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DEC 01 2017

**Subject: State of Conservation, Gros Morne National Park  
Decision 40 COM 7B.94**

Dear Dr. Rössler:

In response to the World Heritage Committee decision 40 COM 7B.94 with respect to Gros Morne National Park, please find attached a report on the state of conservation for this World Heritage site. I would also like to confirm that this report can be made available to the public through the State of Conservation Information System, as requested by the World Heritage Centre.

I look forward to receiving your confirmation that the report has been received in accordance with the December 1, 2017 deadline.

Yours sincerely,

Joëlle Montminy  
Vice President  
Indigenous Affairs and Cultural Heritage Directorate  
and  
Head of the Canadian Delegation to the World Heritage Committee

Attach.

cc H.E. Élane Ayotte, Ambassador and Permanent Delegate of Canada to UNESCO  
Nicolas Dimic, Deputy Permanent Delegate of Canada to UNESCO  
Nathalie Dault, Deputy Director for Specialized Agencies, United Nations Division, Global Affairs Canada  
Sébastien Goupil, Secretary-General, Canadian Commission for UNESCO  
Geoff Hancock, Field Unit Superintendent, Western Newfoundland and Labrador Field Unit

**State of Conservation Report  
Gros Morne National Park  
World Heritage Committee Decision 40 COM 7B.94**

DEC 01 2017

**Gros Morne National Park (Canada) (419)**

1. Executive Summary of the report

As per the World Heritage Committee decision (40 COM 7B.94), Canada has prepared a State of Conservation report for Gros Morne National Park. Parks Canada, the State Party representative, is also responsible for the management of the World Heritage site. Parks Canada has consulted with the government of the province of Newfoundland and Labrador, which is responsible for administering the lands outside the World Heritage site. The offshore area as it pertains to oil and gas, is subject to Atlantic Accord Acts, and therefore co-managed by the province with the federal government. The Outstanding Universal Value (OUV) of Gros Morne National Park has also factored into review processes of the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) – the federal/provincial body that administers oil and gas activities within its legislative mandate, the Atlantic Accord, on behalf of the governments. The report provides a paragraph by paragraph response to the World Heritage Committee Decision.

**Response to Paragraph 3:** Industrial resource extraction, either on or below the surface, is not permitted within the boundaries of Gros Morne National Park. The moratorium on onshore and onshore-based petroleum exploration using hydraulic fracturing outside the property remains in place and does not currently have an expiry date. There are no active exploratory licenses in the offshore area immediately adjacent to Gros Morne National Park and no new proposals for projects using hydraulic fracturing are being accepted by the province. Furthermore, the province and Parks Canada are taking measures to formalize protocols for inter-agency collaboration on the issues related to resource extraction and land use management in areas adjacent to the property.

**Response to paragraphs 4 and 5:** The State Party would like to highlight that the Strategic Environmental Assessment (SEA) for the western portion of the Canada-Newfoundland and Labrador Offshore Area, approved in April 2014 and referenced in this Committee decision, was a broad program-related environmental review of a vast geographic area. In the current circumstances, project-level environmental assessments provide a more appropriate mechanism for evaluating specific activities that could have an impact on the OUV and integrity of Gros Morne National Park. Within the parameters of an established review cycle, a new SEA review period could open as early as 2019, though this may be contingent on future licence applications. At that time, Parks Canada will seek representation on the review panel to ensure consideration for the World Heritage property and its OUV as appropriate for the SEA. Parks Canada will also include a section dedicated to OUV in its own SEA to be undertaken as a mandatory element in the upcoming Park Management Plan for Gros Morne National Park, providing another level of analysis to support intervention priorities in future project-level Environmental Assessments (EAs).

**Response to paragraph 6:** Parks Canada is working with the Province of Newfoundland and Labrador to develop a land-use committee to renew protocols for advising Parks Canada of resource extraction and development project proposals around Gros Morne National Park and to consider potential impacts to the property's OUV.

**Response to paragraph 7:** As there has been no change in status of the provincial government's moratorium on hydraulic fracturing, it is the position of the State Party that a reactive monitoring mission is not required at this time. The State Party will continue to provide updates to the World

Heritage Centre on this matter as new information becomes available or if there is any status change of the current pause on accepting applications for hydraulic fracturing activity around the property.

## 2. Response to the World Heritage Committee

This report is an update to the State of Conservation (38 COM 7B.74) report provided to the World Heritage Centre by Parks Canada on 1 December, 2015 and is a response to decision 40 COM 7B.94, adopted by the World Heritage Committee at its 40<sup>th</sup> session, July 2016.

Canada is committed to the continued protection of the Outstanding Universal Value (OUV) and integrity of Gros Morne National Park. At the time of submitting this report, the Government of Newfoundland and Labrador has maintained its moratorium regarding applications for onshore, or, onshore to offshore, petroleum exploration using hydraulic fracturing. In consideration of this and other measures described in this report, the State Party advances the position that there is currently no concern to the World Heritage property due to hydraulic fracturing activity. It describes steps that Parks Canada and the adjacent land manager, the Province of Newfoundland and Labrador, are taking to enhance an already effective working relationship and strong regulatory regime by formalizing voluntary protocols that set out at which point the Province would notify Parks Canada of proposed resource extraction activities adjacent to the boundary of Gros Morne National Park, with a focus on how best to ensure identification of and response to potential threats to the OUV of the property. Through its mandated management planning processes, Parks Canada will also continue to ensure that communities, adjacent land managers and other interested stakeholders are engaged in the identification and resolution of any concerns that relate to potential impacts on the OUV of Gros Morne National Park.

### **Paragraph 3:**

*“Requests the State Party to ensure that substantive measures are introduced before the existing moratorium on onshore and onshore-based petroleum exploration using hydraulic fracturing expires, in order to prevent any future oil or gas licences from being issued inside the property, or issued outside the property where they could adversely impact its Outstanding Universal Value (OUV);”*

As previously reported, Parks Canada can confirm that industrial resource extraction, either on or below the surface, is not permitted within the boundaries of the World Heritage site (i.e. Gros Morne National Park), nor have any such activities been considered. The moratorium on onshore and onshore-based petroleum exploration using hydraulic fracturing outside the property remains in place and does not currently have an expiry date. There are no active exploratory licenses that have been issued by the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB) in the offshore area immediately adjacent to Gros Morne National Park and no new proposals for projects using hydraulic fracturing are being accepted by the Province of Newfoundland and Labrador at this time. The province has indicated that it is not currently accepting applications that would involve hydraulic fracturing, and that the ‘pause’ it has placed on hydraulic fracturing activity will not be lifted until it has completed a full assessment of the recommendations of the Newfoundland and Labrador Hydraulic Fracturing Review Panel.

Furthermore, a new collaborative mechanism to identify potential impacts to OUV as a result of resource extraction projects that may be proposed in areas adjacent to the property is described in the response to paragraph 6.

**Paragraphs 4 and 5:**

4. *“Notes that the Strategic Environmental Assessment (SEA) for the western portion of the Canada-Newfoundland and Labrador Offshore Area, which is adjacent to the property, was nearing completion when the IUCN World Heritage Advice Note on Environmental Assessment was published and that therefore, an assessment of impacts on OUV was not included in the SEA;*

5. *Nevertheless, also requests the State Party to incorporate into the SEA, through an addendum or other appropriate means, an assessment of the impacts on the OUV of the property, including its conditions of integrity, and to identify appropriate measures to ensure that any such impacts are avoided or adequately mitigated;”*

A Strategic Environmental Assessment (SEA) conducted under Canada’s Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals is intended to evaluate high level objectives in the earliest stages of policy, plan, or program development, usually with a focus on the larger regional environmental setting rather than a specific project site.

The SEA for the western portion of the Canada-Newfoundland and Labrador Offshore Area developed by the C-NLOPB was a significant undertaking scoped to consider impacts from potential offshore oil and gas operations in the 36,000 km<sup>2</sup> area, which is slightly larger than Belgium.

Opportunities to intervene in the SEA updating process ensured that it included considerable detail on topics that directly or indirectly relate to maintaining Gros Morne’s OUV. This issue is most directly addressed in the following sections (see [www.cnlopb.ca/pdfs/wnlsea/wnlseaen.pdf?lbisphpreq=1](http://www.cnlopb.ca/pdfs/wnlsea/wnlseaen.pdf?lbisphpreq=1)):

- **Section 4.2.4 (Protected Areas; p. 286):** This section identifies Gros Morne as a UNESCO World Heritage site (WHS) and identifies the OUVs that were the basis for the inscription. It also includes a description of the marine areas within the boundary of Gros Morne and identifies other national parks around the Gulf of St. Lawrence that could be affected by oil industry activity in the western portion of the Canada- Newfoundland and Labrador Offshore Area.
- **4.3.6.5 (Tourism; p. 393-394):** This section identifies Gros Morne as a WHS and indicates that it is one of the key drivers of the tourism industry in the province. It also indicates that the park’s fascinating geology and scenic beauty (i.e. OUV) are central to the region’s appeal to tourists and provides a summary of the economic value of park visitation.
- **5.4 (Protected areas; p. 439-440):** This portion of section 5 (Environmental interactions, mitigation and key planning considerations) addresses potential impacts of oil industry activities on protected areas. It indicates that specific mitigations around protected areas would be a key consideration for future planning (section 5.4.1) and restrictions or other measures may be required around protected areas (5.4.2). In section 5.4.3 it again identifies Gros Morne as a WHS and indicates that marine and coastal resources fall within the park boundary. It also acknowledges that oil industry activity could affect the aesthetic value of protected areas such as this. It also indicates that there was pressure to consider mitigations for protected areas including proximity and timing of oil industry activities, and that the World Heritage Committee currently recommends that buffer zones be established around World Heritage sites.

The SEA is only the first step in Canada's tiered environmental assessment process. The SEA outlines priorities for analysis within subsequent project-level environmental assessments (EAs) for offshore oil and gas proposals. Once specific projects are proposed, such as an application to drill an exploratory well, they are required to undergo a project-level EA to analyze any potential impacts of that project. During the project-level EA, more direct local or regional concerns are considered. This is the level at which potential impacts on the property's OUV would be considered for projects proposed around the World Heritage property.

It is Canada's position that an addendum to the 2014 C-NLOPB SEA update of the Western Newfoundland and Labrador is not feasible.

The SEA has an overall time horizon of 10 years, and an interim review within five years to determine whether an update is required. Thus, the SEA could be updated as part of its normal cycle as early as 2019, though this may be contingent on future licence applications. Although Gros Morne National Park was identified in the 2014 SEA as a protected area, Parks Canada will seek representation on the review panel in the next review period to consider whether or not location specific elements, including reference to the consideration of OUV for projects proposed around World Heritage sites, may be appropriate to include in the upcoming C-NLOPB SEA update. In the interim, reliance on project-level EAs for evaluation of potential risks to OUV resulting from oil industry activities is considered adequate, especially in light of the absence of nearby threats to OUV as explained in the response to paragraph 3.

Parks Canada has been, and will continue to remain, actively involved in EA review processes for any projects that are proposed adjacent to Gros Morne National Park, which have the potential to impact its OUV and/or its ecological integrity. Further, Parks Canada commits to including a section specifically addressing the OUV of the World Heritage site in the Strategic Environmental Assessment of the next Gros Morne National Park Management Plan (scheduled to be tabled in 2019) as per the IUCN World Heritage Advice Note on Environmental Assessment. Unlike the SEA for the western portion of the Canada-Newfoundland and Labrador Offshore Area, the Gros Morne Management Plan SEA can be scoped to include any issues of potential concern to the site's OUV; it will not be limited to those associated with offshore oil and gas.

**Paragraph 6:**

*6. Also notes that the State Party, in consultation with the Government of Newfoundland and Labrador, concluded that the existing legislation and regulation provides a sufficient and effective framework to ensure the long term protection of the property without defining a buffer zone, but considers that the property may no longer be adequately protected against oil and gas exploration if the aforementioned moratorium expires before other appropriate protection measures are in place, and therefore further requests the State Party to consider establishing an appropriate buffer zone as part of wider protection measures;*

The State Party, in consultation with the Government of Newfoundland and Labrador, reiterates that the existing legislation and regulation provides a sufficient and effective framework to ensure the long term protection of the property without defining a buffer zone for the World Heritage property.

Further, Parks Canada is working with the province to establish a land-use advisory committee that would advise Parks Canada of any resource extraction and development projects around Gros Morne

National Park that could potentially impact the OUV of property. The advisory committee is foreseen to include representatives from Parks Canada and the following provincial government departments:

- Crown Lands
- Regulatory Affairs - Energy Policy Section
- Forestry Operations
- Mineral Lands
- Municipal Affairs and Environment – Environmental Assessment
- Wildlife
- Tourism
- Inland Fish
- Enforcement and Resource Services

The federal government will be represented on the advisory committee by the Parks Canada Agency, whose representatives will liaise with other federal government departments including Transport Canada, the Department of Fisheries and Oceans and Natural Resources Canada as necessary.

A terms of reference will be the first order of business for the advisory committee.

In the meantime, since the provincial government is not accepting proposals that involve hydraulic fracturing, and since there are currently no project proposals registered in the areas immediately adjacent to the property, onshore or offshore, Canada does not foresee any reason to anticipate an impact on the OUV and integrity of this World Heritage site due to offshore exploration.

**Paragraph 7:**

*Reiterates its request to the State Party to invite a joint World Heritage Centre/IUCN Reactive Monitoring mission to the property to assess the risks to the property's OUV of petroleum exploration in its vicinity, in case the moratorium on acceptance of such applications is discontinued without putting in place other appropriate measures for maintaining the OUV of the property;*

The State Party notes the request by the World Heritage Committee for a Reactive Monitoring mission. As the current moratorium on accepting applications involving hydraulic fracturing remains in place, it is the position of the State Party that a reactive monitoring mission is not required at this time. The State Party will continue to provide updates to the World Heritage Centre on this matter as new information becomes available or if there is any change in the status of the current pause on accepting applications for hydraulic fracturing activity around the property.

**Paragraph 8:**

*8. Requests furthermore the State Party to submit to the World Heritage Centre, by **1 December 2017**, an updated report on the state of conservation of the property and the implementation of the above, for examination by the World Heritage Committee at its 42nd session in 2018.*

This report is being submitted in response to Paragraph 8.

**3. Other current conservation issues identified by the State(s) Party(ies) which may have an impact on the property's Outstanding Universal Value**

N/A

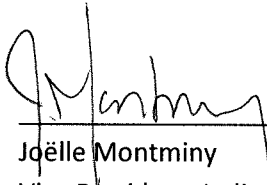
**4. In conformity with Paragraph 172 of the *Operational Guidelines*, describe any potential major restorations, alterations and/or/new construction(s) intended within the property, the buffer zone(s) and/or corridors or other areas, where such developments may affect the Outstanding Universal Value of the property, including authenticity and integrity.**

N/A

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

Canada authorizes the World Heritage Centre to publicly release this report.

**6. Signature of the Authority**



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Joëlle Montminy

Vice President, Indigenous Affairs and Cultural Heritage Directorate, Parks Canada

and

Head of the Canadian Delegation to the UNESCO World Heritage Committee