

Scientists for species



Re: Legislation and action to protect biodiversity in British Columbia

Cc: MLA George Heyman

James Mack, Assistant Deputy Minister, Environment and Climate Change Strategy

Alec Dale, Executive Director, Ecosystems Branch, Environment and Climate Change Strategy

Dear Premier John Horgan,

November 16, 2020

As scientists and experts on biodiversity issues across British Columbia, we write to urge your government 1) to create long overdue provincial endangered species legislation and 2) to invest in the protection and recovery efforts needed to reverse biodiversity loss across the province.

We request that you direct the next Environment Minister to protect species at risk in BC, both legally and through effective action, completing the unfulfilled mandate of 2017.

British Columbians share this province with over 50,000 species of plants and animals,¹ some of which are found nowhere else on earth. From the arid grasslands of the Okanagan to the lush rainforests of coastal Vancouver Island, biodiverse ecosystems underpin our cultures, health and wellbeing. As summarized by John Doyle, Auditor General of British Columbia, “Biodiversity is crucial for the functioning of ecosystems, and provides the natural products and services that support life – from oxygen, food, fresh water and fertile soils to medicines and storm and flood protection.”² Biological diversity also serves as a treasure trove of new pharmaceuticals, agricultural varieties, and adaptive potential in the face of climate change.

Yet unsustainable land use and development are causing BC’s wildlife populations to decrease in abundance, with many species approaching extinction³. With every species lost from BC, with every unique natural habitat that becomes degraded or destroyed, we lose a bit of BC’s natural capital for present and future generations.

We write from lands that are unceded territories of First Nations across the province. Reconciliation includes protecting the species and ecosystems with which Indigenous peoples have deep relationships extending across millennia. Ancestral rights to these ongoing relationships are inherent and enshrined in laws and treaties. By continuing activities that lead to species loss, settler societies and governments are violating these rights. In 2019, your previous government enshrined in law the United Nations Declaration on the Rights of Indigenous Peoples⁴. These rights include access to species for food, social, and ceremonial purposes, rights that must not be extinguished (R. v. Sparrow, [1990] 1 S.C.R. 1075). Not

Of 455 federally-listed species at risk evaluated more than once, most have **worsened in status or failed to improve**

18% worse 64% no change 18% better



Figure: Most federally listed species at risk, including hundreds in British Columbia, have not improved since listing.³

protecting biodiversity in the province is antithetical to the BC Government's commitments to reconciliation⁵.

The current legal safety net for species at risk has holes too big to protect species that are imperiled in British Columbia. While the federal *Species at Risk Act* (SARA) provides some protection, it is limited primarily to federal lands, leaving the majority of species across 99% of the province unprotected. Of the 1336 species at risk recognized by the province⁶, only four are legally protected under the *Wildlife Act* (burrowing owl, American white pelican, Vancouver Island marmot and sea otter).⁷ Other provisions of the BC *Wildlife Act*, including the prohibition against the direct killing of endangered species, have not been enforced. As one example, over 19,000 cubic metres of the endangered whitebark pine have been harvested in BC without penalty.⁸

Provincial leadership is sorely needed. With every passing year, it becomes more and more difficult to reverse species declines. After decades of logging irreplaceable old growth forests, spotted owls are nearly extirpated from Canada, with deforestation continuing in areas where the last known individuals remain.⁹ Herd after herd of caribou have been lost while their critical habitat has been destroyed. Many plants, such as Bear's-foot Sanicle in Vancouver Island's Garry Oak ecosystems, are perilously close to being gone forever. Some, like Victoria's Owl-clover, are found only in and near Victoria and nowhere else in the world. These species, along with more than a thousand others, need to be protected by provincial legislation.

Reversing declines is possible, as evidenced by the over 125% increase in numbers in the Klinse-za caribou herd¹⁰. We thank your government for signing the historic Partnership Agreement with Indigenous and federal partners, which we applaud as a bright spot for biodiversity. Many cost-effective measures to protect species at risk are available to the provincial government, especially if we act early.¹¹

In 2002 and then again in 2010, Canada committed to the United Nations' Convention on Biological Diversity to achieve "a significant reduction of the current rate of biodiversity loss at the global, regional, and national level as a contribution to poverty alleviation and to the benefit of all life on Earth".¹² Despite some progress, the latest report "paints a stark message – that we are continuing to lose biodiversity, our essential planetary safety net. We are not on track to meet most of Aichi Biodiversity Targets, and we know that the loss of nature poses grave consequences for us all."¹³

A new more ambitious post-2020 Global Biodiversity Framework is under negotiation, and Canada has committed to goals of protecting 25% of lands and waters by 2025 and 30% by 2030. BC has the opportunity to play a global leadership role in protecting some of the most majestic wildlife and wilderness remaining on the planet¹⁴, sustaining residents and building a strong nature-based tourism economy for the future. BC has long recognized the need to protect wildlife species (e.g., the 1996 national Accord for the Protection of Species at Risk, the 2017 mandate to Environment Minister Heyman). It is time to match this recognition with legal protection and effective species protection.

We call upon the Government of British Columbia to develop binding, effective legislation that will protect species at risk and their critical habitats in the province. We call upon the government to position BC as a national and international leader by protecting the amazing and

iconic wildlife of this province, reversing species declines and identifying and taking actions that restore degraded ecosystems and their inhabitants.

We request a meeting with the new Minister of Environment and Climate Change Strategy and their staff at their earliest convenience to discuss how the government can successfully safeguard the endangered species and ecosystems of British Columbia. To assist in this effort, we attach a peer-reviewed research paper and a technical report that many of us co-wrote to advise on key aspects of a provincial endangered species law³. Given our collective experience and expertise in the legal, social, economic, and ecological aspects of endangered species protection, conservation, and recovery, we would be pleased to serve the province in achieving lasting biodiversity protection.

SINCERELY, ‡

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‡ Signatures reflect individual endorsement, not institutional.

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REFERENCES

- ¹ Austin et al. (2008) Taking Nature's Pulse: The Status of Biodiversity in British Columbia. Victoria, BC. Biodiversity BC.
- ² John Doyle, Auditor General of British Columbia (February 2013)
https://www.bcauditor.com/sites/default/files/publications/2013/report_10/report/OAGBC-Audit%20of%20Biodiversity%20in%20B.C.%20assessing%20the%20effectiveness%20of%20key%20tools.pdf
- ³ Westwood et al. (2019) Protecting biodiversity in British Columbia: Recommendations for developing species at risk legislation. *FACETS* 4:136-160; Westwood et al. (2018) Protecting biodiversity in British Columbia: Recommendations for an endangered species law in B.C. from a species at risk expert panel. Report prepared for the B.C. Ministry of Environment and Climate Change Strategy. Available at www.scientists-4-species.org
- ⁴ <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship#:~:text=As%20part%20of%20its%20work,and%20Reconciliation%20Commission%20of%20Canada's>
- ⁵ <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/reconciliation-other-agreements>
- ⁶ https://www.bclaws.ca/civix/document/id/complete/statreg/13_168_90
- ⁷ Red-listed (extirpated, endangered, or threatened) and blue-listed (special concern) by the B.C. Conservation Data Centre; an additional 1000 species in the database satisfy the criteria for red- or blue-listing but are not listed. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available at: <https://a100.gov.bc.ca/pub/eswp> (accessed Nov 12, 2020).
- ⁸ <https://thenarwhal.ca/b-c-allows-logging-mining-companies-to-cut-down-thousands-of-endangered-trees> *Pinus albicaulis* is federally listed as endangered under SARA and blue-listed provincially.
- ⁹ <https://thenarwhal.ca/canadas-last-breeding-endangered-spotted-owls-in-bc-valley-logging>
- ¹⁰ https://www2.gov.bc.ca/assets/gov/environment/plants-animals-and-ecosystems/wildlife-wildlife-habitat/moose/moosecaribou_two-pager.pdf
- ¹¹ Martin et al. (2018) Prioritizing recovery funding to maximize conservation of endangered species. *Conservation Letters* 11:e12604–9.
- ¹² UNEP, Report on the sixth meeting of the Conference of the Parties to the Convention on Biological Diversity (UNEP/CBD/COP/20/Part 2) Strategic Plan Decision VI/26 in CBD (UNEP, Nairobi, 2002).
- ¹³ Statement by Achim Steiner, Administrator, United Nations Development Programme (UNDP), "Nature: Humanity at a Crossroads, UN Warns", Press release associated with "The 5th Global Biodiversity Outlook". 15 September 2020. <https://www.cbd.int/doc/press/2020/pr-2020-09-15-gbo5-en.pdf>
- ¹⁴ Coristine et al. (2019). National contributions to global ecosystem values. *Conservation Biology* 33:1219-1223; Watson et al. (2018). Protect the last of the wild. *Nature* 563:27-30.