



Business Council of  
British Columbia

August 31, 2011

Via email: [cairine.macdonald@gov.bc.ca](mailto:cairine.macdonald@gov.bc.ca)  
(Original to Follow by Mail)

Ms. Cairine MacDonald  
Deputy Minister  
Ministry of Environment  
PO Box 9339 Stn Prov Govt  
Victoria BC V8W 9M1

**Re: Report of the British Columbia Task Force on Species at Risk**

The Business Council of British Columbia is pleased to provide this response to the report of the British Columbia Task Force on Species at Risk (the "Task Force Report"), recently issued for public comment. This submission offers some initial general comments on the Task Force Report along with specific thoughts on the proposal contained therein.

**General Comments**

The Business Council shares the Task Force's view on the importance of conserving the natural values and economic alternatives those values provide to British Columbians. We also recognize the need for effective stewardship of those values, including species at risk. The Business Council believes that any new government policies in this area must aim to balance the protection and recovery of species with the need to safeguard the social and economic well-being of the province.

**Ecosystem – Landscape Level Approach**

The Business Council is broadly supportive of the Task Force's proposal that species at risk in British Columbia be dealt with on an ecosystem basis. Many of our members favour "whole-of-ecosystem" science-based approaches to species at risk population recovery. Such approaches will allow planning and decision-making at a landscape level, which, if properly implemented, can result in an appropriate balancing of the environmental, social and economic needs.



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The Business Council agrees with the Task Force that the focus on management of individual species in the federal *Species at Risk Act* ("SARA") has not been effective in realizing the goals of survival and recovery. Given the complex biodiversity of British Columbia, the single species approach on a mass scale makes it difficult to set priorities and coordinate recovery actions.

That said, one should not underestimate the challenges of designing and implementing ecosystem-based approaches to managing species at risk. For one thing, concerns would quickly arise if the province adopted an ecosystem-based regime while the federal government continued to adhere to the single species model embodied in the SARA legislation. In addition, it will take considerable time to move to an ecosystem-based regime. This highlights the importance of realistic transition planning to ensure that shifting to ecosystem-based management does not lead to delays, bottlenecks and rising costs for land-based industries. Finally, because British Columbia is a large jurisdiction composed of many diverse regions, ecosystem-based approaches may work better in some areas of the province than others.

### **Prioritization**

The Business Council acknowledges the Task Force's focus on prioritizing at the ecosystem level, and we agree that prioritization should be implemented through an integrated management approach to resource planning.

The Task Force states that scientific measures and economic evaluation of ecosystem services should be incorporated with traditional cost/benefit assessments in economic management decision-making. The Business Council generally agrees with this observation; however, we believe cost/benefit analysis should be incorporated into the recommended decision-making process at an earlier stage than the Task Force seems to envisage. The process as suggested requires that priorities would be set by the Ministry of Environment (MoE) as a first step, based upon scientific input and professional advice. The Natural Resources Board (NRB) would then make a "routing decision" based on the scale and costs of the conservation interventions that are recommended. If the scale and costs are considered to be complex, the NRB would undertake to examine the socio-economic context and impacts. The Business Council recommends that socio-economic impacts be considered at an earlier stage – that is, prior to or in tandem with the routing decision – so that both the MoE and the NRB are able to establish priorities based on a solid understanding of the relevant economic and social considerations.

While the Business Council is supportive of the concept of economic valuation of ecosystem services, greater clarity is required around what is actually meant by this term. Any valuation should be done in accordance with clear and scientifically defensible methods and be made publicly available to ensure accountability. In addition, such



valuation should be carried out with as much credible information as possible, including information provided by the business community. This is discussed further below.

### **Legislative Initiatives**

The Business Council sees merit in modernizing the province's existing regulatory framework to incorporate decision-making regarding species at risk for all activities on the Crown land base, and we encourage the government to make sure that such changes strengthen, rather than lessen, the level of coordination between the various ministries and agencies with responsibility for managing both ecological and economic resources. Currently, British Columbia has a robust system which incorporates many protections for species at risk, including the *Forests and Range Practices Act*, the *Oil and Gas Activities Act*, the *Private Managed Forest Land Act*, and a plethora of other legislation and regulations which provide for protected areas and address management of species at risk within the context of resource development. In our view, creating a separate provincial regime for management of species at risk would add complications, bureaucracy and red tape to what is already a very complex regulatory environment governing the activities of resource and other land-based industries.

As a general comment, we are concerned that new provincial legislation or policies could involve a big step toward more prescriptive regulation of land management in the province. In this connection, we urge the government to reinforce its stated commitments to results-based regulation and to the use of qualified professionals as ways to limit delays, minimize cost creep and enhance industry competitiveness.

The government should be careful in establishing mandatory timelines for actions under any activities mandated by statute. As the federal example has amply demonstrated, such timelines can be very difficult to reach, both because of a lack of resources and because of the complex science that may be required to effectively carry out the planning. In essence, the government should avoid setting deadlines that both experience and common sense suggest cannot be met.

### **Information and the Conservation Data Centre**

For many species there is a dearth of information regarding status and current threats, at both the provincial and federal levels. The provincial Conservation Framework, which includes the Conservation Data Centre, provides a centralised repository of information to inform decision-making regarding species at risk. Building upon the Data Centre with additional, improved data can assist in developing a balanced approach to species at risk, and the Business Council supports the Task Force's recommendations on this issue.

The Task Force Report recognizes that resource industries and other resource users have developed relevant management practices, financial capacity and on-the-ground expertise,



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and it notes that engaging private sector knowledge and capacity is essential to the success of any programme to recover species at risk. The Business Council concurs with the Task Force on this point, and we encourage the government to find ways to incorporate the diverse and extensive knowledge of businesses, particularly those engaged in activities on the land base such as resource development and agriculture, into its Conservation Framework. Early engagement of stakeholders in the planning process can strengthen the knowledge base necessary for well-informed decision-making at all stages of the proposed process. Proposals such as those for area-based planning teams should include participation by the business community.

### **First Nations**

The Business Council agrees with the Task Force that First Nations' acceptance and support for ecosystem and species conservation initiatives is critical, and that progress in this area depends on effective engagement with First Nations. In this regard it will be important to improve communications and information strategies for First Nations.

### **Administrative Costs and Funding**

The Business Council is supportive of a policy regime that aims for coordinated decision-making for species at risk, as envisaged through the process proposed by the Task Force, including the use of the NRB. However, we are concerned that the recommended decision-making process may result in inefficiencies which lead to significant additional costs on the government and BC taxpayers. Given current fiscal realities, the proposal advanced by the Task Force, while laudable in some respects, may not be workable within the government's budgetary framework.

For example, there is a suggestion that the NRB conduct an annual analysis and make an implementation ruling decision, based on the scale and cost of conservation interventions that are recommended. This would lead to a decision by the provincial cabinet on whether and to what extent to invest in a conservation action plan, and to consult with affected First Nations at a government-to-government level. The suggested requirements for assessment, review and consultation on an annual basis are likely to involve substantial financial and human resources and to bog the system down in reporting, consultation and decision-making rather than actions on the ground. Annual review may not be necessary or even advisable in the context of actions taken to preserve and recover species, which often take several years to show results.<sup>1</sup> When considering how to implement the proposal outlined by the Task Force, the Business Council urges the government not to overburden the process with needless bureaucratic steps and extra costs, which are apt to be of no assistance in terms of the key goal of preservation of the species themselves.

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<sup>1</sup> Some of our members have suggested that in the case of the forest industry, it might make sense to conduct reviews and consultations in tandem with the determination of the Annual Allowable Cut.



The Task Force Report outlines for consideration of a number of funding mechanisms including conservation incentive measures, land tenure and resource license agreements, and tax incentives. The Business Council recognizes that these sorts of mechanisms may be effective in encouraging private entities to engage in the process. At the same time, the government needs to be very cautious about imposing additional costs on industries operating on the land base, particularly as most of these industries are export-oriented and have a limited ability to pass on higher provincially-mandated costs to their customers.

The Business Council does not support the Task Force's suggestion that the province consider a "development cost charge" to establish provincial funding for ongoing ecosystems and species at risk conservation, monitoring and stewardship programmes. Businesses in British Columbia, including those in the resource industries, are already subject to a myriad of taxes, royalties, fees and levies. Any proposal for management and protection of species at risk, either on an individual or ecosystem basis, will undoubtedly have some cost implications for the affected industries. However, policy-makers must be mindful that these industries bring to the province substantial economic benefits which accrue to employees, suppliers, communities and taxpayers in general. Instituting more onerous regulatory requirements in relation to species at risk will increase costs for industry, including costs associated with the potential loss of access to certain resources. Adding new incremental "development cost charges" would place an undue economic burden upon industries that are the backbone of BC's export economy. The costs of conserving and recovering species at risk should be shared, in keeping with the reality that the benefits of economic activity on the land base accrue to many parties in our society. The on-the-ground costs as well as costs associated with the technical planning required to ensure the ecosystem land management process is implemented should not be compounded by imposing additional development costs. Rather, the Business Council recommends that the government focus on incentive based revenue-raising options to support any future species at risk initiatives.

### **Coordination with the Federal Government**

One challenge that will arise with the proposed provincial ecosystem approach is effective coordination with the federal government. Coordination of species assessment and planning will be crucial to effective management of species at risk within the context of resource planning in British Columbia. The province may decide to pursue species at risk management on a landscape level, but unless there are changes to the federal SARA, Ottawa's focus will likely remain on planning for the individuals of a species. While the actual management of many species on provincial lands is solely within the province's jurisdiction, the SARA requires the federal government to conduct planning for all SARA-listed species in the province (which it is currently doing), and it grants powers to the federal cabinet to extend SARA's protections for such listed species and their critical habitat to all lands in British Columbia if the province does not take action to protect them.



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Furthermore, and arguably of greater significance, the protections for aquatic species and migratory birds and their critical habitat in SARA are currently applicable to all private and public lands in British Columbia. Indeed, the federal government has already begun the process of imposing restrictions for these, and this is starting to have an impact on economic activity.<sup>2</sup>

The ongoing implementation of SARA in British Columbia emphasizes the importance of engagement between the province and the federal government. Key to this engagement is a renewed Canada-British Columbia Agreement on Species at Risk to ensure that activities under a new British Columbia regime are undertaken in a coordinated and cooperative manner. Here, the BC government may wish to review examples of federal/provincial cooperation and coordination in other jurisdictions – such as Ontario and the Northwest Territories, where this is provided for in provincial legislation. In addition, the Business Council encourages the BC government to engage with federal authorities in both planning and land management, and to work to establish agreements with Canada on the stewardship of species at risk on an ecosystem basis. For species that fall under both federal and provincial jurisdiction, such agreements must allow for cooperative assessments and minimize the scope for conflict. Finally, we believe BC should be looking to take the lead role with respect to species at risk on provincial lands.

The Business Council appreciates the opportunity to respond to the report of the Species at Risk Task Force.

Yours sincerely,

*Original signed by  
Jock Finlayson*

Jock A. Finlayson  
Executive Vice President – Policy

/vjc

cc: Honourable Terry Lake, Minister of Environment

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<sup>2</sup> An example can be seen in the designation and protection of critical habitat of the southern resident population of killer whales, which extends east and south from the area immediately south of the mouth of the Fraser River to Vancouver Island, and covers all of the area of Georgia Strait south and west of Vancouver Island, including those waters adjacent to Victoria, an area which experiences substantial human and economic activity.