

Memo

To: BC SARA Consultation Group, Government of BC

From: Dr. Arne Mooers, Simon Fraser University

Date: 18 April 2018

Re: Phase I information gathering session meeting at UBC

I welcome the BC government's commitment to a BC Species at Risk Act and ask drafters and politicians to consider the following three suggestions. My perspective comes from my professional role as Professor of Biodiversity at Simon Fraser University, as one of three Non-Governmental Scientists on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), as an early proponent of federal legislation (see www.scientists-4-species.org), and as an author or co-author on several scholarly and editorial pieces specifically focused on the federal act [1-4].

- 1.** Given the small geographic scale at which wildlife species are identified, and subsequently assessed, by COSEWIC, it is reasonable to posit that any wildlife species deemed at risk under SARA requires protection in BC, regardless of demographic trends in BC itself. In other words, legal protection for individuals and populations over which BC has legal jurisdiction would be necessary for the protection and recovery of SARA-listed wildlife species. Automatic or semi-automatic listing by BC of SARA-listed wildlife species would be prudent, transparent, avoid politically problematic safety-net provisions, and, most importantly, would be time-efficient. Time delays have been identified as both a major flaw in SARA legally [5] and as an impediment to wildlife species recovery [6].
- 2.** Given the resistance encountered when enacting prohibitions on private land (e.g. in Ontario and in the US), drafters might consider the ramifications of a focus on prohibitions on Crown Lands. In other words, it *may* be worth severely limiting the legal force of the Act's provisions with regard to both individual wildlife species at risk and their dwellings, habitats, etc. on private land.
- 3.** Given how SAR Acts have been implemented in Canada to date [1-6], I believe that weaker initial prohibitions (e.g. Point 2), crystal clear and therefore legally enforceable timelines for action (Point 1) and a generally prescriptive law might together be more likely to further the stated goal of protecting and recovering at-risk wildlife in BC. To be clear, the law should bind the BC government to demonstrable protection and recovery action rather than bind BC citizens to curtail activities, e.g. on their private land.

References

1. Mooers, A.O. 2004. *Globe & Mail*, April 30, pg 21.
2. Mooers, A.O., Prugh, L. et al., 2007. *Conservation Biology* 21: 572-575.
3. Mooers, A.O. Doak, D.F. et al. 2010. *BioScience* 60: 843-849.
4. Otto, S. Whitton., J. et al. 2017. *Policy Options* 14 February.
5. Joint Standing Committee on Scrutiny of Regulations. 2008. *Report No. 81 – Species at Risk Act*.
6. Bird, S.C., Hodges, K.E. 2017. *Environmental Science and Policy* 71:1-8.