

ALIGN THE SPECIES AT RISK ACT TO RESPOND TO REGIONAL BIODIVERSITY CONSERVATION NEEDS

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Issue

As Canada's natural resource industries strive to be responsible, constructive partners in achieving national biodiversity objectives, alignment and coordination with federal, provincial, and territorial, as well as land use ministries, as proposed in the National Accord for Species at Risk, is essential.

Background

Stakeholders within the natural resource industries have raised concerns with respect to the Species at Risk Act (SARA), noting that it is not delivering positive outcomes on the ground.¹ Encouraging sustainable development projects means adopting an effective approach to optimizing environmental, social, and economic priorities on the landscape that reconciles the needs of conservation of biodiversity and ecosystem function with that of resource development, community priorities, and the needs of other land users.²

Under SARA, the Committee on the Status of Endangered Wildlife in Canada is required to assess species at risk,³ however, the process of listing a species is discretionary.⁴ Planning for conservation should be done at the landscape level and should ensure that all values of the land are understood and considered in decision making.

Currently, industries are struggling to accept the application of a single-tool approach taken by government to achieve broad conservation objectives. Given that biodiversity and ecosystem functions are dynamic and occur over a great expanse, industry has little confidence that an overreliance on protected areas of fixed location and size would effectively achieve the broad conservation objectives identified.

Resource industries continue to demonstrate resource stewardship vital to our nation's economy, for industries maintaining market access, and job creation.⁵ These efforts should be designed to foster trust and cooperation between governments and stakeholders and that solutions be pragmatic.

The current process under the Canadian Environmental Assessment Act is structured to assess only large, clearly defined projects such as proposed mines, rather than the cumulative effects of human and other industrial activities in a given region.⁶ The result of which means projects being delayed or shelved.

¹ Natural Resources Canada, "Implementing Ecosystem-based Management Approaches in Canada's Forests", 2008.

² Ibid.

³ Species at Risk Act, SC 2002, c 29, s.14 [SARA].

⁴ Ibid.

⁵ <https://www.ourcommons.ca/DocumentViewer/en/37-1/ENVI/meeting-9/evidence>

⁶ https://www.pdac.ca/docs/default-source/priorities/public-affairs/cmif-emmc/cmif-brief-2018-emmc-final-en.pdf?sfvrsn=cfc08598_0

SARA's scope, which disproportionately focuses on mining and forestry industries, creates delays and uncertainty for projects in regions where species listed under SARA or their habitat are found on provincial Crown land.⁷ In addition, SARA does not yet have a full suite of compliance tools, policies and coordination mechanisms for effective implementation.

A specific concern related to the Species at Risk Act is primarily related to caribou, and the arbitrary 35 percent cross-nation disturbance threshold-- a further disadvantage to industry with little evidence to support.⁸ The Species at Risk Advisory Committee and the National Boreal Caribou Knowledge Consortium are important fora for exploring solutions with other industries, civil society and Indigenous partners, however the current approach fails both caribou and industry.⁹ Some challenges are compounded by the lack of long-term compliance under SARA, and by inadequate coordination between the federal and provincial, and territorial levels of government, which have caused uncertainty for project proponents in several regions. A good example, the Canada-British Columbia Southern Mountain Caribou Protection Study noted that the federal government and the province have differing views on what habitat is required for recovery.¹⁰

Coordination on the definition of critical habitat is essential to ensure recovery actions are consistent and provide clarity for land users. In order to generate realistic predictions, species distribution models require the accurate co-registration of occurrence data with environmental variables. A common approach to species at risk, as outlined in the National Accord for the Protection of Species at Risk,¹¹ is necessary for the successful protection and recovery of species at risk across the country. As such, a more effective, inclusive, and stewardship-driven approach is needed.

Recommendations

The Canadian Chamber of Commerce calls on the Federal Government to:

1. Work with provinces and territories to ensure caribou disturbance thresholds are based on regional circumstances, scientifically supported, and published in the short-term.
2. Consider an alternative multi-species approach that is region-specific and allows for regional variability and consideration of location-based circumstance.
3. Improve transparency and access to species at risk data to help identify gaps and research funding priorities, while ensuring actions on the ground are informed with best available information.
4. Work with provincial and territorial governments to encourage consistent and complementary approaches to species protection and recovery, and to ensure the application of available information needed to support protection and recovery efforts.

⁷ <http://www.cfs.nrcan.gc.ca/pubwarehouse/pdfs/28282.pdf>

⁸ https://www.pdac.ca/docs/default-source/priorities/public-affairs/cmif-emmc/cmif-brief-2018-emmc-final-en.pdf?sfvrsn=cfc08598_0

⁹ Email correspondence with Chamber member in the forestry industry, June 2019.

¹⁰ https://www.registrellep-sararegistry.gc.ca/virtual_sara/files/ProtectionStudy-Smc-central-v01-0217-Eng.pdf

¹¹ <https://www.registrellep-sararegistry.gc.ca/6B319869-9388-44D1-A8A4-33A2F01CEF10/Accord-eng.pdf>