

# CANADA-BRITISH COLUMBIA AGREEMENT ON SPECIES AT RISK

## BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF CANADA (Canada) as represented by the Minister of the Environment responsible for the Department of the Environment (Environment Canada) and for the Parks Canada Agency and by the Minister of Fisheries and Oceans responsible for the Department of Fisheries and Oceans (Fisheries and Oceans Canada)

## AND

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA (British Columbia) as represented by the Minister of Water, Land and Air Protection.

(hereinafter the "Parties")

**WHEREAS** British Columbia has a rich and highly diverse natural environment that includes a significant number of plant and animal species that are at risk;

**WHEREAS** Canada and British Columbia are both signatories to the *Accord for the Protection of Species at Risk* (Appendix A);

**WHEREAS** Canada and British Columbia believe that activities and programs relating to species at risk can be undertaken in a coordinated and cooperative manner;

**WHEREAS** Canada and British Columbia are committed to working together, and with other jurisdictions, orders of government and partners to prevent species from becoming at risk and to protect and recover species that have been identified as being at risk;

**WHEREAS** Canada and British Columbia recognize the roles of aboriginal peoples of Canada and of wildlife management boards and other bodies established under land claims agreements in the conservation of wildlife in this country;

## THE PARTIES AGREE AS FOLLOWS:

### 1.0 DEFINITIONS

**"Forest and Range Practices Act"** means the *Forest and Range Practices Act* (S.B.C. 2002, c .69).

**“Ministry of Environment Act”** means the *Ministry of Environment Act* (R.S.B.C. 1996, c. 299).

**“Species at Risk Act”** means the *Species at Risk Act* (S.C. 2002, c. 29).

**“Wildlife Act”** means the *Wildlife Act* (R.S.B.C. 1996, c. 488).

## **2.0 PRINCIPLES**

**2.1** The Parties agree that the following principles will guide the interpretation and implementation of this Agreement, while remaining consistent with federal and provincial legal requirements:

**2.2** Inter-jurisdictional collaboration characterized by respect for the roles and responsibilities of each of the Parties will feature in all elements of species at risk protection and recovery.

**2.3** Species at risk protection and recovery in British Columbia will be designed and delivered in a manner tailored to address the ecological, social and economic circumstances of the province.

**2.4** Planning and actions to prevent species from becoming at risk and to protect and recover species that have been identified as being at risk will be informed by the best available science.

**2.5** Decisions regarding the listing and recovery of species at risk will be informed by the principles of sustainable development.

**2.6** The development and implementation of recovery measures will take into account the socio-economic interests of communities and the traditional knowledge of aboriginal people.

**2.7** If there are threats of serious or irreversible damage to a species at risk, cost-effective early actions will be taken to prevent the further reduction or loss of the species and to facilitate the protection and recovery efforts.

**2.8** Ecosystem, landscape and multi-species approaches will be used when appropriate for the protection and recovery of species at risk.

**2.9** Stewardship by land and water owners and users is fundamental to preventing species from becoming at risk and in protecting and recovering species that are at risk.

**2.10** Cooperative, voluntary measures are the first approach to securing the protection and recovery of species at risk.

**2.11** Canada and British Columbia are committed to carrying out consultations with those who may be directly affected by protection and recovery of species at risk.

### **3.0 INTERPRETATION**

**3.1** The Minister of Water, Land and Air Protection, enters into this Agreement with Canada under the authority of section 6 of the Ministry of Environment Act.

**3.2** The Minister of the Environment, responsible for the Department of the Environment and for the Parks Canada Agency, and the Minister of Fisheries and Oceans, being competent ministers under the Species at Risk Act (“SARA”), enter into this Agreement with the Province of British Columbia under section 10 of that Act.

**3.3** Neither Canada nor British Columbia relinquish any jurisdiction, right, power, privilege, prerogative or immunity by virtue of this Agreement.

**3.4** This Agreement does not create any new legal powers or duties nor does it alter the powers and duties established by SARA, the Wildlife Act, and the Forest and Range Practices Act or any other federal or provincial legislation.

### **4.0 PURPOSE**

**4.1** The purpose of this Agreement is to create an administrative framework, within which the Parties can cooperatively exercise their respective powers and duties to ensure a coordinated and focused approach to the delivery of species at risk protection and recovery through legislation, policies, and operational procedures in British Columbia. It does so by:

- setting out the respective roles and responsibilities of the Parties with respect to species at risk protection and recovery in British Columbia.
- establishing the coordinating mechanisms needed to consult on key decisions, establish joint priorities, share information and design coordinated programs of work.
- providing opportunities to jointly develop species at risk policies where appropriate.

### **5.0 CANADA-BRITISH COLUMBIA SPECIES AT RISK STEERING COMMITTEE**

**5.1** A Canada – British Columbia Species at Risk Steering Committee is hereby established with the following membership:

For Canada:

Regional Director General, Environment Canada, Pacific and Yukon Region  
Director General, Parks Canada Agency, Western and Northern Canada  
Regional Director General, Fisheries and Oceans Canada, Pacific Region

For British Columbia:

Deputy Minister, Water, Land and Air Protection  
Deputy Minister, Agriculture, Food and Fisheries  
Deputy Minister, Forests

**5.2** The Steering Committee will be chaired by the Regional Director General, Environment Canada and the Deputy Minister, Water, Land and Air Protection on an alternating basis and will, to the extent necessary, establish its own rules and procedures.

**5.3** The Steering Committee will meet at least annually to provide overall strategic direction to the Coordinating Committee established in section 6, and to ensure that communication, cooperation, and collaboration between the Parties with respect to species at risk issues and needs in British Columbia are clear, timely and effective.

## **6.0 CANADA – BRITISH COLUMBIA SPECIES AT RISK COORDINATING COMMITTEE**

**6.1** A Canada – British Columbia Species at Risk Coordinating Committee is hereby established. Each of the following departments and agencies will be represented by one member:

For Canada:

Environment Canada, Pacific and Yukon Region  
Parks Canada Agency, Coastal BC Field Unit  
Fisheries and Oceans Canada, Pacific Region

For British Columbia:

Ministry of Water, Land and Air Protection  
Ministry of Agriculture, Food and Fisheries  
Ministry of Forests

**6.2** The Coordinating Committee will be chaired by the representatives of Environment Canada and the Ministry of Water, Land and Air Protection on an alternating basis and will, to the extent necessary, establish its own rules and procedures.

**6.3** The Coordinating Committee will meet at least twice per year to:

- coordinate federal and provincial species at risk planning, protection and recovery initiatives including priorities for joint actions.
- share information with respect to legislation, regulations, policies or operational guidelines either in place or under development that could directly or indirectly affect species at risk planning, protection and recovery in British Columbia.
- coordinate recovery processes and procedures to meet the requirements of federal and provincial legislation.
- consistent with timelines set out in federal or provincial legislation, review and comment upon species recovery strategies and action plans prior to forwarding for approval, to ensure each Party is aware of each other's interests.
- serve as the Regional Implementation Board for the Habitat Stewardship Program. In the context of this role, the Coordinating Committee may invite additional participants to serve on the Committee.
- with the approval of the Steering Committee, establish working groups or advisory committees including a stakeholder advisory committee.

**7.0 ABORIGINAL ENGAGEMENT**

**7.1** When developing a recovery strategy, action plan or management plan, the Parties will:

- invite the participation of any First Nations organization that may be directly affected by the recovery strategy, action plan or management plan.
- endeavour to cooperate with wildlife management boards or other bodies that have been established by a treaty and that have an interest in the protection and recovery of species at risk.

**8.0 LISTING PROCESSES**

**8.1** The Parties will provide their best available information to the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and to the processes that support the listing of species under British Columbia's legislation.

## **8.2 Species listed under SARA**

**8.2.1** The Minister of the Environment will provide an opportunity for the Minister of Water, Land and Air Protection, the Minister of Agriculture, Food and Fisheries, and the Minister of Forests to review and comment on the response statement referred to in subsection 25(3) of SARA prior to posting the response statement on the SARA public registry.

**8.2.2** Prior to a Governor in Council decision on a routine listing of a species, the Minister of the Environment will consult with and seek the views and input of the Minister of Water, Land and Air Protection, the Minister of Agriculture, Food and Fisheries, and the Minister of Forests on the implications of that decision, including socio-economic considerations. The Minister of the Environment will inform the Minister of Water, Land and Air Protection, the Minister of Agriculture, Food and Fisheries, and the Minister of Forests of the listing decision and the rationale for that decision.

**8.2.3** Prior to a Governor in Council decision on an emergency listing of a species, the Minister of the Environment will consult with the Minister of Water, Land and Air Protection, the Minister of Agriculture, Food and Fisheries, and the Minister of Forests. The Minister of Water, Land and Air Protection, the Minister of Agriculture, Food and Fisheries, and the Minister of Forests intend to advise on the implications of that decision, including socio-economic considerations. The Minister of the Environment will inform the Minister of Water, Land and Air Protection, the Minister of Agriculture, Food and Fisheries, and the Minister of Forests of the listing decision and the rationale for that decision in a manner consistent with federal legal requirements.

## **8.3 Species listed under provincial legislation**

**8.3.1** Prior to any modifications to provincial listings of species at risk, the Minister of Water, Land and Air Protection will consult with the Minister of the Environment responsible for the Department of the Environment and for the Parks Canada Agency, and the Minister of Fisheries and Oceans on any modifications to the lists of species at risk under the Wildlife Act or the Forest and Range Practices Act and the implications of those modifications. The Minister of Water, Land and Air Protection will advise the Minister of the Environment responsible for the Department of the Environment and for the Parks Canada Agency, and the Minister of Fisheries and Oceans on any modifications and the rationale for that decision.

## **9.0 EMERGENCY ORDERS**

**9.1** Prior to a Governor in Council decision on emergency orders under section 80 of SARA, the competent federal Minister will consult with the Minister of Water, Land and Air Protection, the Minister of Agriculture, Food and Fisheries, and the Minister of Forests. The Minister of Water, Land and Air

Protection, the Minister of Agriculture, Food and Fisheries, and the Minister of Forests intend to advise on the implications of that decision, including socio-economic considerations. The competent federal Minister will inform the Minister of Water, Land and Air Protection and the Minister of Agriculture, Food and Fisheries of the listing decision and the rationale for that decision in a manner consistent with federal legal requirements.

## **10.0 ENVIRONMENTAL ASSESSMENT**

**10.1** It is the intent of the Parties to ensure that potential impacts on species at risk are addressed through a single environmental assessment process in a manner that is timely, structured and informed by the best available science.

**10.2** If Environment Canada, Fisheries and Oceans Canada and the Parks Canada Agency determine, as defined in Section 79 of the Species at Risk Act, that a project subject to an assessment of its environmental effects under an Act of Parliament may result in potential adverse effects on a listed wildlife species or its critical habitat, the requirements of Section 79 (2) will be addressed as follows:

- If the species to which subsection 79 (1) of SARA applies is provincially managed,, Environment Canada, Fisheries and Oceans Canada and Parks Canada will provide any knowledge or information on the potential impacts of the project on that species to the Province. BC will identify to Environment Canada, Fisheries and Oceans Canada and Parks Canada the measures that the Province will take to avoid or lessen any adverse effects if the project proceeds.
- If the species to which subsection 79 (1) of SARA applies is federally managed, British Columbia will provide any knowledge or information on the potential impacts of the project on that species to Environment Canada, Fisheries and Oceans Canada and Parks Canada. BC will also identify to Environment Canada, Fisheries and Oceans Canada and Parks Canada any measures that the Province will take to avoid or lessen any adverse effects if the project proceeds.
- The monitoring requirement in 79 (2) will be ensured by the person required to ensure that an assessment of environmental effects of a project is conducted, with consideration of any monitoring required by the Province.

**10.3** When requested by the Canadian Environmental Assessment Agency or the B.C. Environmental Assessment Office, the Coordinating Committee will coordinate interactions between Canada and British Columbia on project review issues related to avoiding or lessening the adverse effects on a listed wildlife species or its critical habitat.

## **11.0 RECOVERY PLANNING**

**11.1** The Parties will endeavour to develop recovery strategies and action plans that meet timelines and other requirements set in federal and provincial legislation. In doing so, the Parties will continue to apply a two stage approach to recovery planning. The first stage, the preparation of a recovery strategy, will include the determination of whether recovery of the listed wildlife species is technically and biologically feasible. If recovery is deemed to be feasible, the recovery strategy will include the recovery goal, objectives and strategies for achieving the objectives. The second stage, the preparation of action plan(s), will identify and prioritize detailed measures to achieve recovery and will include an evaluation of the socio-economic costs of the action plan and the benefits to be derived from its implementation.

**11.2** If Canada is leading a recovery planning process, Canada will invite British Columbia to participate. If British Columbia is leading a recovery planning process, British Columbia will invite Canada to participate.

**11.3** The Parties will develop training for practitioners within government jurisdictions and stakeholder organizations to facilitate the preparation of recovery strategies and action plans.

**11.4** The Parties will ensure the evaluation of socio-economic costs and benefits are an integral part of the development of action plans. While the focus in action plans will remain on protection and recovery of the subject species at risk, their residences and habitat, the Parties will work with stakeholders and other jurisdictions and orders of government to identify ways to minimize socio-economic impacts while identifying economic opportunities and benefits.

**11.5** Where a recovery strategy, action plan or a recovery team addressing an aquatic species, migratory bird or their habitat on land other than federal land identifies a need for action to prevent the reduction or loss of that species, British Columbia will be provided with an opportunity to take such action, subject to federal approval of the proposed plan of action.

## **12.0 STEWARDSHIP**

**12.1** The Parties agree to coordinate species at risk recovery and stewardship activities with priorities developed for species at risk prevention, protection and recovery by:

- providing advice on setting priorities for stewardship activities for species at risk in British Columbia.
- exchanging information on stewardship programs, funding and agreements.

- setting priorities for research and data collection necessary to design, implement and evaluate stewardship activities.

**12.2** The Parties agree that, to the extent possible, stewardship activities will be encouraged in order to provide for the protection of species at risk, residences and critical habitat.

**12.3** The Parties recognize that existing programs such as the “Identified Wildlife Management Strategy” under the *Forest and Range Practices Act* and Canada’s “Habitat Stewardship Program” provide important tools to achieve species at risk protection and recovery objectives and will work to maximize the benefits to be achieved through their implementation.

**12.4** The Parties agree that the Coordinating Committee will serve as the Regional Implementation Board for the Province of British Columbia under the federal Habitat Stewardship Program. British Columbia will bring proposals for provincially funded stewardship activities to the Coordinating Committee to seek opportunities for coordination and collaboration with Canada.

### **13.0 AGREEMENTS, PERMITS AND OTHER INSTRUMENTS**

**13.1** The Parties agree to share information and may collaborate on the entering into and on the issuance, making or preparation of the following agreements, permits and other instruments that authorize a person to engage in activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals in British Columbia:

- (a) agreements or permits that are entered into or issued under section 73 of the *SARA*, and agreements, permits, licences, orders or other similar documents that are entered into, issued or made under another Act of Parliament and that have the same effect as agreements or permits under section 73 of the *SARA*.
- (b) agreements or permits that are issued under the *Wildlife Act* or the *Forests and Range Practices Act* and that have the same effect as permits under section 73 of the *SARA*.
- (c) recovery strategies, action plans or management plans that permit activities under subsection 83(4) of the *SARA*.

**13.2** The Parties may agree to future collaborative development of operational guidelines for the issuance of permits and other instruments referred to above.

## **14.0 ENFORCEMENT**

**14.1** The Parties agree that coordination of enforcement activities could provide both federal and provincial enforcement agencies flexibility in dealing with the enforcement of their respective species at risk laws.

**14.2** Each Party recognizes that the cross-designation of officers for enforcement of their respective species at risk legislation to the other Party may assist in the protection of species at risk and their habitats.

**14.3** As part of the implementation of this Agreement, the Parties will further examine the merits of such arrangements and may enter into a subsidiary agreement on enforcement.

## **15.0 COMMUNICATIONS AND OUTREACH**

**15.1** The Parties agree to cooperate on communication products and commit to keeping each other informed on all aspects of their respective programs concerning species at risk.

**15.2** The Parties agree to recognize each other's contributions for jointly developed material and programs related to species at risk.

**15.3** The Parties agree to involve each other in consultation processes relating to species at risk programming in the province of British Columbia.

**15.4** The Parties agree to use mechanisms defined within their respective legislation to report regularly on achievement of their species at risk program objectives.

## **16.0 DATA AND INFORMATION SHARING**

**16.1** The Parties agree, as appropriate and subject to any data sharing agreements and their respective legislation, to share and provide the other Party access to available data and information at no charge during the assessment, listing, recovery planning and recovery implementation activities under this Agreement.

**16.2** Some data and information may require confidentiality or have been obtained with an understanding of confidentiality in order to protect species at risk from exploitation or harm. Data and information so identified by a Party to this Agreement, or a partner in programs and activities related to this Agreement, will be held confidential by the Parties to the extent allowed by their respective legislation and within their respective access to information policies, procedures, and agreements.

**16.3** The Parties recognize the role of the British Columbia Conservation Data Centre as the common source of data on species and species at risk in British Columbia, and agree to support this organization with data and resources in a manner consistent with agreements between federal/ provincial/ territorial governments and NatureServe Canada.

## **17.0 DISPUTE RESOLUTION**

**17.1** In the event of a dispute between the Parties arising out of this Agreement, the Parties will use the following procedure to resolve the dispute.

**17.2** The Coordinating Committee will be the first point of resolution for disputes arising from species at risk activities and programming contemplated in this Agreement.

**17.3** Disputes which cannot be resolved by the Coordinating Committee will be referred to the Steering Committee for resolution.

**17.4** Disputes which cannot be resolved by the Steering Committee will be referred to the Deputy Minister of Water, Land and Air Protection, the Deputy Minister of Agriculture, Food and Fisheries, the Deputy Minister of Forests, the Deputy Minister of Fisheries and Oceans, the Deputy Minister of the Environment and the Chief Executive Officer of the Parks Canada Agency for resolution.

## **18.0 FUNDING**

**18.1** Any financial obligations of Canada related to this Agreement or its implementation are subject to the express condition that there will be an appropriation by the Parliament of Canada for the funds necessary for the fiscal year in which they are applied.

**18.2** Any financial obligations of British Columbia related to this Agreement or its implementation are subject to the express condition that there will be an appropriation by the Legislative Assembly of British Columbia for funds necessary for the fiscal year in which they are applied.

## **19.0 AGREEMENT AMENDMENT, REVIEW AND TERMINATION**

**19.1** This Agreement may be amended and annexes may be added or deleted with the mutual consent of the Parties.

**19.2** This Agreement will terminate 10 years after the date of its execution. The Parties will review the effectiveness of this Agreement five years from the date of its execution.

**19.3** Either Party may terminate this Agreement 90 days after consulting with and providing written notice to the other Party. British Columbia will provide written notice to the Minister of the Environment, responsible for the Department of the Environment and the Parks Canada Agency, and to the Minister of Fisheries and Oceans if it is the intention of British Columbia to terminate the Agreement. Canada will provide written notice to the Minister of Water, Land and Air Protection if it is the intention of Canada to terminate this Agreement.

**20.0 SIGNATURES**

IN WITNESS OF WHICH the Minister of the Environment, responsible for the Department of the Environment and the Parks Canada Agency, and the Minister of Fisheries and Oceans responsible for the Department of Fisheries and Oceans have hereunto set their hand on behalf of Canada, and the Minister of Water, Land, and Air Protection set his hand on behalf of British Columbia.

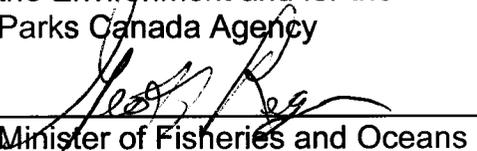
**THE GOVERNMENT OF CANADA**



Minister of the Environment  
Responsible for the Department of  
the Environment and for the  
Parks Canada Agency

April 11, 2005  
Date

APR 19 2005  
APR 19 2005



Minister of Fisheries and Oceans

\_\_\_\_\_  
Date

**THE GOVERNMENT OF BRITISH COLUMBIA**



Minister of Water, Land and Air Protection

March 31/05  
Date

## APPENDIX A

### **ACCORD FOR THE PROTECTION OF SPECIES AT RISK**

Federal, provincial and territorial ministers responsible for wildlife commit to a national approach for the protection of species at risk. The goal is to prevent species in Canada from becoming extinct as a consequence of human activity.

We recognize that:

- i) species do not recognize jurisdictional boundaries and cooperation is crucial to the conservation and protection of species at risk;
- ii) the conservation of species at risk is a key component of the Canadian Biodiversity Strategy, which aims to conserve biological diversity in Canada;
- iii) governments have a leadership role in providing sound information and appropriate measures for the conservation and protection of species at risk, and the effective involvement of all Canadians is essential;
- iv) species conservation initiatives will be met through complementary federal and provincial/territorial legislation, regulations, policies, and programs;
- v) stewardship activities contributing to the conservation of species should be supported as an integral element in preventing species from becoming at risk; and
- vi) lack of full scientific certainty must not be used as a reason to delay measures to avoid or minimize threats to species at risk.

We agree to:

- i) participate in the Canadian Endangered Species Conservation Council in order to coordinate our activities and resolve issues for the protection of species at risk in Canada;
- ii) recognize the Committee on the Status of Endangered Wildlife in Canada as a source of independent advice on the status of species at risk nationally; and
- iii) establish complementary legislation and programs that provide for effective protection of species at risk throughout Canada, and that will:
  - a. address all native wild species;
  - b. provide an independent process for assessing the status of species at risk;
  - c. legally designate species as threatened or endangered;

- d. provide immediate legal protection for threatened or endangered species;
  - e. provide protection for the habitat of threatened or endangered species;
  - f. provide for the development of recovery plans within one year for endangered species and two years for threatened species that address the identified threats to the species and its habitat;
  - g. ensure multi-jurisdictional cooperation for the protection of species that cross borders through the development and implementation of recovery plans;
  - h. consider the needs of species at risk as part of environmental assessment processes;
  - i. implement recovery plans in a timely fashion;
  - j. monitor, assess and report regularly on the status of all wild species;
  - k. emphasize preventive measures to keep species from becoming at risk;
  - l. improve awareness of the needs of species at risk;
  - m. encourage citizens to participate in conservation and protection actions;
  - n. recognize, foster and support effective and long term stewardship by resource users and managers, landowners, and other citizens; and
  - o. provide for effective enforcement.
- iv) refer any disputes that may arise under this Accord to the Canadian Endangered Species Conservation Council for resolution.