



SOUTH COAST CONSERVATION PROGRAM

Protecting and Restoring at Risk Species and Ecological Communities on BC's South Coast

South Coast Conservation Program Responses to Provincial Call for Input on Species at Risk November 30 2016

In October of this year (2016) the Government of BC posted a public call “asking British Columbians for input and innovative ideas on new ways to protect species at risk and how to better support activities such as inventory, monitoring, research and stewardship programs for species at risk in our province.

As one of the leading conservation organizations working on species at risk protection and engagement in BC, the SCCP has reviewed the Province’s topic areas and questions and has provided the following input:

Topic 1: Principles for the protection of species at risk

Protecting species at risk is complex and involves many considerations. The Province of British Columbia intends to improve the protection for species and ecosystems at risk using sound science and conservation and public policy principles. We propose the following principles to guide the protection of species at risk in BC:

1. Positive conservation outcomes – BC’s policy and legislative framework for species at risk will support positive conservation outcomes for species at risk.
2. Socio-economics – Protection and recovery of species at risk will take into account the social and economic interests of BC’s communities.
3. Flexibility – BC’s approach to protection and recovery of species at risk will be flexible and appropriate to the sector, land tenure, species and level of threat.
4. Shared responsibility – Programs will be designed to promote the shared responsibilities of all levels of government, First Nations, neighbouring jurisdictions, land managers, land owners, resource users and communities to protecting species at risk.
5. Consultation and engagement – Effective protection of species at risk requires consultation and engagement with other levels of government, First Nations, conservation partners and stakeholders.
6. Best available information – Decisions related to the management of species at risk will be supported by the best available information and will not be hampered by lack of scientific certainty.
7. Proceed on a priority basis – Actions to protect and recover species at risk will be prioritized and will consider return on investment to ensure resources are allocated in an efficient manner.

8. Transparency and openness – The protection of species at risk will operate under a model of transparency and openness, clearly distinguishing between science advice and decision-making.
9. Voluntary conservation actions – BC’s legislation and policy framework for species at risk will enable and support voluntary conservation action, where possible, to support protection of species at risk.

Please provide your answers to the following questions:

Do you agree with these principles for the protection of species at risk?

The South Coast Conservation Program (SCCP) supports the intent of the principles as laudable and desirable objectives. However the language still leaves room for loopholes, confusion and inaction. Principles 1, 2, 3, 6 and 8 are in potential conflict with one another. The SCCP is committed to employing the most recent science and best practices for species at risk recovery. If the province is truly committed to doing the same (undertaking decision making that applies the most up to date information) then it needs to demonstrate more explicitly how it plans to do this. What exactly is meant by “distinguishing between science advice and decision-making?” Does this principal mean if the science dictates a specific course of action but it is not politically palatable the province is off the hook for taking recovery action?

In some instances there cannot be a balance between species recovery and socio economic considerations. There is a need to clarify exactly what balancing socio-economic considerations and “flexibility” implies. As an example, many species at risk in Canada only occur in BC and only in specific areas of the province. These same areas are under direct pressure from oil, gas and mining, as well as urban and rural development. So if we follow the intent of what the province is proposing then when it comes to a multi-million dollar shopping mall versus an endangered snail, shrew or plant that does not provide any economic value in traditional terms, it seems the shopping mall would win? What this reflects is that conflicts inherent between the principles could result in status quo and actions needed to protect and recover a given species or suite of species may not be achievable because of that.

What is meant by “priority basis” based on “return on investment?” If one looks at many of the recovery strategies, some species require extensive effort, often in concert with other species at risk. There are significant data gaps and constraints to recovery. Many species will require significant investment for recovery to be deemed successful. Does this mean effort to recover a species will not be undertaken or invested in if it is not profitable to do so? Some regions such as the South Okanagan, South Coast and southeast Vancouver Island bear the majority of species at risk and critical habitat found in BC. Will the weight of costs to be accountable for fulfilling recovery responsibilities mean that budgets and staff in these regions will finally be balanced against this burden of responsibility? If not, then how does the province plan to demonstrate diligent, effective, protection around species at risk and critical habitat protection to the people of these regions? To the citizens of this province? How are these priorities being determined internally and across regions?

Are there any key principles that you would add?

1. Demonstrate leadership - Many if not most local land use authorities such as local governments and regional districts are unsure, unwilling or lack capacity to directly address species at risk recovery and

critical habitat effective protection on private land. The Province will provide direct and improved guidance to local governments and regional districts on implementation and application of conserving and protecting species at risk.

2. Take a multi-species, landscape approach – Conservation and recovery of species at risk cannot be done in isolation. Many species share a need for well-connected intact landscape features that cover multiple ecological communities or ecosystems. Many populations and areas of defined or candidate critical habitat cover multiple jurisdictions and legal boundaries.
3. Consider the long-term view – the recovery of species at risk must take into consideration the issues of long-term changes to the environment due to stressors and cumulative effects such as climate change, natural succession within and across landscapes and the impacts of introduced (exotic, alien, invasive) species.

Topic 2: Provincial protection of species at risk

The Province is interested in hearing your thoughts about what makes a successful species at risk policy framework.

WHAT'S THE ISSUE?

The Province of British Columbia recognizes that there are gaps in the protection of species and ecosystems at risk. While there are many opportunities through our current tools and legislation to protect species at risk, equivalent protection is not available for all species (e.g., plants and invertebrates) on all lands (e.g., non BC Crown land or private lands) and is not consistently applied across all sectors.

BACKGROUND

Canada has developed a national approach to protecting species at risk. In 1996, the federal and provincial governments developed the Accord for the Protection of Species at Risk, committing to enact complementary legislation to protect species at risk. In 2005, BC entered into a bilateral agreement with the federal government on species at risk in order to coordinate government activities. The Province is obligated to consider these agreements in managing species at risk.

In 2002, the federal government passed the Species at Risk Act (SARA). The Province of British Columbia is expected under SARA to ensure that there is effective habitat protection for species at risk within the province. Currently, protection of BC's species at risk utilizes a suite of provincial legislation and regulatory tools including the Wildlife Act, the Forest and Range Practices Act, the Oil and Gas Activities Act, the Land Act, the Park Act, the Ecological Reserves Act, and the Environmental Assessment Act.

Across Canada, all provinces and territories have developed programs, policies and/or legislation to support their ability to protect species at risk. Some jurisdictions, like BC, use a variety of legislation and policy tools to protect species at risk. Other jurisdictions have stand-alone species at risk legislation, including Ontario, Quebec, Manitoba, Newfoundland and New Brunswick.

To balance ecological diversity, protection and recovery of species at risk and a vibrant natural resource economy, the management of species at risk should be supported by a policy and regulatory framework that:

1. promotes positive conservation outcomes for all species and ecosystems at risk regardless of where they are found;
2. meets commitments made in agreements signed by British Columbia and expectations under SARA; and
3. supports a prosperous natural resource economy and ensures a level playing field across all sectors.

Please provide your answers to the following questions:

What are your thoughts on how to improve the current provincial policy and legislative framework for protection of species at risk?

1. Take immediate action to enact the BC Wildlife Act amendments tabled in 2004 to allow for the listing of species at risk beyond the existing four species, starting with all provincial red and blue listed species corresponding to federally listed species (Threatened, Endangered and Special Concern). Background: In May 2004, the B.C. Legislature enacted several amendments to the Wildlife Act to enhance the ability of the government to designate, manage and protect species that are at risk in British Columbia (Bill 51 Wildlife Amendment Act, 2004). The 2004 amendments provide Cabinet with the authority to list any species or population of animal, bird, fish, plant or other species as a species at risk to ensure additional protection.

One of the enacted amendments, Section 6 of the Wildlife Act does empower the provincial cabinet to designate a species as “endangered” if, as a result of the action of humans, it is threatened with imminent extinction throughout a significant portion of its range or to designate a species as “threatened” if it is likely to become endangered

Since 2004 only four species have been legally designated as endangered or threatened in BC: Vancouver Island Marmot, American White Pelican, Sea Otter, and Burrowing Owl. Interestingly the pelican is not a federally listed species under SARA though it is protected as a migratory bird.

A regulation is needed to bring these amendments into force and this regulation will include a list of species at risk that will be protected under the amended Wildlife Act as well as the option to designate a "species residence" (e.g. an individual burrow, den, nest or roost) for a species at risk.

No such regulation has been developed to date and so the intent of the Wildlife Amendment Act has never truly come into force. BC does not have effective species at risk legislation and is not protecting species at risk until it does.

SARA (Section 34) provides that failure by the provinces to adequately protect the listed species on land not under federal jurisdiction could lead to an order by the Governor in Council requiring them to do so. (i.e. Section 80 emergency order also known as invoking the “safety net”). Special orders to this effect have already been invoked in Saskatchewan and Quebec. Avoiding the regulatory approach (or taking a wait and see approach) in BC is not effective leadership species at risk.

2. Provide clear, direct guidance to local governments and regional districts and by extension private landowners on expectations and requirements to fulfill responsibilities to recover species at risk and protect defined and candidate critical habitat affected by local land use activities

Are you aware of successful initiatives that governments in other jurisdictions have used to support the protection of species at risk?

1. The City of Surrey has developed a streamside environmental development permit area process, biodiversity strategy and green infrastructure network that takes into account development that affects and is affected by species at risk and critical habitat.
2. The City of Nanaimo has species at risk considerations specifically identified in their OCP
3. The District of Saanich's Environmental Development Permit Area bylaw specifically includes the protection of at risk species and their habitat.

Do you have any other thoughts on how we can achieve a balance between protecting species at risk and supporting a vibrant natural resource economy?

Show leadership in actual commitment to achieving balance. This means making tough choices that set clear boundaries on where natural resource extraction and development can occur and standing firm on buffering and protecting the places where it must be prevented or halted. If the province is committed to employing best science, then many existing management actions need to be handled differently. Many, if not most, species are at risk due to habitat loss, leaving them vulnerable to other stressors such as disease, invasive species and predation. The science of species at risk recovery does not support using single focus actions that put investment into one course of action (e.g. predator control to save caribou or removing competitive species like Barred Owl to save remaining extant Northern Spotted Owl). These measures have some effect, but done in isolation, will not have lasting value and reflect a poor return on investment.

Topic 3: Protection of species at risk on private land

The Province of BC is interested in supporting local governments, private landowners, industry (e.g., agriculture, private forest lands) and non-government organisations in stewardship efforts to recover and protect species at risk and their habitats on private lands.

WHAT'S THE ISSUE?

A high proportion of the species at risk in British Columbia are found on private land. The Province recognizes that there are gaps in provincial protection of species at risk on private land. Protection of species at risk is a shared responsibility and requires a stewardship approach to their management. There may be opportunities to support improved protection of species at risk on private lands.

BACKGROUND

An example of shared stewardship is the Species and Ecosystems at Risk (SEAR) Local Government Working Group which works to enhance species at risk protection on local government and private lands. The group has developed a discussion paper that provides recommendations to enhance protection on private lands. A recent government-led project has determined that using a suite of tools are effective in improving protection of species at risk on private land, including legal authority, shared stewardship and protection incentives. The Province understands that private landowners are motivated to protect species at risk on their lands in different ways. A collection of both monetary incentive tools (e.g., tax relief, grants, endowment funds, market certification, etc.) and non-monetary incentive tools (e.g., recognitions, awards, decals, education, demonstration sites, etc.) could better support stewardship efforts on private lands.

Please provide your answers to the following questions:

What motivates you to protect species at risk where you live?

The South Coast Conservation Program exists to protect and restore at risk species and ecological communities on BC's south Coast. Our staff and supporters are dedicated to implementing and achieving this mission statement and have worked to do so since 2005. Our programs have provided valuable information on species at risk recovery to a variety of landowners, land managers and land-use professionals.

Please provide examples of effective monetary and non-monetary incentives that the Province might consider.

Many user pay surveys have been undertaken that demonstrate a willingness of the public to contribute to species at risk conservation and recovery. But the reality is that unless this is entrenched through legal mechanisms such as utility taxes or levies relying on a willingness to pay concept provides inconsistent and unreliable funding. There are several conservation funds that have been set up as a parcel tax and administered by local governments and local conservation groups: examples include the funds managed by the Kootenay Regional District and the Kootenay Conservation Program, and the Capital Regional District which uses its funds for land acquisition. The South Okanagan Similkameen Conservation Program is also proposing a similar process for that region. However it is important to note that the conservation fund approach may not be transferrable to every jurisdiction. In areas like the South Coast and Vancouver Island where multiple regional districts and even more numerous independent local governments oversee land use activities, a conservation fund approach will be beneficial but will not necessarily be equitable due to the number of potential beneficiaries. The question of who is deserving of these funds becomes an issue.

Support the proposal for a Voluntary Conservation Tax Incentive Program to offer a 100% tax exemption for land under a conservation covenant. There are examples of such programs in Nova Scotia and Ontario. The Islands Trust has the Natural Areas Protection Tax Exemption Program (NAPTEP) that has shown through a small tax shift to other properties, there does not have to be a loss of tax revenue.

Topic 4: Funding for species and ecosystems at risk

The Province is interested in investigating innovative funding sources that would provide long-term, stable funding to support conservation of species at risk.

WHAT'S THE ISSUE

The recovery and protection of species and ecosystems at risk requires long-term, stable funding to support activities such as research, monitoring, reporting and stewardship. The Province's challenge is to provide long-term, stable funding options to meet our conservation goals for species at risk – while at the same time balancing fiscal priorities across all sectors of government.

BACKGROUND

Conservation projects throughout North America have been supported through a variety of approaches such as trust funds, licence fees for resource users, voluntary initiatives and taxation. Below are a few examples of successful conservation funding programs.

Trust Funds

Trust funds are often based on an initial amount of money that is invested which in turn provides annual earnings through the interest and or further contributions. Trust funds can be supported through governments or the private sector.

An example of a non-profit charitable foundation that supports BC conservation projects through the use of a trust fund is the Habitat Conservation Trust Foundation (HCTF). It is funded by a provincially legislated surcharge on hunting and fishing licences. These surcharges are invested to improve habitat conditions for native species, and may also provide benefits to contributors by directly enhancing their opportunities to use and enjoy wildlife and fish resources. Projects funded include on-the-ground conservation projects and environmental education.

Voluntary Fees

It has been shown that voluntary fees work well as a funding source when there is an incentive for people to support the fee.

In Florida, residents can purchase a conservation licence plate for an additional \$15 showing that they support conservation efforts in their state. Drivers choose which project they support and receive a specially designed plate for that project, with their fees going directly to their chosen project.

Taxes

Some jurisdictions allocate income generated from [taxes] towards species at risk projects. Funding can be allocated from general tax revenue (e.g., a fixed annual allocation) or through a subject specific tax that is placed on services (i.e., the allocation varies with use of the service).

The Government of Canada developed the Habitat Stewardship Program (HSP) as part of its species at risk strategy. The HSP provides approximately \$12.7 million a year to projects that both conserve and protect species at risk and their habitats. Similarly, the Government of Ontario has a number of programs that allocate provincial grants for species at risk projects.

Please provide your answers to the following questions:

Do you have examples of other innovative funding opportunities that have worked well for conservation projects on a stable, long-term basis?

As with many organizations, the SCCP continues to face challenges in this regard. As the main organization for species at risk conservation on the South Coast of BC since 2005, the SCCP has not been able to secure sustained funding or support and has had to curtail its activities when funding successes are limited. This impacts the continuity and effectiveness of our programs. This is frustrating as there continues to be growing expectations from the province and federal government around our organization taking a leading role in species at risk recovery. The most continuous and significant source of funds for the SCCP has been the Federal Habitat Stewardship Program (HSP). If the Province is serious about species at risk recovery through community partnerships, a somewhat similar grant to leverage against the HSP funds could allow our species at risk programs to thrive and grow to reach a bigger audience. Referencing Topic 3, the Kootenay Conservation Fund has proven to be successful, but is not a transferable model to all areas of the province. Locally-based (regional) taxation or trust fund mechanisms may be more dependable as long as the funding is allocated/awarded equitably and gets to the organizations it really needs to go to using defensible and transparent allocation criteria.

Direct partnering through the provision of expertise and services in exchange for funding (cost recovery) between a conservation NGO and a regional district or municipality is one option. This has been done in the South Okanagan. The SCCP has been developing a “Social Enterprise Model” to assist local governments in policy development and operational capacity and knowledge growth around species at risk and critical habitat protection. However this model cannot achieve its potential effectiveness as long as local jurisdictions remain confused about their responsibilities for species at risk. The SCCP has heard from many municipalities that they do not understand what their legal responsibilities are and prefer to take a wait and see approach to what the provincial government does or directs them to do.

Of the models presented or of others that you are aware of, which do you prefer and why?

As with the previous topic (3), explicit funding for species at risk conservation can be variable and not all models work in all areas. The federal HSP and AFSAR (Aboriginal Fund for Species at Risk) has a limited budget that is subject to change every year and has become increasingly over-subscribed. The \$12.7 million referenced is for the entire country. BC has only seen about \$2 million of that and the amount has been relatively static for a number of years (and has decreased since it was first created).

HCTF is a good model but it is important to note that HCTF does not consistently fund projects that involve species at risk and or restoration of their habitat. As well, HCTF (like the federal grant systems mentioned above) has onerous and often overly extensive application requirements. This exemplifies the fact that meeting objectives for funding from many organizations can be difficult and competition for many existing and new funding sources is reaching critical mass.

