



ALBERTA WILDERNESS ASSOCIATION

"Defending Wild Alberta through Awareness and Action"

November 17, 2016

The Honourable Catherine McKenna
Minister of Environment and Climate Change
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Robert McLean
Executive Director, Canadian Wildlife Service
Environment and Climate Change Canada
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RE: Species at Risk Policy Review - Policy on Survival and Recovery

Dear Minister McKenna:

Thank you for the opportunity to comment on the *Species at Risk Act* (SARA) Policy on Survival and Recovery.

Alberta Wilderness Association (AWA) works throughout Alberta towards more representative and connected protection of the unique and vital landscapes that are the source of our clean water, clean air and wildlife habitat. We have been working in Alberta for more than fifty years to raise the profile of Alberta's spectacular wilderness. AWA helps Albertans learn more about the value of our wilderness and wildlife, and participate in opportunities to protect and care for the legacy that we will leave for future generations. With over 7,000 members and supporters in Alberta and across Canada, AWA remains committed to ensuring protection of wildlife and wild places in Alberta for all Canadians.

AWA has reviewed the SARA Policy on Survival and Recovery and this letter addresses concerns with the proposed policy revisions by section.

Global and Overarching Concerns

- **Scientific literature**
There is no peer-reviewed scientific literature cited within the Policy to justify the Policy's statements and proposed methods. AWA recommends that the policy be supported by a thorough, published scientific review of the relevant literature, showing how these policies were developed.
- **Responsibilities of COSEWIC in determining recovery and survival**
AWA recommends that COSEWIC, as the arms length authority responsible for assessing the conservation status of wildlife species, be the responsible authority for determining whether a

species should aim for 'survival' or 'recovery', or is responsible for overseeing any such proposals. As COSEWIC is responsible for the original determination and listing of each species status, it is prudent that they are involved in determining the validity of whether a species has recovered and its potential for delisting.

- **Policy definitions of survival and recovery**

The minimum recovery threshold, as defined in the policy (Section 3.2), includes the requirement for “representation addressing the historical Canadian distribution of the species”. While it is admirable to aim for full representative recovery of a species, the reality is that this may not be feasible for many species, and as such recovery work under the current policy may default to focusing on mere survival of the species. AWA believes the criterion quoted should be removed from consideration for the minimum recovery threshold and included under a definition of full recovery. Our understanding of the minimum recovery threshold, as defined in the policy (Section 5.0), is that it currently amounts to threatened status. AWA does not believe that this is an adequate threshold for minimum recovery and recommends an elevated standard for minimum recovery which surpasses threatened status.

- **Division of historically precarious and non-historically precarious**

AWA believes this is an unnecessary and artificial division that may be used to justify a lower standard of recovery or survival for species living in Canada with larger international populations. The historically precarious label may lend itself to bias against species with large population fluctuations or migratory species. Designating a species historically precarious may also ignore the exacerbated negative effects of human development, effectively ignoring the demonstrated impact that human activity has had on their decline. Furthermore, with climate change affecting the historical ranges of species, focusing on the historical precariousness of a species may be ignoring current and future habitat suitability. Many naturally precarious populations (e.g., those on the margins of the range) are disproportionately important for the survival of the species through adaptation, genetic uniqueness, and variability.

- **Public Participation**

The preamble to SARA provides that all Canadians have a role to play in the conservation of wildlife in this country. The public is unable to perform this role without transparency in government decision-making and meaningful opportunities to participate in SARA decision-making. We would therefore request that recovery decisions be made transparent and open to public review.

- **Informative graphic**

AWA recommends a flow chart or similar graphic to aid in the understanding of the timing and process of this policy.

3.1 Survival (p. 2)

The Policy references “competent minister(s)” but these ministers are not identified in the document. AWA recommends either identifying these persons in the Glossary of the Policy or referencing the applicable section in SARA (Section 2).

The Policy states that the “competent minister(s) will consider a species at risk has an acceptable chance for survival in Canada when it has surpassed the following criteria, also known as the survival threshold”. As the survival threshold is stated as being consistent across species (Section 3.0), AWA requests that assessment of the survival threshold for any species and whether a species has surpassed this threshold be completed using quantitative measures, and that applicable scientific literature justifying these measures be cited.

The Policy states that “non-natural significant threats are mitigated”. AWA requests that this be changed to “protected from anthropogenic threats: existing non-natural significant threats have been eliminated and/or mitigated, future threats are avoided to the furthest possible extent, and where avoidance not possible, mitigation measures have been put in place.” AWA requests clarification regarding whether, and to what extent, climate change is considered “non-natural” and recommends that the full extent of climate change be considered non-natural, as per the precautionary principle. AWA also recommends a definition of mitigation and clarification regarding which forms of mitigation are considered, in this context.

The Policy lists the final survival criteria as “persistence is facilitated by connectivity with populations outside of Canada...”. AWA realizes the need for international cooperation to ensure the survival and recovery of species, but is concerned that this criterion could be used to justify inaction in maintaining Canadian populations due to connectivity to a healthy out-of-country population. AWA recommends that, for species that cross international borders, a policy of creating and facilitating interjurisdictional cooperation be implemented. Further, the Government of Canada should be a leader in the survival and recovery of internationally relevant species. Continued, “...and/or habitat intervention for species that are naturally below a survival threshold in Canada”; AWA recommends a definition of what is meant by “habitat intervention” in the context of this Policy.

3.2 Recovery (p. 2)

Similar to the criteria listed in Section 3.1, AWA is concerned with the definition of recovery and requests that the criteria for recovery be listed with relevant scientific literature that justify the use and criteria of a minimum recovery threshold.

3.3 Feasibility of Recovery (p. 3)

AWA is concerned that this wording gives the impression that the requirements to make recovery feasible will be too high a bar for many species, especially if significant habitat has been destroyed and deemed irreversible. It inadvertently might encourage further development in habitats that have undergone "irreversible change" for one species, not considering the impacts and negative effects this may have on the wider ecosystem. For example, recovery efforts for one species may have benefits for a variety of other species, even if full recovery of the original species is never attained. AWA recommends strengthening the definitions of terms such as “irreversible change” (see Glossary section below).

For the same comments listed above in Section 3.1, AWA is concerned that the statement “survival of the species may be achieved by ensuring connectivity between the species Canadian population and other populations of the same species in other countries or other populations that are not at risk; and/or by actively intervening with the species and/or its habitat” may relax efforts to recover the species in Canada.

In the case of uncertain feasibility of recovery, AWA appreciates the application of the precautionary principle and proceeding with the assumption that recovery is feasible until shown not to be.

5.2 Developing Population and Distribution Objectives (p. 6)

The Policy states that, when recovery is deemed feasible, population and distribution objectives will “take into account” the best achievable scenario. It is unclear what “take into account” refers to. AWA recommends that the population and distribution objectives *be set at* the best achievable scenario. Population and distribution objectives are influential and should reflect recovery to viable long-term populations. AWA is concerned that minimum thresholds set in a recovery strategy or action plan may become maximum limits in practice.

When recovery is not feasible, it is unclear what “in consideration of the best achievable scenario” refers to. AWA recommends that the population and distribution objectives *be set at* the best achievable scenario. AWA requests clarification on what actions are undertaken if the best achievable scenario does not meet the survival threshold.

When determining the degree of improvement in the condition of the species necessary to achieve the best achievable scenario, the Policy states that the minimum recovery threshold, historical condition, ecological role and “any other conservation objectives that the competent minister(s) has for the species”. It is unclear what “conservation objectives” might refer to in this context. AWA recommends that this be amended to base other conservation objectives on scientific knowledge rather than the implied competent minister(s) discretion.

AWA recommends the inclusion of an adaptive or iterative approach, potentially based on the *Species at Risk Act Policies – Overarching Policy Framework* draft document (2009): “Recovery and management planning requires an iterative approach that considers the long-term population and distribution objectives for the species, that involves a periodical review of priority actions and approaches and that reflects on progress in achieving these objectives.”

Once again, AWA commends the inclusion of the precautionary principle in cases where there is a lack of data or lack of confidence in the data. However, we feel that the wording is not sufficiently strong, chiefly the statement of “not foreclosing opportunities for recovery”. AWA recommends that the policy include a duty to prevent damages to and loss of listed species to the best available knowledge to date, and will revisit future opportunities for recovery, when lacking full scientific certainty. AWA recommends, for example, including the wording from the *Species at Risk Act* for a precautionary approach: “if there are threats of serious or irreversible damage to a listed wildlife species, the competent minister(s) will not postpone cost-effective measures to prevent the reduction or loss of a species for lack of full scientific certainty.”

6.0 Glossary

Regarding the definition of “condition”: AWA recommends including quantitative measurements, based on scientific literature, of each criterion that makes up a species condition. While the weight of each criterion will vary between species, the current definition allows for misidentification of a species’ condition through differing interpretation.

Regarding “irreversible change”: AWA recommends that, for a change to be considered irreversible, all existing options (e.g., modification, restoration) and cost-effective innovative options be explored to limit the impact of a given change. Additionally, AWA recommends a definition of what constitutes “permanent infrastructure”. No structure is objectively permanent and without a strong definition,

there is potential for exploitation. Finally, AWA requests clarification on which bodies are responsible for determining the extent of “irreversible change”; AWA recommends that these determinations be reviewed by COSEWIC.

Additional points of consideration:

Under the Species at Risk Act, the competent minister(s) are responsible for setting population and distribution objectives. AWA requests that these objectives be made consistent with an arms-length scientifically credible opinion, in line with COSEWIC’s assessment and recommendations for listing the species. AWA also recommends that this requirement be written into the policy.

AWA requests clarification regarding who is responsible for assessing the successful recovery of a species. As COSEWIC is responsible for originally assessing the status of a species, we strongly urge that they will be responsible for assessing successful recovery.

We hope your consideration of our feedback strengthens the Species at Risk Act Policy on Survival and Recovery and we look forward to a reply at your earliest convenience.

Sincerely,
ALBERTA WILDERNESS ASSOCIATION

Nick Pink,
Conservation Specialist

cc:

Species at Risk Public Registry Office, ec.registrelep-sararegistry.ec@canada.ca
The Honorable Shannon Phillips, Alberta Minister of Environment and Parks, AEP.Minister@gov.ab.ca

References:

Environment and Climate Change Canada. 2016. Policy on Survival and Recovery [Proposed]. Species at Risk Act: Policies and Guidelines Series. Environment and Climate Change Canada, Ottawa. 8 pp.

Environment Canada. 2009. Species at Risk Act Policies [Draft]. Species at Risk Act: Policies and Guidelines Series. Environment Canada, Ottawa. 38 pp.