Party's View:

In response to the World Heritage Committee's request, Parks Canada is undertaking a SEA to assess the potential cumulative impacts of all developments on the OUV of the property. The SEA approach was developed with advice and input from WHC and IUCN to ensure congruence with the IUCN's World Heritage Advice Note on Environmental Assessment. Parks Canada also sought and used advice from other government departments with expertise in SEA practices. The State Party considers that the request to undertake a SEA is being addressed and anticipates completion by the end of March, 2018. The State Party's SEA approach is described in greater detail below.

#### SEA Approach:

The SEA will look at available knowledge from all parties interested this work. Two key products will be delivered: 1) a scoping report to focus the SEA investigation to those aspects where there are potential linkages between current and proposed developments in the region and the OUV of WBNP; and 2) a final report presenting the findings of the SEA analysis.

#### Consultation:

The SEA process includes consultation with a wide variety of governments and organizations including:

- Federal, provincial and territorial governments;
- Indigenous groups and traditional knowledge holders;
- Scientific experts; and
- The public.

This is being undertaken to gain a full perspective of the issues germane to the SEA, and to access important data and knowledge sources. Parks Canada recognises that Traditional Knowledge is an important information source for the SEA process. Parks Canada will consult with the 11 Indigenous groups associated with WBNP, and engage in separate public consultations, at the draft scoping report and draft final SEA report stages.

The SEA process provides 3 key opportunities for involvement when the:

1. SEA contractor gathers information during the initial interviews with knowledge holders to help determine the scope of the review and to begin developing the scoping report;
2. Draft scoping report is available for review and comment; and
3. Draft final SEA report is available for review and comment.

SEA Timeline:

The current timeline for the SEA process is outlined below.

- Spring 2017 – Public, Indigenous groups, provincial and territorial governments consultation on SEA scoping report
- Fall 2017 – Public, Indigenous groups, provincial and territorial governments consultation on draft SEA report
- March 2018 – Completion and public release of final SEA report

The final product of this work will be a SEA report documenting how the OUV of WBNP is, or may be, impacted by existing or proposed developments (including hydroelectric dams, oil sands development, and mining). Complete copies of the final SEA report will be available for download at the Parks Canada Wood Buffalo National Park website (<http://www.pc.gc.ca/eng/pn-np/nt/woodbuffalo/index.aspx>).

Canada will ensure that the MCFN, and other Indigenous groups, are fully and effectively involved in the SEA process.

**Paragraph 6:** *Also requests the State Party not to take any decision related to any of these development projects that would be difficult to reverse, and to submit the SEA to the World Heritage Centre, for review by IUCN, in accordance with Paragraph 172 of the Operational Guidelines.*

State Party's View:

The Site C Clean Energy Project was subject to an environmental assessment by a joint federal-provincial (British Columbia) review panel. The environmental assessment process included consultations with the public and Indigenous groups, including public hearing sessions in the project area. The joint review process also provided an opportunity for experts, including federal and provincial authorities and experts from outside government, to provide advice and input to the joint review panel.

After taking into consideration the report of the independent joint review panel, the Canadian federal government and British Columbia provincial government approved the Site C project in October 2014 (prior to Decision 39 COM 7B.18). Federal approval of the project was subject to over 80 legally enforceable conditions with which the proponent must comply. Provincial approval was subject to 77 legally binding conditions with which the proponent must also comply. The conditions address a number of environmental effects including impacts of fish and fish habitat, migratory birds, species at risk, water quality, and the health and current use of the land for traditional purposes by Aboriginal peoples. The Canadian Environmental Assessment Agency and the British Columbia Environmental Assessment Office are responsible for verifying that the proponent is in compliance with the conditions outlined in the decision statement. The two agencies are in regular discussion regarding compliance oversight, and have conducted three joint inspections of the project.

Subsequent to the federal approval, permits were issued in 2015 and 2016 by Fisheries and Oceans Canada, and Transport Canada, related to fisheries and navigable water matters.

Two large scale industrial projects upstream of WBNP are currently undergoing environmental assessment review, the proposed Amisk Hydroelectric project on the Peace River and the Frontier Oil Sands Mine Project in the Athabasca oil sands area. It is not expected that any decisions on these projects will be taken by the State Party prior to the submission of the SEA to the WHC in March 2018. The State Party will inform the Committee of any impending regulatory decisions as appropriate.

**Paragraph 7:** *Further requests the State Party to invite a joint World Heritage Centre / IUCN Reactive Monitoring mission to review the impact of the developments on the property, to evaluate its state of conservation, and to exchange in more depth with the State Party, petitioning First Nation, and other stakeholders as appropriate.*

State Party's View:

The State Party originally invited a joint UNESCO WHC / IUCN Reactive Monitoring Mission for the period of October 22<sup>nd</sup> - November 1<sup>st</sup>, 2015, but the WHC requested a delay as the desired experts were not available for those dates. Subsequently, the State Party and the WHC agreed to a second window of dates (May 26<sup>th</sup> - June 4<sup>th</sup>, 2016) but the wildfire disaster in Ft. McMurray, Alberta, required that the mission be rescheduled for September 25<sup>th</sup> - October 4<sup>th</sup>, 2016.

Parks Canada worked with the WHC, IUCN, the MCFN and provincial and territorial governments to develop the itinerary for the mission. Over the course of 10 days, the mission travelled to Fort Smith, Fort Chipewyan, Fort McMurray and Edmonton to meet with representatives of governments (federal, provincial and territorial), Indigenous groups (including the petitioning First Nation), industry, environmental non-governmental organizations, communities and academics to better understand the state of the property. The mission report was published on the WHC's website on March 10<sup>th</sup>, 2017.

The State Party considers that the request to invite a joint UNESCO WHC / IUCN Reactive Monitoring Mission to the property has been addressed.

Initial State Party views regarding the report of the UNESCO WHC / IUCN Reactive Monitoring Mission to Wood Buffalo National Park:

The report of the UNESCO WHC / IUCN Reactive Monitoring Mission to Wood Buffalo National Park presented 17 recommendations to the State Party and requested the State Party to develop a structured and adequately funded response guided by the recommendations, in effect amounting to "major operations" in the sense of Paragraph 177 of the *Operational Guidelines for the Implementation of the World Heritage Convention*.

The State Party is committed to developing a robust response to the mission recommendations and will do so through the development of the Action Plan, with full and effective inclusion of the MCFN, other Indigenous groups, provincial and territorial governments, industry and other stakeholders and is in the early stages of considering how to develop the plan. The Government of Canada will explore a variety of options to engage

Indigenous groups in the development of the response, including through a separate Memorandum of Understanding the MCFN and Canada established in 2016<sup>1</sup>.

Canada’s preliminary views on the mission recommendations are included below (the recommendations have been grouped thematically):

<b>Recommendations related to site management and Indigenous engagement</b>		
<p><b>Recommendation 1:</b></p> <p>Adopt a clear and coherent policy and guidance to enable the transition to a genuine partnership with First Nations and Métis in the governance and management of the property.</p>	<p><b>State Party’s View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>This recommendation is consistent with the Government of Canada’s commitment to reconciliation with First Nations, the Metis Nation and Inuit, and to an overarching renewal of the nation-to-nation relationship with Indigenous peoples based on recognition, rights, respect, co-operation, and partnership.</p> <p>Further, it is consistent with the priority Parks Canada places on reconciliation and cooperative management. The policy and guidance will be developed with the Aboriginal Committee for the Cooperative Management of WBNP and will consider various options for strengthening cooperative management and shared governance in the context of Parks Canada’s legal authorities.</p>
<p><b>Recommendation 13:</b></p> <p>Further develop the existing Cooperative Management Committee established by the State Party, and consolidate a functional and effective mechanism to involve Aboriginal Peoples in the management of the property.</p>	<p><b>State Party’s View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>See response to Recommendation 1.</p>
<p><b>Recommendation 14:</b></p> <p>Ensure that the preparation and skills of involved</p>	<p><b>State Party’s View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>This recommendation is consistent with the Government of Canada’s</p>

<sup>1</sup> MOU on Treaty-Based Exploratory Discussions

<p>governmental staff correspond to the requirements inherent in the evolving relationship with First Nations and Métis.</p>		<p>commitment to reconciliation with First Nations, the Metis Nation and Inuit, and to an overarching renewal of the nation-to-nation relationship with Indigenous peoples based on recognition, rights, respect, co-operation, and partnership.</p> <p>Parks Canada will provide relevant orientation and training opportunities for staff, and investigate approaches to further promote Indigenous employment.</p>
<p><b>Recommendation 12:</b></p> <p>Consolidate the management resources and capacity to a standard commensurate with World Heritage status and adequately respond to the challenges facing the property by:</p> <p>a) Reinstating an all-year status and staffing of WBNP;  b) Recruiting a full-time Superintendent exclusively in charge of WBNP;  c) Ensuring an adequate Parks Canada presence in Fort Chipewyan, part of the critical Peace-Athabasca Delta area and a major ecological region of WBNP.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>Parks Canada agrees that additional dedicated resources are needed for more effective management of the wide range of complex issues affecting WBNP, including increased engagement of Indigenous groups in the management of the park.</p> <p>Parks Canada is assessing the financial implications of this recommendation.</p>
<p><b>Recommendations related to research and monitoring</b></p>		
<p><b>Recommendation 2:</b></p> <p>Considering the increasing pressures on the property at this time, prioritise conservation and ensure that the State Party's science capacity enables Parks Canada's legal obligation to maintain and restore the Ecological Integrity of the property.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>Efforts to address this recommendation are consistent with the Government of Canada's priorities related to conservation, strengthened environmental assessment processes, inter-jurisdictional collaboration, and ensuring that decisions are based on science, facts, and evidence, and serve the public's interest.</p>
<p><b>Recommendation 6:</b></p>	<p><b>State Party's View:</b></p>	<p><b>Current Context:</b></p>

<p>Conduct a systematic risk assessment of the tailings ponds of the Alberta Oil Sands region with a focus on risks to the Peace-Athabasca Delta, and submit the report of this assessment to the World Heritage Centre, for review by IUCN, in accordance with Paragraph 172 of the <i>Operational Guidelines</i>.</p>	<p>The State Party supports the recommendation.</p>	<p>The Government of Alberta agrees to support the completion of a systematic assessment or review but requires input to the type and scope of the review to ensure that it provides the required information within an appropriate timeline. Scientists within the Environmental Monitoring and Science Division will contribute scientific leadership and expertise to this process, engaging with ECCC to assure appropriate information/data from programs such as the oil sands environmental monitoring program is incorporated.</p>
<p><b>Recommendation 15:</b></p> <p>Further harmonize and adopt the Species Recovery Strategy for Wood Bison throughout its range, including but not limited to the Greater WBNP Ecosystem, and specifically:</p> <p>a) Urgently invest in comprehensive and independent analysis of the conservation importance and status of the Ronald Lake Bison Herd, including threats to it posed by proposed development, within a broader Species Recovery Strategy;</p> <p>b) Dedicate, in full cooperation with First Nations, adequate attention and funding to the management of Wood Bison, including as regards the development of disease management options other than culling.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>a) The governments of Canada and Alberta, First Nations, Métis, and industry participate on the Ronald Lake Bison Herd Technical Team (RLBHTT) to address knowledge gaps related to the status of this herd. Specifically, the RLBHTT has commissioned independent third-party scientists to develop and initiate multi-year studies to better understand the herd's habitat and space use patterns, behavioural responses to human-caused and natural disturbances, and population dynamics in relation to habitat supply and predation.</p> <p>Canada and Alberta will continue to participate in the work of the RLBHTT and can contribute relevant scientific expertise. Canada and Alberta will continue to work with Indigenous groups and others on the implementation of federal recovery strategy for Wood Bison.</p> <p>b) The governments of Canada, Alberta and the Northwest Territories are committed to work with Indigenous groups to support recovery of the Wood Bison, including the identification,</p>



		development and implementation of preferred disease management options with the dual long-term objective of removing the risk to the livestock sector.
<p><b>Recommendation 16:</b></p> <p>Continue to closely monitor the entire used and potential nesting area of the Whooping Crane within the Greater WBNP Ecosystem so as to be able to respond to possibly changing management requirements.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>Parks Canada, Environment and Climate Change Canada, provincial and territorial government departments, Indigenous groups and international partners have a long history of cooperation on management, research and monitoring to support the continuing recovery of this endangered species, and are investigating approaches to improve the identification and monitoring of existing and potential nesting habitat.</p>
<p><b>Recommendation 17:</b></p> <p>Incorporate invasive alien species (IAS) into the overall monitoring of the property and the PAD based on science and local and indigenous knowledge, and based on monitoring results, develop an appropriate management response to control the spread of IAS.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>Parks Canada monitors key IAS (for example, as part of the delta vegetation monitoring program), and will explore potential options for additional monitoring and management actions (as required, based on monitoring results) using both western science and Indigenous knowledge.</p>
<p><b>Recommendations related to flow regulation and water withdrawals</b></p>		
<p><b>Recommendation 3:</b></p> <p>To enable informed decision-making, conduct environmental flows assessments to the highest international standards for the Peace, Athabasca and Slave Rivers as they pertain to the health of the Peace-Athabasca Delta (PAD), in order to identify water flows needed to sustain the ecological functioning of the PAD under</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>The work recommended is aligned with that envisioned under previous assessments (Northern River Basins Study, 1996). The MCFN Treaty Land Entitlement Agreement (1986) and more recent commitments (correspondence between the Minister of Environment and MCFN, 2015) are key avenues to address this recommendation.</p>

<p>the circumstances of existing and planned future dams and water withdrawals. These assessments should incorporate projections of climate change and should determine the cumulative effects on the PAD and the property of flow regulation of all existing and proposed dams on all three rivers.</p>		<p>The Government of Canada will work collaboratively with other jurisdictions, Indigenous groups and stakeholders in its efforts to address this recommendation. In particular, Parks Canada and Environment and Climate Change Canada will meet with MCFN and ACFN to explore the viability of establishing a multi-stakeholder technical committee to define the ecological flow needs that would be required to achieve specific environmental and / or traditional use objectives in the PAD.</p>
<p><b>Recommendation 7:</b></p> <p>Establish adequate baseline hydrological information of the Peace and Athabasca River Basins to enhance the reference for monitoring and assessing current and future hydrological conditions.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>The governments of Canada and Alberta share hydrometric monitoring responsibilities pursuant to the Canada-Alberta Hydrometric Agreement. The governments of Canada and Alberta will determine (in collaboration with the Government of British Columbia as required for the Peace River basin) the additional actions that may be required to address this recommendation.</p> <p>Efforts to address this recommendation will also support efforts to respond to Recommendation 3.</p>
<p><b>Recommendations regarding Environmental Assessment</b></p>		
<p><b>Recommendation 4:</b></p> <p>Conduct, in line with the IUCN World Heritage Advice Note on Environmental Assessment, an environmental and social impact assessment of the Site C Hydroelectric project and, if moved forward, any other hydropower projects potentially affecting the Outstanding Universal Value of the property.</p>	<p><b>State Party's View:</b></p> <p>The State Party rejects this recommendation with regard to the Site C project, but supports the recommendation for proposed and future projects.</p>	<p><b>Current Context:</b></p> <p>The Site C Hydroelectric Project was approved in October 2014 (prior to Decision 39 COM 7B.18) and is presently under construction. There is no legal mechanism in Canada to suspend or negate an authorization and undertake a new environmental assessment for a project that has been approved.</p>

		<p>The specific framework for the cooperative environmental and socioeconomic assessment of the Site C project conducted by Canada and British Columbia, including a Joint Review Panel, was set out in the <a href="http://www.ceaa-acee.gc.ca/050/documents/p63919/81725E.pdf">Joint Review Panel Agreement</a> (<a href="http://www.ceaa-acee.gc.ca/050/documents/p63919/81725E.pdf">http://www.ceaa-acee.gc.ca/050/documents/p63919/81725E.pdf</a>), and met many of the standards set out in the IUCN World Heritage Advice note referenced.</p> <p>The Government of Canada is committed to working with other jurisdictions, Indigenous groups and stakeholders to assess further options that would help mitigate the effects of flow regulation and meet ecological flow objectives for the Peace River.</p> <p>The Government of Canada will collaborate with the Alberta government and Indigenous groups to take this recommendation into account during the review of the Amisk Hydroelectric Project (the only other hydroelectric project proposed at this time on a major river that flows into WBNP).</p> <p>The federal government will also continue to investigate ways to consider the IUCN World Heritage Advice Note on Environmental Assessment and World Heritage in future situations when a World Heritage site could be implicated by a proposed project.</p>
<p><b>Recommendation 5:</b></p> <p>Conduct an environmental and social impact assessment of the proposed Teck Frontier oil sands mine project in line with the IUCN World Heritage Advice Note on Environmental Assessment, fully taking into account the Outstanding</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>The Government of Canada and Alberta, in consultation with Indigenous groups, will explore options within the Frontier Oil Sands Mine Joint Review Panel process (underway) to address this recommendation.</p>

<p>Universal Value of the property, including the Peace-Athabasca Delta.</p>		
<p><b>Recommendation 8:</b></p> <p>Expand the scope of the Strategic Environmental Assessment (SEA), which was requested by the Committee in its Decision 39 COM 7B.18, so that it adequately reflects the scale, pace and complexity of industrial development, land use changes and river flow manipulations in the Peace and Athabasca River watersheds, both in terms of individual and cumulative impacts.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>The SEA for the property is underway and its scope is sufficiently broad that it already encompasses the scale, pace and complexity of all potential stressors and their potential individual and cumulative impacts on the OUV of the property.</p> <p>Parks Canada is consulting with the IUCN and WHC to confirm that the SEA as currently structured meets the intent of this recommendation. The petitioner and other Indigenous groups will be consulted on the draft Scoping Report.</p>
<p><b>Recommendation 9:</b></p> <p>Expand the scope of monitoring and project assessments to encompass possible individual and cumulative impacts on the Outstanding Universal Value of the property and in particular the PAD.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>Parks Canada will collaborate with the Canadian Environmental Assessment Agency, Environment and Climate Change Canada, the MCFN and other Indigenous groups, and provincial and territorial governments to identify actions required to address this recommendation.</p>
<p><b>Recommendations related to land-use planning and buffer zone</b></p>		
<p><b>Recommendation 10:</b></p> <p>Conduct a comprehensive assessment of options, in order to underpin decision-making to put in place an effective buffer zone, as defined in the <i>Operational Guidelines</i>. The Birch River deserves particular attention as the only relatively intact major watershed of the PAD.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>Land-use planning, including conservation area planning, surrounding WBNP is the responsibility of the Government of Alberta and the Government of the Northwest Territories.</p> <p>The Government of Canada will collaborate with provincial and territorial governments, Indigenous groups, industry and other stakeholders to explore options for an effective buffer zone.</p>

		<p>The Government of Alberta will contribute to the development of options to inform the establishment of effective protected areas in addition to those already identified and established (and that provide landscape connectivity with WBNP) pursuant to the Lower Athabasca Regional Plan.</p> <p>Other criteria and interests (e.g., Indigenous interests) may outweigh the interest in a buffer zone in future land use planning, including conservation area planning, in Alberta.</p>
<p><b>Recommendation 11:</b></p> <p>Conduct a systematic assessment of options to better realize synergies between the property and land use planning in its immediate vicinity, including the existing and planned provincial protected areas.</p>	<p><b>State Party's View:</b></p> <p>The State Party supports the recommendation.</p>	<p><b>Current Context:</b></p> <p>The Government of Canada will collaborate with provincial and territorial governments, Indigenous groups, industry and other stakeholders to explore options for improved collaboration and connectivity between existing and planned protected areas.</p>

**Paragraph 8:** *Requests moreover the State Party to submit to the World Heritage Centre, by 1 December 2016, an updated report, including a 1-page executive summary, on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 41st session in 2017.*

State Party's response:

Given the delay of the mission until fall 2016, the WHC amended the delivery date of this State of Conservation Report to April 1<sup>st</sup>, 2017. The State Party considers that the request to prepare a State of Conservation Report for the property (reporting on the implementation of the above) has been fulfilled with the delivery of this report.

4. Other current conservation issues / potential restorations, alterations or constructions intended within the property which may have an impact on the property's Outstanding Universal Value and integrity

The State Party is committed to advancing collaboration with federal, provincial and territorial governments, Indigenous groups, industry and stakeholders to address the threats to the property's OUV, and the threats facing the PAD.

The most recent park management plan for WBNP was approved in June 2010. The plan commits to the development of an Area Management Approach for the PAD, which may assist the State Party to develop measures to address the challenges of managing the delta's ecological and cultural values in cooperation with other levels of government, the MCFN and other Indigenous groups, partners and stakeholders. In addition, the State Party will be preparing an update to the WBNP Management Plan in 2020 in consultation with the MCFN, other Indigenous groups and the Canadian public. This management plan will be consistent with and support the Action Plan developed to address the recommendations of the mission report.

While the Reactive Monitoring Mission has outlined significant threats to OUV that are external to the property, there are no additional developments proposed within the property of which the Committee and IUCN have not been made aware. The State Party will advise WHC if/when future issues that could pose threats to the property's OUV and integrity arise.

## 5. Public access to the state of conservation report

The State Party authorizes the WHC to make this report public on its website. Parks Canada will also ensure that there is public access to this State of Conservation Report on the Parks Canada's website for WBNP and will make it available in both English and French.

## 6. Conclusion

The Government of Canada acknowledges the concerns expressed by the MCFN in its petition to the Committee and also acknowledges the conclusions of the joint UNESCO WHC / IUCN Reactive Monitoring Mission to WBNP. The mission report has brought forward important findings regarding the impacts to the property from hydroelectric and oil sands development and climate change, and has identified aspects of the management of the property and surrounding areas that need to be improved.

Considering the trans-boundary nature of the issues impacting the property and the shared jurisdiction over natural resources in Canada, much cooperation and discussion will be required to develop, fund and implement an Action Plan to maintain the OUV of the property. The Government of Canada will begin the work to develop the Action Plan immediately, and will explore a variety of options to fully and effectively engage Indigenous groups in the development of the plan, including through a separate Memorandum of Understanding the MCFN and Canada established in 2016.

## Appendix A: WHC Decision 39 COM 7B.18

### **Decision: 39 COM 7B.18**

The World Heritage Committee,

1. Having examined Document WHC-15/39.COM/7B.Add,
2. Notes that the World Heritage Centre has received a petition submitted by the Mikisew Cree First Nation expressing their concern about the state of conservation of the property, as well as a response from the State Party;
3. Notes with concern the environmental impacts on the Peace-Athabasca Delta from hydro-electric dams, oil sands development, and proposed open-pit mining in the vicinity of the property, which could negatively impact its Outstanding Universal Value (OUV);
4. Also notes with concern the lack of engagement with indigenous communities in monitoring activities, as well as insufficient consideration of traditional ecological knowledge, and takes note of the State Party's three commitments to strengthen monitoring and management with a wide participatory approach in order to address the concerns raised by the Mikisew Cree First Nation;
5. Requests the State Party to undertake a Strategic Environmental Assessment (SEA) to assess the potential cumulative impacts of all developments on the OUV of the property, including hydroelectric dams, oil sands development, and mining, in line with IUCN's World Heritage Advice Note on Environmental Assessment;
6. Also requests the State Party not to take any decision related to any of these development projects that would be difficult to reverse, and to submit the SEA to the World Heritage Centre, for review by IUCN, in accordance with Paragraph 172 of the *Operational Guidelines*;
7. Further requests the State Party to invite a joint World Heritage Centre/IUCN Reactive Monitoring mission to review the impact of the developments on the property, to evaluate its state of conservation, and to exchange in more depth with the State Party, petitioning First Nation, and other stakeholders as appropriate;
8. Requests moreover the State Party to submit to the World Heritage Centre, by **1 December 2016**, an updated report, including a 1-page executive summary, on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 41<sup>st</sup> session in 2017.



Wood bison herd with calves in the Peace-Athabasca Delta, Wood Buffalo National Park (Photo: J. McKinnon, Parks Canada).



Whooping crane with chick, Wood Buffalo National Park (Photo: Klaus Nigge).