

**Simply Not Protected:
An Evaluation of Prince Edward Island's Legal Framework
to Protect Species at Risk**

East Coast Environmental Law Association

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East Coast Environmental Law Association

The East Coast Environmental Law Association responds to community inquiries, carries out legal and policy research, and provides educational resources and opportunities to increase public awareness of environmental laws in Atlantic Canada. Our objective is to build capacity in the public and among legal practitioners so that we can work together to ensure that environmental laws are effectively used and strengthened.

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Executive Summary

Unlike the three other Atlantic provinces, Prince Edward Island (“PEI”) does not have a standalone law to protect species at risk in the province.¹ Instead, PEI’s *Wildlife Conservation Act* (“the *WCA*” or “the Act”) gives the Minister of Environment, Energy and Climate Action (“the Minister”) discretionary powers to protect species at risk, including taking whatever measures the Minister “considers necessary for the protection of endangered, threatened or vulnerable wildlife and their habitat”.²

The *WCA* permits, but does not require, the Minister to establish an advisory committee to advise the Minister about what wildlife species in PEI should be designated as endangered, threatened, or of special concern.³ Under the Act, the Minister alone has the power to determine whether a species should be designated as endangered, threatened, or of special concern.⁴ Once the Minister makes such a determination, the species in question may be formally designated under the Act through regulations made by the Lieutenant Governor in Council.⁵

A species that is designated as endangered or threatened under the *WCA* is automatically protected under the Act from being harmed or traded.⁶ The Act also automatically prohibits destroying or disturbing the habitat of a designated endangered or threatened species.⁷ To facilitate protection of habitat, the Minister has the authority to purchase land for protection and to enter into agreements with conservation groups and landowners for the protection and recovery of threatened and endangered species.⁸ The *WCA* provides no automatic protections for species that are designated as being of special concern. The Act envisions that such protections will be established through regulations under the Act, but no such regulations exist.⁹

Over the 23-year existence of the *WCA*, not one species in PEI has been designated as endangered, threatened, or of special concern.

As of the writing of this report, we were unable to locate any plans to designate species or to amend the *WCA* to improve its measures to protect species at risk. However, the need for such legislative changes has been raised within PEI’s Legislative Assembly, as has recognition that the *WCA* is failing to effectively protect the habitat of species at risk.¹⁰

In that context, we call on the Minister to do the following without delay:

- establish an advisory committee under the *WCA*;
- publish a plan of action to engage with the advisory committee to identify at-risk species in PEI that should be designated under the Act;
- recommend to the Lieutenant Governor in Council to establish regulations designating species as endangered, threatened, or of special concern;
- exercise ministerial discretion under the Act to designate species’ habitats and recommend regulations to protect such habitats to the Lieutenant Governor in Council; and,
- facilitate meaningful public participation by providing timely information on progress toward the completion of these tasks.

We also call on the Government of Prince Edward Island and all interested parties to work together to develop a standalone provincial law to address the biodiversity crisis and provide a transparent and accountable legal framework to identify, protect, and recover at-risk species and their critical habitats in PEI.

1.0 Introduction

The scientific consensus is that there is urgent need for immediate action to protect species at risk. In its *Living Planet Report 2020: Bending the Curve of Biodiversity Loss*, the World Wildlife Fund (“WWF”) calculates that the population sizes of mammals, birds, fish, amphibians, and reptiles around the world have dropped by a staggering average of 68% between 1970 and 2016.¹¹ In its corresponding *Living Planet Report Canada 2020: Wildlife at Risk*, the WWF concludes that populations of Canadian species assessed as at-risk by the Committee on the Status of Endangered Wildlife in Canada have dropped by an average of 59% between 1970 and 2016 and that populations of species of global conservation concern have declined in Canada by an average of 42% in the same period.¹² When compared against the tallies in previous years’ *Living Planet* reports, these numbers demonstrate patterns of steady decline.

With the federal government and alongside every other province in Canada except Québec, Prince Edward Island signed Canada’s National Accord for the Protection of Species at Risk (“the National Accord”) in 1996.¹³ Signatories to the National Accord pledged to work cooperatively to protect species at risk through the passage of complementary federal and provincial/territorial legislation.¹⁴ PEI’s *WCA* was passed in 1998 in response to the National Accord and replaced the PEI *Fish and Game Protection Act*.¹⁵

PEI is one of six Canadian provinces and territories that do not have standalone species at risk statutes and is one of just three that do not have legal processes in place to list at-risk species (see Appendix A). PEI’s *WCA*—which vests the property rights to all wildlife in the provincial Crown¹⁶ and regulates the harvest of fish and game—also includes basic measures for the designation and protection of species at risk.

2.0 How the *Wildlife Conservation Act* Applies to Species at Risk

The Minister responsible for the *WCA* is the Minister of Environment, Energy and Climate Action.¹⁷ The *WCA* defines the term “wildlife” broadly as including “wild mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi, algae, bacteria and other wild organisms as prescribed by the regulations”.¹⁸ Included among the powers that the *WCA* gives the Minister is the power to “take any measure that the Minister considers necessary for the protection of endangered, threatened, or species of special concern wildlife and their habitat”.¹⁹

Apart from this authority, the provisions that address species at risk in the *WCA* are set out primarily in sections 6, 7, and 8 of the Act.

2.1 Wildlife Inventory and Reporting

Section 6 of the *WCA* is one of the only mandatory provisions in the Act, as it requires the Minister to monitor the state of wildlife in PEI and provide a report within the first three years of each decade after 1997. The report required by section 6 must include an inventory of wildlife habitat, along with recommendations to conserve and enhance that habitat, and it must analyze the effect of land use and environmental activities on wildlife and wildlife habitat.

The Act requires the Minister to provide the report to the Lieutenant Governor in Council when it is due, but there is no requirement for the report to be publicly released. Based on public record, a report was published in 2007.²⁰ The 2007 report provides a detailed description of the various types of habitats found in PEI, analyzes the effect of land use on wildlife and wildlife habitat, and summarizes wildlife initiatives and programs over the preceding 10-year period.

The Act also requires the report to include an assessment of the state of wildlife resources, focusing in particular on endangered and threatened species and species of special concern.²¹ The 2007 report includes a short section on species at risk, identifying several terrestrial species in PEI that are listed under the federal *Species at Risk Act* as endangered (Piping Plover, Eskimo Curlew), threatened (Gulf of St Lawrence Aster), or of special concern (Harlequin Duck, Barrows Goldeneye, Short-eared Owl, Monarch Butterfly).²²

The 2007 report noted that there were no species designated under the *WCA* but that “candidates have been identified”.²³

A review of relevant Hansard (transcripts of proceedings in the Legislative Assembly of PEI) suggests that no further reports have been released since 2007.²⁴ Based on the timeframe stated in section 6 of the *WCA*, the Lieutenant Governor in Council should have received the Minister’s second report by 2020. Hansard from July 2020 indicated that a new report would follow the release of the “2020 PEI Corporate Land Use Inventory”; however, at the time of writing we have not located either of these reports.²⁵

2.2 Advisory Committee

Subsection 8(a) of the *WCA* empowers, but does not require, the Minister to establish an advisory committee under the Act. The purpose of the advisory committee would be to advise the Minister and assist with creating a list of endangered and threatened species and species of special concern, based on the species’ biological and scientific information. In addition to providing advice to the Minister on the listing of species, the Act also requires the advisory committee to assess the state of wildlife resources in PEI, focusing on endangered and threatened species and species of special concern, and analyze the effect of land use and environmental activities on wildlife and wildlife habitat.²⁶

The first PEI Species at Risk Advisory Committee (“the Committee”) was established in 2003. The Committee had nine members and featured academics, professional biologists, forest managers, and representatives of the tourism and agriculture sectors. At the time of the Committee’s appointment, the Minister noted that the appointment of the Committee helped to fulfill PEI’s national obligations.²⁷

Concerning the Committee’s tasks, the Minister stated:

First and foremost, the committee will identify species in Prince Edward Island that need protection and provide advice on their habitat needs. However, committee

members will also be asked to recommend ways to encourage the public to participate in conservation and protection efforts, as well as recovery plans for species at risk.²⁸

In our research, we found no publicly available records or reports that provide insight into the tasks undertaken by the Committee or the objectives that may or may not have been met. However, given the fact that no species have been designated under the *WCA* as endangered, threatened, or of special concern, it is difficult to conclude that the Committee was successful.

2.3 Designation of Species at Risk

The *WCA* does not require the Minister to consider advice provided by an advisory committee appointed under the Act. The decision to identify a species as endangered, threatened or of special concern is within the discretion of the Minister; however, formal designation must be accomplished through regulations made by the Lieutenant Governor in Council.²⁹ In other words, a species will only be designated if the Minister identifies a need and the provincial Cabinet agrees to create a regulation.

The *WCA* does not provide a process or criteria for the Minister to follow in deciding to identify a species as endangered, threatened, or of special concern. The only guidance provided by the *WCA* can be found in section 7 of the Act, which states that an endangered species may be designated “where the Minister considers that the species is threatened with imminent extinction”.³⁰ A threatened species may be designated “where the Minister considers that the species is likely to become endangered if the factors affecting its vulnerability are not reversed”.³¹ A species of special concern may be designated “where the Minister considers that the species is of special concern due to characteristics that make it particularly sensitive to human activities or natural events”.³²

The only document we were able to locate that addressed species designation was in the 2007 State of Wildlife Report, which stated:

The Forests, Fish and Wildlife Division will recommend that Government list the Piping Plover as “endangered” under the Wildlife Conservation Act and review other species that may qualify for listing as species at risk.³³

Currently, there are no regulations under the *WCA* designating the Piping Plover or any other species as endangered, threatened, or of special concern.

2.4 Protection of Species at Risk

The *WCA* includes three prohibitions that are designed to protect species at risk and their habitats. Two of those prohibitions are intended to protect individual species.

Subsection 7(4) of the Act states that, except where authorized by a permit under section 10, no person shall:

- (a) kill, injure, possess, disturb, take or interfere with or attempt to kill, injure, possess, disturb, take or interfere with an endangered or threatened species;
- (b) possess for sale, offer for sale, sell, buy, trade or barter any individual, or part, derivative, or developmental stage of any individual, belonging to an endangered, or threatened species[.]³⁴

These protections only apply if the species in question has been designated as endangered or threatened in regulations under the *WCA*.

There are no automatic protections in the *WCA* for species of special concern, regardless of designation. It appears that the only means by which these species can receive protection under the *WCA* is through the creation of regulations under a general authority that the Act provides to make regulations designating endangered and threatened species and species of special concern and providing for the conservation, protection and management of such species and their habitats.³⁵

As of the writing of this report, there are no regulations in place to designate species as endangered or threatened and there are no regulations in place to provide protection to species of special concern. We therefore conclude that there is currently no protection for at-risk species under the *WCA*.

2.5 Protection of Habitat for Species at Risk

The third prohibition in the *WCA* is meant to protect species habitats by prohibiting any person from destroying, disturbing, or interfering (or attempting to destroy, disturb, or interfere) with the wildlife habitat of any individual member of an endangered or threatened species.³⁶ The *WCA* includes a relatively broad definition of wildlife habitat, encompassing the breeding, nursery, feeding, and migration areas for the species as well as areas that provide food, cover, or water.³⁷

It has long been recognized that habitat loss is a primary cause of species extirpation and extinction, and habitat loss is one of the greatest threats to PEI's natural biodiversity.³⁸ The 2007 PEI State of Wildlife Report stated that the historic loss of mammals, plants, and forest-dependent birds on the Island is directly related to the loss of species' habitats. That report goes on to describe the importance of several specific habitat types, including salt marshes and forests, and the significance of losing those habitats through human activity:

Salt marshes are very productive ecosystems that support essential habitat for terrestrial and aquatic wildlife, provide nursery areas for commercially important fish species, and contribute globally to carbon sequestration. However, many of PEI's salt

marshes and coastal wetlands have been lost through drainage, flooding and infilling for urban, industrial or agricultural purposes.³⁹

Forests provide critical habitat for many of Prince Edward Island's native plants and animals. Environment Canada has suggested that at least 30% of any watershed should be in forest cover. The vast majority of PEI's native species rely directly on forests, or on wetlands that depend on forests for water quality and quantity.⁴⁰ Unploughed or old growth forest habitat is in decline.⁴¹

The *WCA*'s protections for species' habitats only apply if a species in question has been designated as endangered or threatened in regulations under the Act. Protection for the habitat of species of special concern requires an additional regulation. Given there are no regulations in place under the *WCA* that address at-risk species or their habitats, the *WCA* is not currently operating to protect the habitats of any at-risk species in PEI.



3.0 How the Minister Has Failed to Use Their Authority to Protect Species at Risk

The *WCA*, unlike species at risk laws in other provinces and territories in Canada, provides very little guidance to the Minister and fundamentally leaves all decisions on the identification, designation, protection, and recovery of at-risk species to the Minister's discretion. This places a high burden on the Minister to exercise that discretion in a manner that meets the commitment made by the Government of Prince Edward Island when it signed the National Accord in 1996. Based on our review of the relevant provisions of the *WCA*, its regulations, and public reports, we have concluded that the Minister has failed at every step to meet those commitments.

3.1 The Minister Has Failed to Provide an Inventory and Report on the State of Wildlife

The *WCA* requires the Minister to monitor the state of wildlife in the province and report periodically on that subject. Under the Act, the Minister should have submitted a report to the Lieutenant Governor in Council no later than the end of the year 2020. The Minister's reporting requirements are the only obligations under the Act related specifically to species at risk that the Minister is legally required to meet, and the Minister has failed to meet the most recent reporting deadline.

3.2 The Minister Has Failed to Maintain an Advisory Committee

The *WCA* gives the Minister authority to establish an advisory committee to advise the Minister on creating a list of endangered and threatened species and species of special concern and to provide other relevant expertise to the Minister to assess the state of wildlife in the province and make recommendations for the conservation of wildlife and wildlife habitat.⁴² We understand that the Committee appointed under the Act in 2003 is no longer in place.

3.3 The Minister Has Failed to Take Steps to Designate Species at Risk

It is the role of the Minister under the *WCA* to determine if a species is endangered, threatened, or of special concern.⁴³ This determination is made at the discretion of the Minister and appears to be required before the Lieutenant Governor in Council can create regulations to designate the species. Our research indicates that there are 25 species listed under the federal *Species at Risk Act* that are or were present in PEI; however, there is no indication that the Minister has ever deemed a species in PEI to be endangered, threatened, or of special concern, and there are no regulations in place designating species.

3.4 The Minister Has Failed to Legally Protect Species at Risk

The *WCA* includes clear prohibitions to protect endangered and threatened species and their habitats. However, these sections of the Act have no force unless a species has been designated as endangered or threatened. The Minister's failure to identify any species as endangered or threatened has resulted in a failure to legally protect any at-risk species on the Island. At-risk species in PEI are currently receiving no greater legal protection under the *WCA* than any other wildlife species on the Island.

3.5 The Minister Has Failed to Take Steps to Protect Habitat for Species at Risk

The *WCA* gives the Minister authority to designate particular areas of habitat for threatened or endangered species.⁴⁴ Recognizing that only 9% of PEI's land area, approximately 51,000 hectares, is owned by the provincial Crown,⁴⁵ there remain steps that the Minister could take to facilitate the protection of habitat for at-risk species.

PEI has the least land protected for conservation of any province or territory in Canada.⁴⁶ This combination of relatively high biodiversity, very little protected area, and ongoing threats to biodiversity is why PEI is described as an ecoregion in crisis.⁴⁷ The Minister's failure to engage with experts through the advisory committee and to take steps to designate species as endangered, threatened, or of special concern under the *WCA* demonstrates a lack of commitment to addressing the ongoing loss of habitat for these species.

4.0 What Species Are at Risk in Prince Edward Island?

Despite the fact that there have been no species designated as endangered, threatened, or of special concern under the *WCA*, there are at-risk species in PEI. In fact, the federal government has legally listed 25 species in PEI as endangered, threatened, or of special concern under the federal *Species at Risk Act* ("*SARA*"). This includes 7 endangered species, 8 threatened species, and 10 species of special concern.⁴⁸ Of the 25 species, 18 are also listed as endangered, threatened, or vulnerable under Nova Scotia's *Endangered Species Act* ("*NS ESA*"). Table 1 below includes the name of each species, its status under *SARA*, and its status under the *NS ESA*, along with the year listed.

Several of these species, including the Barn Swallow, Bobolink, Canada Warbler, Olive-sided Flycatcher, and Piping Plover have been identified for conservation action by the Island Nature Trust.⁴⁹

The website of the PEI Department of Environment, Energy and Climate Action includes a section entitled "Species at Risk – PEI".⁵⁰ The website provides a link to the *Wildlife Conservation Act* and the Government of Canada species at risk public registry, but it provides no other information.

Table 1 Federal *Species at Risk Act* (“SARA”) and Nova Scotia *Endangered Species Act* (“NS ESA”) Species that Inhabit Prince Edward Island

	Species	SARA Status	Year Listed	NS ESA Status	Year Listed
1	Bank Swallow	Threatened	2017	Endangered	2017
2	Barn Swallow	Threatened	2017	Endangered	2017
3	Barrow’s Goldeneye	Special Concern	2003	Not listed	N/A
4	Beach Pinweed	Special Concern	2010	Range does not include NS	N/A
5	Bobolink	Threatened	2017	Vulnerable	2013
6	Canada Warbler	Threatened	2010	Endangered	2013
7	Common Nighthawk	Threatened	2010	Threatened	2007
8	Eastern Wood-peewee	Special Concern	2017	Vulnerable	2013
9	Eskimo Curlew	Endangered	2003	Not listed	2017
10	Evening Grosbeak	Special Concern	2019	Vulnerable	2017
11	Gulf of St. Lawrence Aster	Threatened	2005	Range does not include NS	N/A
12	Gypsy Cuckoo Bumble Bee	Endangered	2018	Endangered	2017
13	Little Brown Myotis	Endangered	2014	Endangered	2013
14	Monarch	Special Concern	2003	Endangered	2017
15	Northern Myotis	Endangered	2014	Endangered	2013
16	Olive-sided Flycatcher	Threatened	2010	Threatened	2013
17	Piping Plover	Endangered	2003	Endangered	2000
18	Red Knot	Endangered	2012	Endangered	2007
19	Red-necked Phalarope	Special Concern	2019	Not listed	N/A
20	Rusty Blackbird	Special Concern	2009	Threatened	2013
21	Short-eared Owl	Special Concern	2012	Not listed	N/A
22	Transverse Lady Beetle	Special Concern	2021	Threatened	2017
23	White Shark	Endangered	2011	Not listed	N/A
24	Wrinkled Shingle Lichen	Threatened	2019	Threatened	2017
25	Yellow-banded Bumble Bee	Special Concern	2018	Vulnerable	2017

5.0 Improving Protection and Recovery of Species at Risk in Prince Edward Island

The *WCA* has been in place for 23 years and has demonstrated that it is not adequate to effectively protect and recover species at risk in PEI.

One of the *WCA*'s key failings is the extensive discretion the Act gives to the Minister. For example, the decision to identify species that should be designated and protected under the *WCA* is completely within the Minister's discretion, and the Act gives the Minister no assessment criteria, no requirement to consider the advice of experts, no timelines for making such decisions, no requirement to provide reasons for such decisions, and no requirement to engage with or even inform the public when engaging in such decision-making. Not only are such decisions left entirely with the Minister, but there are also no means by which to hold the Minister accountable for failing to identify species to be designated under the Act.

Even if the Minister exercised their discretion to establish an advisory committee, identify species for designation under the Act, and take steps to protect species' habitats, there remain several other shortcomings in the legal framework. For example, the *WCA* does not include any provisions to require the creation of species recovery plans, which are necessary to facilitate the long-term recovery of at-risk species.

A more detailed report than this would be required to fully assess the inadequacies of the current law and provide recommendations for improved legislation. As a starting point, the following items, drawn from current laws in other Canadian jurisdictions, should be considered:

1. a stated purpose and set of guiding principles;
2. a mandatory independent scientific advisory committee to assess species, provide recommendations to the Minister, and report annually to the public;
3. mandatory inventory and reporting every 3-5 years with detailed criteria on information-gathering and reporting on species at risk, along with a requirement for the report to be publicly available;
4. criteria to guide the assessment and classification of species at risk as extinct, extirpated, endangered, threatened, or of special concern;
5. a mandatory, time bound requirement for the Minister to consider the recommendations of the advisory committee and create a list of species at risk;
6. a mandatory requirement for the Minister to provide publicly available reasons if advisory committee recommendations are not followed;
7. mandatory, time bound requirements for the Minister, guided by the advisory committee, to create recovery plans for designated species;
8. a mandatory, time bound requirement for the Minister, guided by the advisory committee, to identify areas of critical habitat for designated species;
9. feasible plans and programs to facilitate critical habitat protection in a timely manner;
10. enforceable prohibitions to protect designated species at risk and their critical habitats; and,
11. a mandatory public registry to include information on the advisory committee, recommendations to the Minister, ministerial responses to recommendations, species assessment reports, recovery plans, identification of critical habitat, and other related plans and programs.

6.0 Conclusion

Provinces and territories in Canada are responsible for the protection of species on all non-federal lands within their jurisdictions. The federal government, through the federal *Species at Risk Act*, is responsible for the designation, protection, and recovery of species on federal lands and in areas of federal jurisdiction. Almost 90% of PEI's land is privately owned, which gives the provincial government an important responsibility to engage with private landowners in a constructive manner to protect at-risk species and their habitats on the Island.

PEI's rural landowners appear to broadly support protecting species at risk. In a study published in 2019, a University of Prince Edward Island professor conducted a survey of rural PEI landowners and found that 94% of those surveyed agreed that species at risk should be protected.⁵¹ While the majority (68%) of landowners felt it was the government's responsibility to protect species at risk, only 8% felt that private landowners have no protection obligations.⁵²

The Minister is not meeting commitments to protect at-risk species and their habitats in PEI, and the current legal framework under the *WCA* is not adequate to ensure those commitments are met. The lack of mandatory reporting to the public under the *WCA*, combined with the broad discretionary power afforded to the Minister, frustrates efforts by the public to determine what the Government of Prince Edward Island is doing to protect at-risk species in the province.

East Coast Environmental Law therefore calls on the Minister to do the following without delay:

- establish an advisory committee under the *WCA*;
- publish a plan of action to engage with the advisory committee to identify at-risk species in PEI that should be designated under the Act;
- recommend to the Lieutenant Governor in Council to establish regulations designating species as endangered, threatened, or of special concern;
- exercise ministerial discretion under the Act to designate species' habitats and recommend regulations to protect such habitats to the Lieutenant Governor in Council; and,
- facilitate meaningful public participation by providing timely information on progress toward the completion of these tasks.

We also call on the Government of Prince Edward Island and all interested parties to work together to develop a standalone provincial law to address the biodiversity crisis and provide a transparent and accountable legal framework to identify, protect, and recover at-risk species and their critical habitats in PEI.

Appendix A

Provincial and Territorial Species at Risk (“SAR”) Laws in Canada

Jurisdiction	SAR Statute	Wildlife Statute	SAR list
Alberta	No SAR statute.	<i>Wildlife Act</i> , 2000	Wildlife Regulation: Schedule 6 lists endangered species.
British Columbia	No SAR statute.	<i>Wildlife Act</i> , 1996	No legal list: conservation status ranks are assigned by the Conservation Data Centre.
Manitoba	<i>Endangered Species and Ecosystem Act</i> , 2018	<i>The Wildlife Act</i> , 2021	Threatened, Endangered and Extirpated Species Regulation. Endangered and Threatened Ecosystem Regulation lists.
New Brunswick	<i>Species at Risk Act</i> , 2012	<i>Fish and Wildlife Act</i> , 1980	List of Species at Risk Regulation.
Newfoundland and Labrador	<i>Endangered Species Act</i> , 2001	<i>Wild Life Act</i> , 1990	Endangered Species List Regulations.
Northwest Territories	<i>Species at Risk (NWT) Act</i> , 2009	<i>Wildlife Act</i> , 2013	The list is created via a process described in the Act but does not require regulation. The list can be found online at https://www.nwt-species-at-risk.ca/CMA/SarList
Nova Scotia	<i>Endangered Species Act</i> , 1998	<i>Wildlife Act</i> , 1989	Categorized List of Species at Risk Regulation.
Nunavut	No SAR statute.	<i>Wildlife Act</i> , 2003	No list found.
Ontario	<i>Endangered Species Act</i> , 2007	<i>Fish and Wildlife Conservation Act</i> , 1997	Species at Risk in Ontario List Regulation.
Prince Edward Island	No SAR statute.	<i>Wildlife Conservation Act</i> , 1998	No list found.
Quebec	<i>Act Respecting Threatened or Vulnerable Species</i> , 1989	<i>Act Respecting the Conservation and Development of Wildlife</i> , 2002	Regulation respecting threatened or vulnerable plant species and their habitats. Regulation respecting threatened or vulnerable wildlife species and their habitats.
Saskatchewan	No SAR statute.	<i>The Wildlife Act</i> , 1988	Wild Species at Risk Regulations.
Yukon	No SAR statute.	<i>Wildlife Act</i> , 2003	Wildlife Regulation: Schedule A, Part 5 includes List of Specially Protected Wildlife



Endnotes

- ¹ *Endangered Species Act*, SNS 1998, c. 11; *Species at Risk Act*, RSNB 2012, c 6; *Endangered Species Act*, SNL 2001, c E-10.1
- ² *Wildlife Conservation Act*, RSPEI 1988, c W-4.1 at subsection 3(3)(f) [*“Wildlife Conservation Act”*]. Note that section 3 uses the term “vulnerable”, which is the only time that word appears in the Act.
- ³ *Ibid* at subsection 8(a).
- ⁴ *Ibid* at subsections 7(1)–(3).
- ⁵ *Ibid*.
- ⁶ *Ibid* at subsections 7(4)(a)–(b).
- ⁷ *Ibid* at subsection 7(4)(c).
- ⁸ *Ibid* at subsections 8(b)–(c).
- ⁹ *Ibid* at subsection 28(r).
- ¹⁰ Prince Edward Island, Legislative Assembly, *Hansard*, 66th Leg, 2nd Sess (12 May 2021) at 1840 (Hon L Lund); Prince Edward Island, Legislative Assembly, *Hansard*, 66th Leg, 1st Sess (7 July 2020) at 3037 (Hon L Lund); Prince Edward Island, Legislative Assembly, *Hansard*, 66th Leg, 1st Sess (3 July 2019) at 621 (Hon T Altass).
- ¹¹ World Wildlife Fund, *Living Planet Report 2020 - Bending the curve of biodiversity loss*. (2020) at page 7, online: <<https://f.hubspotusercontent20.net/hubfs/4783129/LPR/PDFs/ENGLISH-FULL.pdf>>.
- ¹² World Wildlife Fund Canada, *Living Planet Report Canada 2020: Wildlife at Risk* (2020) at page 6, online: <<https://wwf.ca/living-planet-report-canada-2020/>>.
- ¹³ Illical, M., & Harrison, K. (2007). Protecting Endangered Species in the US and Canada: The Role of Negative Lesson Drawing. 40(2) *Canadian Journal of Political Science*, at page 376, online: <https://www.researchgate.net/publication/231788411_Protecting_Endangered_Species_in_the_US_and_Canada_The_Role_of_Negative_Lesson_Drawing>.
- ¹⁴ Canada, *National Accord for the Protection of Species at Risk* (1996) at article iii, online: <<https://www.registrelep-sararegistry.gc.ca/6B319869-9388-44D1-A8A4-33A2F01CEF10/Accord-eng.pdf>>.
- ¹⁵ *Fish and Game Protection Act*, RSPEI 1988, c F-12 (Repealed by 1997 (3rd) [1998], c.107 at section 2 {eff.} September 15, 1998.
- ¹⁶ *Wildlife Conservation Act* at subsection 2(1).
- ¹⁷ *Ibid* at subsection 1(1)(v).
- ¹⁸ *Ibid* at subsection 1(jj).
- ¹⁹ *Ibid* at subsection 3(3)(f).
- ²⁰ Government of Prince Edward Island, *State of Wildlife Report* (2007) online: <https://www.princeedwardisland.ca/sites/default/files/publications/2007_pei_state_of_wildlife_report.pdf> [*“PEI State of Wildlife Report”*].
- ²¹ *Wildlife Conservation Act* at subsection 6(c).
- ²² PEI *State of Wildlife Report* at page 16.
- ²³ *Ibid* at page 39.
- ²⁴ Prince Edward Island, Legislative Assembly, *Hansard*, 66th Leg, 1st Sess (7 July 2020) at 3037 (Hon L Lund).
- ²⁵ *Ibid* at 3025, 3037 (Hon Jameson).

- ²⁶ *Wildlife Conservation Act* at subsection 8(a).
- ²⁷ Government of Prince Edward Island, News Release, “Province Appoints Species At Risk Advisory Committee” (10 February 2003), online: <<http://www.gov.pe.ca/webarchive/index.php?number=news&dept=&newsnumber=2942&lang=E>>.
- ²⁸ *Ibid.*
- ²⁹ *Wildlife Conservation Act* at section 7.
- ³⁰ *Ibid* at subsection 7(1).
- ³¹ *Ibid* at subsection 7(2).
- ³² *Ibid* at subsection 7(3).
- ³³ PEI *State of Wildlife Report* at page 39.
- ³⁴ *Wildlife Conservation Act* at subsections 7(4)(a)-(b).
- ³⁵ *Ibid* at subsection 28(r).
- ³⁶ *Ibid* at subsection 7(4)(c).
- ³⁷ *Ibid* at subsection 1(kk).
- ³⁸ Government of Prince Edward Island, *2010 State of the Environment* (2010) at page 46, online: <https://www.princeedwardisland.ca/sites/default/files/publications/state_of_the_environment_report_2010.pdf>.
- ³⁹ PEI *State of Wildlife Report* at page 8.
- ⁴⁰ *Ibid* at page 35.
- ⁴¹ *Ibid* at page 40.
- ⁴² *Wildlife Conservation Act* at section 8.
- ⁴³ *Ibid* at section 7.
- ⁴⁴ *Ibid* at subsection 16(3).
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- ⁴⁶ Government of Canada, *Canadian Protected and Conserved Areas Database* (9 April 2021), online: <<https://www.canada.ca/en/environment-climate-change/services/national-wildlife-areas/protected-conserved-areas-database.html>>.
- ⁴⁷ Daniel Kraus & Andrea Hebb, “Southern Canada’s crisis ecoregions: identifying the most significant and threatened places for biodiversity conservation” (2020) 29 *Biodiversity and Conservation* at 3580, online: <<https://link.springer.com/content/pdf/10.1007/s10531-020-02038-x.pdf>>.
- ⁴⁸ Government of Canada, *Species at risk public registry: Species search* (20 October 2021), online: Government of Canada <<https://species-registry.canada.ca/index-en.html#/species?ranges=10&legalStatuSId=2,3,4,5&legalScheduleId=1&sortBy=commonNameSort&sortDirection=asc&pageSize=100>>.
- ⁴⁹ Island Nature Trust (21 October 2021), online <<https://islandnaturetrust.ca/protecting-wildlife/#bobolink>>.
- ⁵⁰ PEI Department of Environment, Energy and Climate Action (21 October 2021), online <<https://www.princeedwardisland.ca/en/information/environment-water-and-climate-change/species-risk-pe>>.
- ⁵¹ H. Carolyn Peach Brown, “Exploring rural landowners’ willingness to protect species at risk in Prince Edward Island” (2019) 63:2 *The Canadian Geographer* at 318.
- ⁵² *Ibid.*