



# Protecting Canada's

# ENDANGERED WILDLIFE



Burrowing owl (*Athene cunicularia*) by Jakob Dulisse. STATUS: Endangered

## Why protecting species is **IMPORTANT**

What do blue whales, meadowlarks and Vancouver Island marmots have in common? Sadly, they are just a handful of the 602 species that we are at risk of losing in Canada; a number that grows every year.<sup>1</sup>

Canada is internationally renowned for its wild places, and unique and varied wildlife.

However, many of the species that make up the rich tapestry of Canada's wild plants and animals are in danger of disappearing.

From dwindling salmon stocks in coastal BC, to decreasing numbers of greater sage grouse on prairie plains to the precious remaining populations of Atlantic walrus, many species within Canada are hanging on by a thread. **It doesn't have to be this way.**

Fortunately, most people intuitively recognize that the swift

fox, Northern leopard frog and burrowing owl are vital parts of the natural fabric of Canada, and should be protected now and for the future. Polls show over 80% of Canadians want to see strong and effective protection for our endangered species.<sup>2</sup> **People understand that Canada's wildlife is an integral part of the web of life that we're all part of, and that healthy species come from healthy ecosystems.**

The loss of meadows, wetlands, grasslands and old-growth forests is not only bad for wildlife – it is also bad for humans. Intact and healthy ecosystems provide invaluable "ecosystem services" (the resources and processes we get 'for free' from natural ecosystems).

Healthy forests store carbon which helps to protect us against climate change. Wetlands clean our water. Bees and butterflies pollinate billions of dollars worth of crops. In Canada's boreal region, birds annually provide \$5.4 billion of services in pest control, and our boreal peat lands provide a whopping \$77 billion in natural services for flood control and water filtration.<sup>3</sup>

**Protecting species, and the habitat they rely upon, is not only the right thing to do — it is a smart investment in a prosperous future and a healthy Canada.**



**In 1992**, Canada became the first western industrialized nation to ratify the United Nations Convention on Biological Diversity. On ratification of that treaty, Canada pledged to provide effective protection for Canadian species at risk, and the critical habitat and ecosystems on which they depend.

As a step towards that goal, in 2003 the federal government introduced endangered species legislation: the **Species at Risk Act (SARA)**.

Many wildlife experts felt the Act would do little to protect species and was vulnerable to meddling by politicians and industry. Unfortunately, much of that criticism has proven to be accurate. Today, the Act is beset

by delays, omissions and political interference.

But there is a glimmer of hope. Right now the federal government is reviewing the legislation, giving Canadians the chance to take action and speak up for our species at risk.

**READ ON** to find out what you can do to strengthen our federal endangered species legislation to ensure that bluebirds, orca whales and polar bears remain a part of Canada's future.



Beluga (*Delphinapterus leucas*) by Wayne Lynch. STATUS: Endangered; Eastern prickly pear cactus (*Opuntia humifusa*) by Robert McCaw. STATUS: Endangered; Tufted Puffin (*Frotercula cirrhata*) by Art Wolfe. STATUS: Blue-listed (Provincial)



# What is SARA?

**Canada's Species at Risk Act (SARA)** was introduced in 2003 to protect wildlife and their habitat, to prevent extinction and to recover species at risk. It was specifically intended to protect species at risk by:

- Independently assessing wildlife and listing wildlife species at risk;
- Prohibiting the harm of species at risk;
- Creating recovery strategies, and action and management plans for species at risk;
- Providing the federal government with emergency powers to protect species

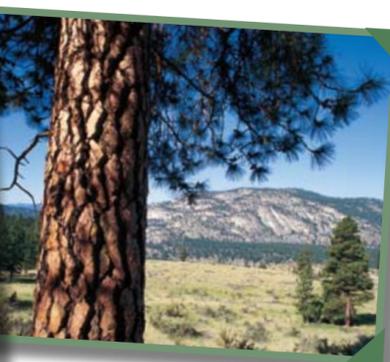
and/or habitat that are in imminent danger; and

- Giving the federal government the ability to step in and take action if a province fails to protect a species under provincial jurisdiction.

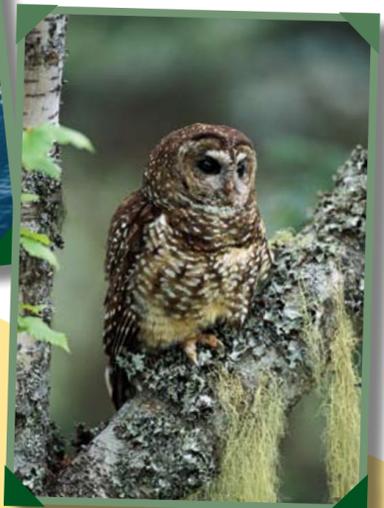
However, even before it was put in place, SARA was widely criticized by Canadians concerned about nature as being a paper tiger: highly discretionary and narrow in focus leaving the Act without any teeth.



Coeur d'Alene Salamander (*Plethodon idahoensis*) by Jakob Dulisse. STATUS: **Special concern**; Ponderosa pine (*Pinus ponderosa*) by Adrian Dorst; Polar bear (*Ursus maritimus*) by Rebecca Grambo. STATUS: **Special concern**



Clockwise: Garry oak ecosystem (*Quercus garryana*) by Michael Wheatley. STATUS: **Endangered**; Nooksack dace (*Rhinichthys cataractae* ssp.) Wilderness Committee files. STATUS: **Endangered**; Grizzly bears (*Ursus arctos*) by John Marriott. STATUS: **Special concern**; Orcas (*Orcinus arca*) by Graeme Ellis. STATUS: **Endangered**; Northern spotted owl (*Strix occidentalis*) by Jared Hobbs. STATUS: **Endangered**



# VICTORY! The Little Minnow that Could

*"This is a story about the creation and application of policy by the minister in clear contravention of the law, and a reluctance to be held accountable for failure to follow the law."*

—Mr. Justice Douglas Campbell said after the Federal Court ruled the Minister of Fisheries and Oceans "acted contrary to law" by approving a recovery plan which failed to identify critical habitat.<sup>8</sup>

The nooksack dace is a homely little minnow found in just four streams in British Columbia's Lower Mainland region. This tiny fish shares the streams it calls home with cutthroat trout, juvenile coho salmon and endangered salish suckers. Threatened by shrinking habitat and pollutants, the nooksack dace struggles to survive in its native ecosystem.

Due to its endangered status a recovery strategy was prepared for the nooksack dace under SARA. Scientists on the recovery team took months to map out its critical habitat, carefully identifying the small sections of streams the dace

called home. However, much to the scientists' surprise and horror, the Department of Fisheries and Oceans, upon receiving the recovery strategy, removed the habitat maps.

Thankfully, Dr. Mike Pearson, a brave scientist and the lead author of the recovery strategy, blew the whistle regarding the federal government's unlawful actions. His scientific integrity led to the Wilderness Committee, Ecojustice and other environmental organizations filing a lawsuit in

2007 regarding the systemic failure of the federal government to identify critical habitat.

In the end, the case about this small minnow resulted in a huge legal victory. After months of deliberation, the court ruled that the federal government was in clear contravention of the law. Most importantly, the court required that the federal government obey Section 41 of the SARA which requires that critical habitat be identified "to the extent possible, based on the best available information."<sup>9</sup>

The precedent-setting court case not only resulted in better protection for the tiny nooksack dace; its benefits will now apply to other species at risk as well, all the way from burrowing owls to gray whales.

## Categories of Species at Risk in Canada

**Extinct** — No longer exists anywhere in the world.

**Extirpated** — No longer exists in the wild in Canada, but occurs elsewhere.

**Endangered** — Facing imminent threat of extirpation or extinction.

**Threatened** — Likely to become endangered if limiting factors are not reversed.

**Special Concern** — Has characteristics that make it particularly sensitive to human activities or natural events.

**Not At Risk** — Has been evaluated and found to be not at risk.

**Data Deficient** — Insufficient scientific information to support status designation.

Find out more information at [www.cosewic.gc.ca](http://www.cosewic.gc.ca) or visit [www.sararegistry.gc.ca](http://www.sararegistry.gc.ca)

## WHAT IS A RECOVERY STRATEGY?

A recovery strategy is an official document compiled by scientists to map out the biological needs of a species at risk in Canada. It includes the threats they face, the critical habitat they require for survival and recovery, the kinds of action or protection required, and the recovery goals suitable for that species. Recovery strategies provide a crucial biological baseline of the species' needs which Canadians can use to measure the government's management actions.

## What's wrong with SARA?

From the beginning there were problems with our federal **Species at Risk Act** (SARA). The language in the Act is discretionary and applies only to species under federal jurisdiction: species on federal lands, migratory birds and aquatic species. The problem is that in places like British Columbia, which has no provincial endangered species legislation, SARA applies to just 1% of the land base, mostly in areas that are already protected. The success of SARA relies disproportionately on political good will. Today, we can see that our government has failed to protect Canada's endangered species.

- 78% of SARA's wildlife recovery strategies fail to identify "critical habitat" the most important part of species' recovery. (Astoundingly, leaked

government documents have revealed that the federal and provincial governments have unlawfully directed recovery teams to not identify critical habitat.)<sup>5</sup>

- Recovery strategies can be characterized as "too little too late". 67% of recovery strategies have been delayed, sometimes to the point of jeopardizing species' ability to survive. At the time this paper went to press (May, 2010), 330 species should have had recovery strategies, but a mere 108 species actually have recovery strategies in place.<sup>6</sup>
- Dozens of 'at-risk' species have not been listed under SARA. Increasingly, politics are trumping science when it comes to the protection

of endangered species in Canada. For instance, the elusive porbeagle shark, which has seen a greater than 90% decline in its numbers, was not listed as at risk under SARA because of potential impacts to the "porbeagle fishery" which affected less than 5 fishermen, none of whom made their entire living from fishing porbeagle.<sup>7</sup>

Although the federal government has the authority to provide protection to species at risk that are under provincial jurisdiction if provincial laws do not effectively protect the species or its habitat, it has never done so.

## CRITICAL HABITAT Home Sweet Home

**"Critical habitat" is an important legal term in Canada's Species at Risk Act.** It is the habitat a species at risk needs to survive or recover. Under SARA, "recovery strategies" (see **What is a Recovery Strategy?**) are legally required to identify critical habitat "to the extent possible, based on the best available information."<sup>4</sup>

Identifying and protecting habitat is the single most important action that can be taken to recover endangered species. In Canada, at least 84% of species that are at risk are in this predicament due to the loss and degradation of the places they need to live, forage and raise their young.



Vancouver Island marmot (*Marmota vancouverensis*) by Jared Hobbs. STATUS: **Endangered**; Burrowing owls kissing (*Athene cunicularia*) by John Marriott. STATUS: **Endangered**; Kirkland's warbler (*Dendroica kirklandii*) by Robert McCaw. STATUS: **Endangered**



# Hall of SHAME

As we mentioned earlier, one of the principle problems with Canada's Species at Risk Act (SARA) is that it primarily applies to species under federal jurisdiction. For endangered wildlife found in provinces with inadequate endangered species laws, or even no endangered species law – such as Alberta and British Columbia – this means that many species are left to fend for themselves.

Although SARA has provisions that enable the federal government to take action to protect endangered species if a province has not done so, these provisions have to date, never been used.

Compounding this situation is the fact that the federal government allows provinces to develop recovery strategies. Most terrestrial (land-based) species fall under

provincial jurisdiction including such wildlife icons as mountain caribou, wolverines, grizzly bears, swift fox and fisher.

By delegating authority to the provinces, the federal government promotes inconsistencies in recovery strategies. These problems are made worse by the fact that provincial authorities have, on numerous occasions, instructed recovery teams not to identify critical habitat, as happened in British Columbia. Not only did the BC government instruct recovery teams not to identify critical habitat, but when habitat was identified by scientists, it was later removed

from the recovery strategy.<sup>10</sup> The removal of habitat identification even applied to the Vancouver Island marmot – one of the most endangered and well-studied wild animals in all of Canada.



**Sockeye salmon** (*Oncorhynchus nerko*) by John Marriott. STATUS: **Endangered**; **Burrowing owl sign on Highway** (*Athene cunicularia*) by Mike Grandmaison. STATUS: **Endangered**



## TAKE ACTION

### to protect Canada's Species at Risk!

**Right now** you have a wonderful opportunity to improve **Canada's Species at Risk Act** (SARA) so it will actually protect polar bears, beluga whales, monarch butterflies and wild salmon – now and into the future.

The federal government is in the process of evaluating SARA and by taking action now your comments could make a big difference. Please take a few minutes to let Prime Minister Harper know how you feel about the federal Species at Risk Act.

Here are some of the things the federal government could do to ensure that SARA would actually protect and recover endangered species in Canada:

- 1) **Obey the law.** Follow the provisions under the Species at Risk Act.
- 2) **Follow timelines.** Stop procrastinating. 67%% of recovery strategies haven't met mandated timelines. Endangered species need our help now.
- 3) **Identify and then legally protect critical habitat.** Scientists know you can't recover endangered species without first identifying and then protecting their habitat.
- 4) **List species scientifically.** The decision to list a species at risk should be based on science, not politics.
- 5) **Use the "safety net" provision.** If an endangered species falls under provincial jurisdiction and isn't adequately protected, the federal government needs to use SARA's "safety net" provision to ensure that no endangered species fall between the cracks.

#### Stephen Harper

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## Citations

- <sup>1</sup> Species at Risk in Canada Increase in 2010 - The International Year of Biodiversity, Government of Canada press release, circa May 3, 2010. Online: [http://www.cosewic.gc.ca/eng/sct7/sct7\\_3\\_15\\_e.cfm](http://www.cosewic.gc.ca/eng/sct7/sct7_3_15_e.cfm)
- <sup>2</sup> Polls conducted by environmental groups over the last 15 years in Canada consistently show very strong public support for endangered species legislation. Polls conducted for the Wilderness Committee, Sierra Club of Canada and the International Fund for Animal Welfare show over 80% of Canadians support strong endangered species legislation.
- <sup>3</sup> Pembina Institute. Counting Canada's Natural Capital. 2005. Online: <http://www.pembina.org/pub/204>
- <sup>4</sup> BILL C-5, An Act . respecting the protection of wildlife species at risk in Canada (As passed by the House of Commons, June 11, 2002) <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=2330990&Language=e&Mode=1&File=61>
- <sup>5</sup> Ecojustice et al. Draft report. Species at Risk – 5 Year Review. April, 2010
- <sup>6</sup> Ibid, p. 3
- <sup>7</sup> Fisheries and Oceans Canada. Potential Socio-economic Implications of Adding Porbeagle Shark to the List of Wildlife Species at Risk in the Species at Risk Act (SARA), 2008. Online: <http://www.dfo-mpo.gc.ca/species-especies/reports-rapports/porbeagle-maraiche/4-eng.htm>
- <sup>8</sup> Tiny minnow wins big victory for species at risk, Mark Hume Globe and Mail, September 12, 2009
- <sup>9</sup> Canada. Federal Court. Environmental Defence Canada et al VS Minister of Fisheries and Oceans. September 9, 2009. Online: <http://m.wildernesscommittee.org/sites/all/files/Decision.pdf>
- <sup>10</sup> The Wilderness Committee obtained Freedom of Information records which revealed the BC government had instructed provincial recovery teams not to identify critical habitat. The records also showed that BC government officials removed critical habitat where it had been identified.

[info@wildernesscommittee.org](mailto:info@wildernesscommittee.org) • 1-800-661-WILD (9453) • [wildernesscommittee.org](http://wildernesscommittee.org)

**yes!** I want to help protect Canada's Species at risk!

**clip**  
And return to:  
Wilderness Committee  
P.O. Box 2205  
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V6B 3W2

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