

BACKGROUNDER

Groups making the application:

- Wells Gray Gateway Protection Society (previously known as the Wells Gray Action Committee),
- The Upper Clearwater Referral Group,
- BC Nature,
- Western Canada Wilderness Committee,
- Sierra Club British Columbia,
- The Kamloops Naturalist Club,
- Kamloops Unitarians for Social Justice,
- Shuswap Naturalist Club,
- Working Group on Indigenous Food Sovereignty,
- Vermilion Forks Field Naturalists Society,
- South Okanagan Naturalists' Club,
- Chilliwack Field Naturalists

The Wells Gray Caribou Herd

The federal terminology is the Wells Gray-Thompson Local Population Unit of southern mountain caribou. Southern mountain caribou were listed as “threatened” when the federal *Species at Risk Act* (SARA) was passed in 2002. In 2014, Committee on the Status of Endangered Wildlife in Canada (COSEWIC) upgraded the southern mountain caribou to “endangered” status. A Recovery Strategy under SARA for the southern mountain caribou was issued in 2014. The Recovery Strategy defines the areas that are critical habitat, but it is not legally enforceable.

The federal Recovery Strategy declares that recovery of the southern mountain caribou is both technically and biologically feasible. It is not too late to save them. But protection of critical habitat is essential.

***Species at Risk Act* authorizes a federal emergency order on non-federal land**

In 1992, Canada ratified the *United Nations Convention on Biological Diversity*, committing Canada to protect threatened and endangered species. In 1996, the federal government and the provinces entered a *National Accord for the Protection of Species at Risk*, requiring them to establish legislation and programs to ensure effective protection of species at risk. Parliament enacted the federal *Species at Risk Act* in December 2002. B.C. does not have species at risk legislation. Under the B.C. *Forest and Range Practices Act*, B.C. approves forestry companies' very general “forest stewardship plans” and the companies themselves make the final decisions about how and whether to adjust timber harvesting to protect caribou habitat. Under SARA, the federal government looks first to the provinces to protect critical habitat on non-federal land. However, section 80 of SARA authorizes the federal cabinet on the recommendation of the minister of environment to make an emergency order to prohibit activities on non-federal land where there are “imminent threats to the recovery or survival of a listed species” such as the endangered southern mountain caribou. The federal government used its authority under section 80 in 2013 when it made an emergency order to protect critical habitat of the Greater Sage-Grouse on provincial crown land in Alberta and Saskatchewan.

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