



FREE
REPORT

Why doesn't BC have Endangered Species Legislation?



Monarch butterflies, killer whales, grizzly bears, and many runs of salmon are just some of BC's 1,300 species at risk. Monarch butterfly (*Danaus plexippus*) by Robert McCaw. Killer whale (*Orcinus orca*) by Thomas Kitchin/Fist Light. Grizzly bear (*Ursus arctos horribilis*) by John Marriott. Sockeye salmon (*Oncorhynchus nerka*) by Wayne Lynch.

There ought to be a Law Did you know British Columbia has NO endangered species legislation?



By Gwen Barlee
Policy Director, Wilderness Committee

People living in British Columbia know that we live in a special place. Our diverse geography which consists of 14 distinct climates, ranging from rainforests to pocket deserts, contributes to a quality of life that truly makes BC the best place on earth to live. This tremendous diversity also makes us the most species-rich province in all of Canada. Grizzly bears, wild salmon, eagles and killer whales are part of the ecological wealth for which BC is famous. Whether watching a chickadee in our back yard, fishing for trout, or glimpsing a bald eagle flying overhead, our identity as British Columbians is shaped by our encounters with nature.

Growing up in the Okanagan Valley in the dry southern interior of British Columbia, my connection with nature was through wildlife watching. On the way to school I would count the different bird species. Brilliant mountain bluebirds, melodic meadowlarks, yellow-headed black birds, American goldfinches, cedar waxwings and tiny ruby-throated hummingbirds were just some of the birds I saw in the meadows, orchards and woods near my home. On weekends, wildlife viewing took on a new dimension. I would often come

along with my dad as he drove through the backcountry. Stopping near Keremeos we would count the dozens of mountain goats perched high on the grey cliffs above Highway 99. Driving by Vaseux Lake near Okanagan Falls, we would pull over to catch a glimpse of the Rocky Mountain bighorn sheep that grazed near the old apple orchards.

As a child I took delight in this web of life. The croaking of frogs in our backyard and the hum of crickets when dusk fell offered me an affirmation that all was right with the world.

However, I also took the meadowlark and the bighorn sheep for granted – part of the ecological fabric of a province that seemed to have endless natural treasures. Today, these natural treasures, Rocky Mountain Bighorn sheep and meadowlarks, are just two of the 1,300 endangered species in BC – a province with no endangered species legislation¹. From Peregrine falcons to monarch butterflies, endangered wildlife in BC are left to fend for themselves against toxic



Tufted puffins (*Fratercula cirrhata*) by Wayne Lynch

contamination, urban sprawl, logging, industrial development, invasive species and a provincial government that won't stand up for species at risk.

British Columbia's lack of endangered species legislation is particularly surprising given the province's tremendous environmental wealth. BC is Canada's most biologically rich province containing 66% of Canada's butterfly species, 70% of its freshwater fish species, 76% of its bird species, 60% of its conifer species, 56% of its fern species, and 41% of its orchids². BC is also home to almost half of Canada's grizzly bear population, and 250 species of birds – half of which breed nowhere else in Canada.³

Endangered Species Legislation for B.C. makes sense!

The refusal by our provincial government to enact endangered species legislation is both shortsighted and unwise. Polls show over 80 percent of British Columbians want strong and effective endangered species legislation – legislation that would not only make us proud but also safeguard our endangered wildlife and the habitat they need to live, forage and raise their young⁴. Protecting endangered species is not only the right thing to do, it is a smart investment for a healthy province.

Read on to find out how you can help to make sure British Columbia remains the best place on earth for us and our wildlife.



Western Meadowlark (*Sturnella neglecta*) by Wayne Lankinen.

What is an Endangered Species?

An endangered species is a species at risk of becoming extinct. In British Columbia scientists have determined that over 1300 species and their habitat are at risk. A species at risk can be an animal, a plant or an insect. In British Columbia, species are considered to be at risk if they are ranked as "red" or "blue" listed. Red-listed species are at a higher degree of endangerment and include the Vancouver Island marmot, Northern spotted owl and phantom orchid. There are 720 red-listed species in BC.⁵

Blue-listed species are of "special concern because of characteristics that make them particularly sensitive to human activities or natural events".⁶ There are 660 blue-listed species in BC which include the great blue heron, monarch butterfly and white glacier lily.



Garry Oak ecosystem by Michael Wheatley.

BC Parks and Species at Risk

Species at risk are found in every corner of British Columbia: from endangered Western skinks in the South Okanagan to threatened wood bison in the far north. Although almost 14 percent of our land base, nearly 14 million hectares, is protected, our park system is not adequate to protect our wildlife because parks aren't always located where threatened species live.¹² As most parks were created with the timber industry in mind, they were established in areas which would not affect logging interests. This resulted in an over-representation of protected areas which are high in elevation but low in biological diversity. Scientists estimate that if we want to conserve species at risk in BC we will have to manage 40 to 50 percent of our land base to respect wildlife needs.¹³

Location, Location, Location The Importance of Habitat

Loss of habitat is the number one reason why species are at risk in British Columbia. From badgers to spotted owls, species need wild areas to survive, breed and raise their young. Over 85 percent of species at risk in BC are primarily at risk because of habitat loss and fragmentation.¹¹ Other risks to wildlife include climate change, environmental pollution, over-harvesting and competition from invasive species such as bullfrogs, knapweed and starlings.

Don't Be Fooled Again

British Columbia is a province that is renowned for its wilderness and wildlife, so most people assume BC has endangered species legislation, and are shocked to find out that in fact BC and Alberta are the only provinces in Canada with no such law. The good news is the provincial government is increasingly feeling pressure to enact endangered species legislation. Population crashes of the spotted owl, mountain caribou, double-breasted cormorant, marbled murrelet and dozens of other at risk species are embarrassing to a government that is trying to position itself as an environmental leader.

Unfortunately, in response to this growing public concern, the provincial government has merely tinkered with its approach to species at risk. Rather than introducing a law that will actually protect BC's endangered wildlife, it has created a new initiative called the "Conservation Framework." The Framework essentially shuffles deck chairs on the Titanic: instead of meaningful action, there is an elaborate plan to reprioritize the list of species at risk and then assign species to various "action" bins. This looks impressive until one realizes that the Framework is voluntary, grossly under-funded, and the "action" bins rely on the existing hodgepodge of weak legislation and policy guidelines that currently constrain the recovery of species at risk in BC.

The Conservation Framework is deceptive – it is meant to convince the public that meaningful action is taking place, when in reality, without changes to legislation, policy and funding priorities, endangered species in BC will be no better off under the Framework than they are today.

The Lay of the Land in BC

For decades consecutive provincial governments have looked at the protection of nature as a cost to society. This shortsighted approach has ignored the value of ecosystem services and assumed wilderness and wildlife could be exploited indefinitely. Over the last 100 years one doesn't have to look far in Canada to see the impact of this mindset. The crash of the East Coast cod from over-fishing, the near-extirpation of the Northern spotted owl from commercial logging, the use of lakes as toxic dumps by mining corporations, and the indiscriminate application of pesticides by agri-business are just some examples of not recognizing the value of nature.

Unfortunately, in BC, this narrow-minded approach continues to this day. Instead of a law protecting endangered species we have a hodgepodge of weak legislation and discretionary policies – none of which adequately addresses the needs of wildlife in the province. For instance under the extremely weak BC Wildlife Act, just four endangered species are listed – Vancouver Island marmot, burrowing owl, white pelican and sea otter. Other measures to "protect" species in BC include the Forest and Range Practices Act which lists 85 species as "Identified Wildlife" but only allows protection so long as it does not unduly impact commercial logging – meaning it cannot impact more than 1 percent of the timber supply.

According to a report recently released by Ecojustice and the David Suzuki Foundation, 87 percent of BC's native terrestrial and freshwater species don't receive any protection in the province.⁹ And, as University of British Columbia professor Paul Wood noted in his study on the lack of protection for species-at-risk in BC, "The BC government has not sufficiently met its national and international obligations due to its low performance in the legal listing of scientifically recognized species at risk of extinction, a misconception of the purpose of species-at-risk legislation, arbitrary constraints on the protection of these species, and a lack of legal commitment to their recovery."¹⁰



Trumpeter swan (Cygnus buccinator) by John Marriott.

Why enacting an endangered species law in BC is a smart investment in the future

Most endangered species in British Columbia live in areas of degraded wilderness: forests that have been logged, marshes that have been drained or grasslands that have been paved. Effective endangered species legislation would not only protect a species at risk but also protect, and in some cases restore, the species' habitat. A BC endangered species law is a smart investment in the future because it would help to maintain a healthy environment for species, and for us as well.

A vibrant environment is important for many reasons, not the least of which is "ecosystem services": services provided by nature which benefit humans. Some examples include water filtration, flood control, climate regulation, the provision of food, fuels and fibres, pollination and pest control, and decomposition of waste. Scientists have

found that migratory birds in the boreal forest eat enough insects to provide pest control services worth five billion dollars annually.⁷ And recent studies in BC show society would save hundreds of millions of dollars each year through protecting water filtering services in wetlands and bogs in the Lower Fraser Valley.⁸

What a BC endangered species law should look like

Because British Columbia has no endangered species legislation we have the unique opportunity to do it right when it is finally introduced. Two of the most important aspects of an endangered species law are scientific independence and habitat protection.

Proposed BC endangered species legislation, developed by the environmental law organization Ecojustice, draws on the best laws from around the world including Nova Scotia, Newfoundland, the United States, Australia, Mexico, South Africa and Costa Rica. Ultimately, however, the proposed law is a made-in-BC solution designed to protect the special places and unique wildlife that call this province home.

A BC endangered species law should:

- ★ Enshrine the principle that healthy ecosystems and healthy wildlife populations are essential to healthy human societies and economies;
 - ★ Recognize that biological diversity is essential to healthy ecosystems;
 - ★ Identify, protect and recover at-risk species across BC;
 - ★ Protect and recover species by protecting habitat;
 - ★ Identify, assess and develop recovery strategies for at-risk species on the basis of sound science;
 - ★ Enshrine the precautionary principle and the polluter-pays principle;
 - ★ Require citizen, community and First Nations participation;
 - ★ Require accountability and transparency;
 - ★ Be enforced; and
 - ★ Be funded.
- (Forthcoming – Nixon, S. and D. Page. Model Endangered Species Legislation for British Columbia. Ecojustice.)



Northern Spotted Owl (Strix occidentalis caurina) by C. Swift/First Light

Who is SARA?

SARA is not a person but rather, a piece of federal legislation: the Species at Risk Act. The federal government finally introduced federal endangered species legislation in 2003. When SARA was first introduced many people hoped it would help species at risk in British Columbia. SARA was supposed to apply to all species at risk across Canada. Unfortunately, due to discretionary wording and a narrow interpretation of federal powers SARA applies automatic protection only to migratory birds, aquatic species or species on federal land. In British Columbia, SARA applies to just 1 percent of the land base.

Complicating matters further, the federal government has allowed the provinces to draft recovery strategies for federally listed endangered species. For instance, in BC, the provincial government takes the lead on recovery planning for the majority of these species. This sounds like good news, except provinces such as BC are undermining the intent of the federal law by refusing to identify critical habitat in recovery strategies.¹⁴ Because most endangered species in Canada are at risk because of the loss or degradation of their habitat, the refusal of the BC Government to identify habitat means the federal legislation has been rendered toothless.



Bighorn Sheep (Ovis canadensis) by Robert McCaw



Bobolink (Dolichonyx oryzivorus) by Robert McCaw.

Going to bat for BC's Endangered Species

If the BC Government wanted to introduce endangered species legislation they could have done so on May 29, 2008 when the opposition New Democrats introduced a private member's bill: the Wildlife Protection Act – 2008.¹⁵

The proposed Act, based on sound science, transparency, and the protection of habitat, would have made BC a leader in safeguarding species at risk in Canada. Unfortunately, the proposed bill was not accepted, and BC remains at the back of the pack when it comes to the protection of endangered wildlife.



Vancouver Island marmot (Marmota vancouverensis).

BC Government undermines Federal Endangered Species Legislation

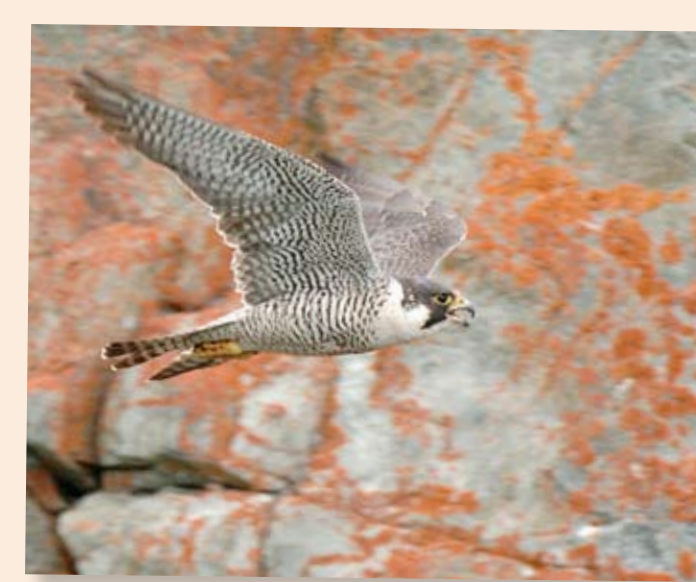
Amazingly, the direction by the BC Government to not identify critical habitat in federal recovery strategies even extended to the Vancouver Island marmot, one of the best-studied and most endangered animals in the entire world, and a mascot for the 2010 Winter Olympics.



Garry Oak ecosystem by Michael Wheatley.

Plants are also endangered species

Often when people think of endangered species they think of animals, however species at risk also include plants and ecosystems. Two of the four most endangered ecosystems in all of Canada, the Garry Oak ecosystem on Vancouver Island and the Okanagan Similkameen ecosystem, are found in BC. These areas are home to hundreds of species at risk including many species of endangered plants and mosses. Twisted oak moss, golden paintbrush, deltoid balsamroot and tall woolly-heads are just some of the at-risk plant species found in the Garry Oak ecosystem. Moving east you can discover tufted lovegrass, Lyall's mariposa lily, dwarf groundsmoke and orange touch-me-not – a few of the colourfully named endangered plant species that exist in the dry Okanagan Valley.



Peregrine falcon (Falco peregrinus) by Dr. Gordon Court.



Grizzly bear (Ursus arctos horribilis) by John Marriott.



Western toad (Bufo boreas) by Jakob Dulisse.



Western bluebird (Sialia mexicana) by Jim Flynn.

Be part of the solution to introduce an endangered species law in British Columbia

In a province with the most diverse species in all of Canada, it's time we developed a law that takes real action to protect our wildlife. BC endangered species such as grizzly bears, Vancouver Island marmots, peregrine falcons and spotted owls need a law that will protect them and the habitat they need to survive and recover.

Introducing an endangered species law in BC is a smart investment in the future and the right thing to do. Ensuring a healthy environment for blue birds and badgers helps to ensure a healthy environment for us as well.

If you are concerned that BC has no endangered species legislation contact the premier and ask him to introduce a law that will make BC a leader when it comes to wildlife protection.

Western skink (*Eumeces skiltonianus*) by Jakob Dulisse. American badger (*Taxidea taxus jacksoni*) by Glen and Rebecca Grambo. Ponderosa pine, South Okanagan by Adrian Dorst.



Citations

- British Columbia. Ministry of Environment. BC Systems and Ecosystem Explorer. Available online: <http://a100.gov.bc.ca/pub/eswp>
- Bunnell, F.L., Campbell, R.W., and Squires, K.A. 2004. Allocating scarce resources for conservation in a species-rich environment: guidelines from history and science. (in T.D. Hooper, editor. Proceedings of the Species at Risk 2004 Pathways to Recovery Conference. 1 March 2-6, 2004, Victoria, B.C.)
- British Columbia. Ministry of Environment. Environmental Stewardship Division. Available online: www.env.gov.bc.ca/wld/bio.htm
- IMPACS. 2005. Priorities For Environmental Leadership. Poll.
- British Columbia. Ministry of Environment. Endangered Species and Ecosystems. Available online: www.env.gov.bc.ca/atrisk/red-blue.htm
- Ibid.
- Anielski, M., and S. Wilson. 2005. Counting Canada's Natural Capital. Canadian Boreal Initiative.
- Olewiler, Nancy. 2004. The Value of Natural of Natural Capital in Settled Areas of Canada. Ducks Unlimited and the Nature Conservancy of Canada.
- Moola, F. et al. 2007. Rich Wildlife, Poor Protection. David Suzuki Foundation and Sierra Legal.
- Wood, P.M. and L. Flahr (2004) Taking endangered species seriously? British Columbia's Species-at-Risk Policies. Canadian Public Policy 30(4): 381 - 399.
- British Columbia. Ministry of Environment. 2007 BC State of the Environment Report. Available online: www.env.gov.bc.ca/soe/et07/07_species_conserv/overview.html
- Moola, F. et al. 2007. Rich Wildlife, Poor Protection. David Suzuki Foundation and Sierra Legal.
- Pynn, L. 2003, March 18. Rare, endangered species need more land: study. The Vancouver Sun. p. B1
- Freedom of Information documents released to the Wilderness Committee in 2007 revealed the BC Government directed scientists to not identify or map critical habitat for endangered species, even when there was scientific knowledge to do so. The federal Species at Risk Act requires critical habitat to be identified to the extent possible.
- British Columbia. Hansard. May 29, 2008. Available online: <http://www.leg.bc.ca/hansard/38th4th/h80529p.htm#13112>

Every letter makes a difference!

Contact the Premier to voice your opinion about the need for Endangered Species Legislation in British Columbia!



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Become involved!

There are thousands of people like you who are concerned about the need for endangered species legislation in BC. Contact the Wilderness Committee, or send us your email, and we will keep you up-to-date about information, events and actions concerning species at risk. Your email is secure with us as we never trade or sell personal information.

info@wildernesscommittee.org • 604-683-8220

www.wildernesscommittee.org

Yellow-breasted chat (*Icteria virens auricollis*) by Robert McCaw.

Great Resources

★ Check out www.saveourspecies.ca

We've launched this website with local environmental groups as part of a campaign to introduce endangered species legislation in BC.

★ BC Ecosystem Explorer

<http://a100.gov.bc.ca/pub/eswp>

★ Rich Wildlife Poor Protection.

Report on the lack of protection for endangered species in BC.

www.davidsuzuki.org/Publications/Rich_wildlife_poor_protection.asp

★ Species at Risk and Local Government.

A Primer for British Columbia
www.speciesatrisk.bc.ca/index.asp

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