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Rona Ambrose Served with Legal Notice over Species at Risk

By Shirley Bray

Will the federal government do what it takes to protect species at risk? That's what a coalition of conservation groups aims to find out. In August they served Federal Environment Minister Rona Ambrose with a petition giving her 60 days to step in and protect two endangered plants in Alberta or face a lawsuit.

The Sierra Legal Defence Fund filed the petition on behalf of the Alberta Wilderness Association, the Federation of Alberta Naturalists, the Canadian Parks and Wilderness Society, Nature Canada and Sierra Club of Canada to test the federal government's intention to protect Canada's endangered wildlife.

The petition argues that tiny cryptanthe (*Cryptantha minima*) and small-flowered sand verbena (*Trypterocalyx micranthus*) are listed as endangered on Schedule 1 of the *Species at Risk Act* (SARA) and Alberta's laws do not effectively protect them. The decline of these species is in part due to degradation of Alberta's native prairie region, most of which has been lost to agriculture, industry and urbanization.

"Given its wealth, lack of endangered species protection and the loss of prairie land, Alberta is a key province for this legal test," said Cliff Wallis of Alberta Wilderness Association and Nature Canada. "We think it tells you something when the richest province does the least for endangered species."

Although a national law, SARA does not apply in the provinces unless the federal cabinet orders it to, which it will do only on the recommendation of the federal Environment Minister if she considers provincial laws inadequate. But Minister Ambrose has failed to make such a recommendation for Alberta despite the fact that the province has no endangered species legislation and does not protect national endangered species. Yet when SARA was enacted in 2003, the federal government assured Canadians that all of Canada's endangered plants and animals would be protected.

Gerry Boudrais, a spokesperson for Alberta Sustainable Resource Development, told the media that Alberta has a long history of protecting endangered species, that the *Wildlife Act* is strong legislation, and that SRD is developing recovery plans for both plants, although he could not say when they would be completed (*Edmonton Journal* Aug. 9/06).

The petition describes various Alberta laws that may protect endangered species or their habitat. It notes that the *Wildlife Act* contains a process for evaluating the status of species at risk in Alberta through the Endangered Species Conservation Committee (ESCC). Its Scientific Subcommittee assesses the risk of extinction or extirpation for Alberta species that have been identified as potentially at risk based on status reports. The ESCC then decides what recommendation to make to the minister regarding the legal designation and management and recovery of species; however, the minister has discretion regarding whether to adopt the recommendations.

The *Wildlife Act* requires that plants be prescribed as endangered, but none have been so far. The petition also points out that the Act "enables but does not require identifying critical habitat, nor does it require preparation and implementation of strategies to recover populations. It also does not require the automatic listing of SARA listed species that live in Alberta." On these bases, says the petition, "the *Wildlife Act* cannot be said to effectively protect the tiny cryptanthe or the small-flowered sand verbena."





The petition concludes, "Even if one were to cobble together various Alberta laws, they do not as a whole address any of the SARA elements of identification, protection and recovery to ensure effective protection of endangered species."

In her reply to the petition, Ambrose said she would respond by December 1. "This will allow for sufficient time to review biological records and consult with the Alberta government on conservation and legal protection matters," she wrote.

The conservation organizations stress that simply listing the species as endangered under the Wildlife Act will not count as sufficient effective legal protection. They are fully prepared to challenge in the courts any such failure to act responsibly.

Wallis says listing of the Woodland Caribou hasn't helped that species in Alberta, where clearcut forestry and massive new oil and gas developments are destroying critical habitat. "All these species need effective legal protection of the species and their critical habitats if populations are going to recover. This is not some bureaucratic paper exercise. We are demanding that Minister Ambrose fulfill her duty and protect these species with federal intervention to achieve real results on the ground."

For more information, visit our website under Issues/Wildlife. Write a letter of support for species at risk to The Hon. Rona Ambrose, Minister of Environment Canada, House of Commons, Ottawa, Ontario K1A 0A6; Telephone: (613) 996-9778; Fax: (613) 996-0785; E-Mail: Ambrose.R@parl.gc.ca

