



Birds, Bird Habitat and the Mackenzie Gas Project: Closing Remarks

Intervener Submission

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(Topic #18 Closing Remarks)

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Introduction

Nature Canada's mission is to protect nature, its diversity and the processes that sustain it. We work to conserve Important Bird Areas and to promote the establishment of protected areas as important mechanisms for conservation in Canada. Nature Canada's main goal regarding the Mackenzie Gas Project is to ensure that if the project is approved all necessary safeguards are in place to protect birds, bird habitat, biodiversity and ecological sustainability. The Mackenzie Gas Project, if approved, will impact and open to development one of the few remaining pristine river basins in the world-the largest in North America. Along with many other plant and animal species that depend on this wilderness, the Mackenzie River basin and delta support millions of birds. Several Important Bird Areas are located within the study area of the Mackenzie Gas Project. Most of the Western Central Flyway population of lesser snow geese migrates through this area in the spring, while thousands of Canada geese, greater white-fronted geese and tundra swans moult here, in addition to large numbers of shorebirds and waterfowl. The area is of global and continental significance for birds.

Nature Canada has submitted evidence to the JRP regarding the proposed project's impact on birds and bird habitat generally, and on Kendall Island Migratory Bird Sanctuary, specifically. We have argued that the Proponent's environmental assessment is deficient because it inadequately assesses the project's impact on birds and bird habitat and it critically failed to comply with the requirement of assessing cumulative impacts from induced development on migratory birds.

Excessive habitat loss in Kendall Island Migratory Bird Sanctuary will result from the project. Throughout this process, the Proponent and the federal government have not provided satisfactory responses to the issues we have raised. Nature Canada is not encouraged by the federal government's intention to allow the destruction of bird habitat within this officially designated migratory bird sanctuary.

The full ecological impact of a project this massive in an area so poorly studied is impossible to predict, which is why it is imperative that a system of protected areas is established in the Mackenzie Valley prior to approval of the Mackenzie Gas Project. Protected areas provide insurance that some of this wilderness landscape will escape the worst effects of development, and they are an essential yardstick for measuring how unprotected areas are changed by development. If

we can't measure the effects of current development, we will never be able to predict them, or learn to reduce them, in the future. We are deeply concerned by the lack of commitment by government to ensure that a system of conservation areas is secured prior to approval of the project. Too much protection and mitigation is being left to unwritten agreements with no clarity as to who will pay for these measures and how. The possibility that these safeguards may not materialize is an unacceptable risk.

As we reach the conclusion of this process, we have yet to see firm and clear commitments on the part of the Proponent and the government to the conservation of wildlife habitat. These commitments should be attached to this project to render it acceptable. The recommendations that Nature Canada and other interveners have submitted to the Panel with regard to protected areas, no net loss and cumulative impacts are in our opinion fundamental conditions for the approval of the project. We urge the JRP to adopt these recommendations if the project is to be approved, because it is now that we seize or lose the opportunity to protect these pristine lands for future generations of people, birds and animals alike.

Summary of the evidence submitted to the JRP:

- The environmental impact statement of the Mackenzie Gas Project does not adequately assess the project's impact on birds and bird habitat. As a result, the proponent and relevant authorities have not planned for adequate mitigation of risks to birds and effective bird habitat conservation.
 - The species selected in the environmental impact statement as Wildlife Valued Components to act as surrogates for other wildlife failed to adequately address the requirements of significant bird species.
 - The environmental impact statement did not follow the Migratory Birds Environmental Assessment Guidelines produced by Environment Canada as a guide for environmental assessment of migratory birds.
 - The five IBAs located entirely or partially within the proposed project's study area contain almost 6,700 km² of wilderness. Each one holds high concentrations of birds throughout the year, many of which are endangered or rarely found elsewhere.
 - The Beaufort Marine Zone is a critical area for many species of migratory birds and can be particularly susceptible to impacts, yet the Proponents did not assess the potential for impacts on these key species. For example,

- many species of sea ducks congregate during the moulting and staging periods in coastal areas of the Beaufort Sea. These large concentrations are susceptible to disturbance and spills of toxic chemicals, particularly during the moulting period when waterfowl are flightless. Many species of sea ducks have undergone substantial population declines recently.
- For several bird species these Important Bird Areas represent critical stopover points during migration, and are important breeding and nesting areas. The environmental impact statement ignores many species that have been identified as national or North American conservation priorities.
 - One species in the project's study area, Eskimo Curlew, is Highly Imperiled according to the Canadian Shorebird Conservation Plan. The last documented sighting of the Eskimo Curlew was in the Kendall Island Bird Sanctuary.
 - Data collected over the past 10 to 25 years indicates that many shorebird populations are in decline. A number of Arctic breeding species such as Hudsonian Godwit and Whimbrel are showing significant declines. Although there are likely to be multiple reasons for these declines, disturbance on nesting grounds is an important concern as is disturbance and loss of habitat at key migratory stopovers. Twenty-five shorebird species have been observed in the Local and Regional Study Areas of the Mackenzie Gas Project. None of the species listed for the Regional or Local Study Areas are considered to be species Not at risk.
 - Thirty-four landbird species within the project's study area require management to achieve continental population objectives, as set out in the North American Landbird Conservation Plan.
 - Five Important Bird Areas are entirely or partially within the Regional Study Area of the MGP. Four of these, the Mackenzie River Delta IBA, the Kuguluk River IBA, the Lower Mackenzie River Islands IBA and the Middle Mackenzie River Islands IBA are globally significant and one, Brackett Lake IBA, is continentally significant. An additional coastal area east of Tuktoyuktuk meets IBA criteria, but was not identified in the initial IBA identification phase completed in 2001. Two globally significant IBAs are located outside the Regional Study Area. Mills Lake (part of the Mackenzie River near Fort Providence) and Beaver Lake (in the western bay of Great Slave Lake where the Mackenzie begins) may be affected by Project-related barge traffic coming down the Hay River to the Mackenzie River.

- Of the nine areas of high conservation value identified in the Mackenzie Gas Project EIS only one overlaps with an Important Bird Area: the continentally significant Brackett Lake IBA.

The Proponents should undertake an analysis of the cumulative effects of the MGP on migratory birds, particularly those that have undergone substantial population declines, and develop a plan to mitigate any significant effects, as well as assess the potential impacts of the MGP on migratory birds utilizing the Beaufort Marine Zone and develop mitigation strategies to avoid or minimize these impacts.

To mitigate potential impacts of the MGP on birds, the Proponents should:

1. Limit construction-related activity in and near (within 3.0 km) IBAs to the period between October 30 and May 1 when migratory birds are not expected to be present.
 2. Minimize the physical footprint of the MGP within IBAs, including compressor stations, infrastructure necessary to support pipeline construction and operation, and pipeline right-of-way.
- The proposed limitations to and mitigation of the impacts on birds and bird habitat from the proposed development in Kendall Island Migratory Bird Sanctuary are inadequate.
- Kendall Island Migratory Bird Sanctuary (KIBS) is an important breeding and staging ground for a variety of waterfowl and shorebirds. Over 60,000 shorebirds such as Red-necked Phalaropes, Whimbrels, and Lesser Golden Plovers nest in the outer delta of the Mackenzie River, which includes Kendall Island. Thousands of breeding and staging ducks, geese, and swans also depend on this area.
 - Environment Canada should include the work of Ashenurst (2004) when calculating the extent of cumulative, long-term physical habitat impacts within KIBS and collect empirical evidence to determine whether past activity in KIBS is still having an impact on bird habitat.
 - Environment Canada should not allow cumulative, long-term physical impacts due to physical works, infrastructure or subsidence-induced flooding to lead to net loss of habitat.
 - While habitat offsets can compensate for reductions in the effective area of habitat within KIBS due to cumulative, long-term physical impacts, at the scale of the Mackenzie Delta, there will still be a net loss of habitat

available to some wildlife species, including Species at Risk. Environment Canada should use habitat offsets to compensate for *all* cumulative, long-term physical impacts on habitat in KIBS, not just those resulting from subsidence following gas extraction.

- Nature Canada sees no logical reason to compensate for some permanent, long-term cumulative impacts while not compensating for others, based simply on the source of these impacts. Consequently, the total offset area should include the area impacted by physical works and infrastructure (limited to less than 6.23 km²), plus the projected extent of subsidence-induced flooding (7.6 km²) multiplied by the offset factor of 5, giving a maximum total area of offset land of 69.15 km².

To compensate for the net loss of habitat in KIBS, an environmental levy should be charged to the Proponents. The levy should be equal to the cost of purchasing and remediating an area (or areas) of equal size to this recommended offset. Otherwise here is no incentive to protect, nor assurance of where the funds for mitigation will come from.

➤ A system of reserves is a critical component of responsible land-use planning.

- As noted before, it is imperative that a system of protected areas is established in the Mackenzie Valley prior to approval of the Mackenzie Gas Project. Protected areas provide insurance from the worst effects of development, and they are an essential tool for monitoring its effects in the Mackenzie Valley.

A comprehensive system of reserves, in which resource development would be prohibited, and sufficient to protect the ecological integrity of the Mackenzie Valley should be a pre-condition to the construction of the Mackenzie Gas Project. This project and its induced development must not pre-empt the conservation goals of the Northwest Territories Protected Areas Strategy and the Dehcho and Sahtu Land Use Plans.

Final note

In closing, Nature Canada would like to commend the Joint Review Panel and the Northern Secretariat for their professionalism in conducting this complex process. We would like to express our appreciation for the Panel's openness and the Secretariat's diligence and for both devoting so much effort and time to this

important task. On behalf of BirdLife, Nature Canada thanks the Joint Review Panel, the Northern Secretariat and all of the participants in this process for the opportunity to speak for the protection of birds in the Mackenzie Valley and Delta.