

ENVIRONMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

SUBJECT: ENDANGERED SPECIES LEGISLATION IN BRITISH COLUMBIA

RECOMMENDATIONS:

1. THAT Council endorse the request for development of Provincial endangered species legislation.
2. THAT a copy of this report be sent to the Provincial Minister for the Environment, the David Suzuki Foundation, and the Western Canada Wilderness Committee.

REPORT

The Environment Committee, at its meeting held on 2009 April 14, received and adopted the attached report responding to a request for endorsement of a proposal for endangered species legislation in BC.

Considerable support has been received from other municipalities in relation to development of a Provincial Endangered Species Act. Based on research of comparative legislation in other provinces and at the Federal level, there is a basis to endorse the call for new BC endangered species legislation.

Respectfully submitted,

Councillor D. Johnston
Chair

Councillor S. Dhaliwal
Vice Chair

Councillor A. Kang
Member

Copied to:	City Manager Director Planning & Building
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TO: CHAIR AND MEMBERS
ENVIRONMENT COMMITTEE

DATE: 2009 April 06

FROM: DIRECTOR PLANNING AND BUILDING

FILE: 1020 20
Reference: Legislation - Provincial

SUBJECT: ENDANGERED SPECIES LEGISLATION IN BRITISH COLUMBIA

PURPOSE: To respond to a request for Council endorsement of a proposal for endangered species legislation in BC

RECOMMENDATIONS:

1. **THAT** Council endorse the request for development of Provincial endangered species legislation.
2. **THAT** a copy of this report be sent to the Provincial Minister for the Environment, the David Suzuki Foundation, and the Western Canada Wilderness Committee.

REPORT

1.0 INTRODUCTION

At its 2008 September 09 meeting, the Environment Committee received a letter from Ms. Gwen Barlee of the Western Canada Wilderness Committee requesting that the City support a request for the creation of stand-alone endangered species legislation in BC.

At its 2009 February 10 meeting, the Environment Committee also received a letter and a report, from Lindsay Coulter of the David Suzuki Foundation entitled *"The Last Place on Earth"*, and co-authored by the Forest Ethics, Ecojustice, and Western Canada Wilderness Committee, which advocates for increased protection of species at risk through the creation of new Provincial legislation.

Arising from discussion of this matter, this report responds to the request of the Environment Committee for summary information on the merits of supporting the proposal for the creation of new stand-alone endangered species legislation in BC.

2.0 ENDANGERED SPECIES LEGISLATION

2.1 British Columbia

Currently, in British Columbia, species and ecosystems at risk are managed through several pieces of legislation and provincial planning measures. The Provincial Wildlife Act and the Forest and Ranges Practices Act are the predominant legislative tools that provide for protection of endangered species and habitat on Provincial lands. Provincial planning measures to establish Parks and Protected Areas in the Province, and special management and conservation areas developed as part of Land and Resource Management Plans, also serve to protect habitat for species and ecosystems in the Province. Care of endangered species on private land is managed through voluntary stewardship, facilitated by educational material distributed through partners such as Wild BC, and Naturescape British Columbia.

Species Protection: The Wildlife Act protects most species from harm, and allows for the designation of species at risk. The legislation, however, does not specifically require the development of Recovery Plans or strategies for species at risk to identify habitat needs, the threats, and means to restore the health of species at risk. Nor is there a legislative requirement to develop plans for all listed species and ecosystems, and Recovery Plans are not required to be developed within any defined time frame. The Ministry of Environment does, however, develop Recovery Strategies for selected species at risk, and has completed 36 such plans to date, with the planning process ongoing for 32 additional plans.

Habitat Protection: The Forest and Ranges Practices Act allows for the designation of Wildlife Habitat Areas, within which sensitive forest and range practices are required. As noted, habitat is also protected through designations for parks, protected areas, wildlife habitat areas, and Recovery Plans include measures for habitat management. However, as noted, in BC there is no legislative mandate or requirement that specifically protects the habitat of endangered species. In addition, the protected Provincial lands do not capture or protect the fully diversity of ecosystems in BC, with many endangered species being in more developed areas, such as the Okanagan and the Lower Mainland, that have less protected provincial land area.

In summary, current Provincial legislation, designations and Recovery Planning processes provide the established framework for species and habitat protection and recovery on Provincial lands in British Columbia.

2.2 Other Jurisdictions

In comparison, the Federal Government, and most other provinces in Canada, have enacted specific legislation, within a single Act, to coordinate the management of endangered species on Federal and Provincial lands. The apparent benefits of a single Act approach used in other jurisdictions include increased transparency and coordination for the protection of endangered species, habitats and ecosystems. In addition, a coordinated regulatory approach would generally facilitate the development of other broad strategies and stewardship programs related to species and habitat protection.

In addition, the legislation in other jurisdictions, at both the Provincial and Federal level, is stronger as the development of Recovery Plans are required or mandated for every listed endangered species, and generally are to be completed within 1 or 2 years of listing. These jurisdictions also require protection of critical habitat areas as defined in Recovery Plans. This approach has the benefit of generating a quicker and more comprehensive response to address the needs of identified species at risk thereby potentially preventing further declines in numbers of endangered species.

2.3 Proposal for BC Endangered Species Legislation

The correspondence from the David Suzuki Foundation, and the co-authors of “The Last Place on Earth”, present a proposal for the development of a stand-alone piece of endangered species legislation for BC. The proposal notes that BC is one of the few provinces in Canada that does not have such an endangered species Act. The report recommends that the Province develop a Species and Ecosystems Protection Act, which would mandate the protection of interconnected habitat for species and ecosystems at risk. In addition, the report recommends that species and ecosystems at risk should be identified by an independent, scientific committee; protected immediately upon listing; and that Recovery Plans be mandated for every listed species or ecosystem, within defined time periods. This approach would address identified gaps in the existing BC provincial legislation for stand-alone legislation, Recovery Planning measures, and requirements for habitat protection.

3.0 RECENT MUNICIPAL SUPPORT FOR NEW LEGISLATION

Considerable support has been received from other municipalities in relation to development of a Provincial endangered species Act. At the September 2008 Union of BC Municipalities (UBCM) convention, the Comox Valley Regional District brought forward a resolution respecting Species and Ecosystem Protection.

The resolution specifically asked that BC enact a stand-alone Species and Ecosystem Protection Act that would protect the diversity of species at risk, and safeguard them against habitat loss and changing environmental conditions such as climate change. The resolution was endorsed at the UBCM fall 2008 convention. According to UBCM staff, a response to the resolution has not yet been received from the Province.

Staff have also contacted the David Suzuki Foundation to inquire as to other individual endorsements received for the proposal for new provincial legislation in BC from local municipalities. The David Suzuki Foundation advised that to date, seven (7) municipal councils have specifically endorsed the recommendations for endangered species legislation in BC, in addition to the UBCM endorsement.

To: Environment Committee
From: Director Planning and Building
Re: Endangered Species Legislation in British Columbia
2009 April 06..... Page 4

4.0 SUMMARY

Based on research of comparative legislation in other provinces and at the Federal level, the material provided in the correspondence document “The Last Place on Earth”, and municipal support for improved endangered species legislation to date, there is a basis to endorse the call for new BC endangered species legislation.

As such, it is recommended that the Committee request Council:

1. That Council endorse the request for development of Provincial endangered species legislation.
2. That a copy of this report be sent to the Provincial Minister for the Environment, the David Suzuki Foundation, and the Western Canada Wilderness Committee.


B. Luksun, Director
for PLANNING AND BUILDING

MW:sa

cc: City Manager

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