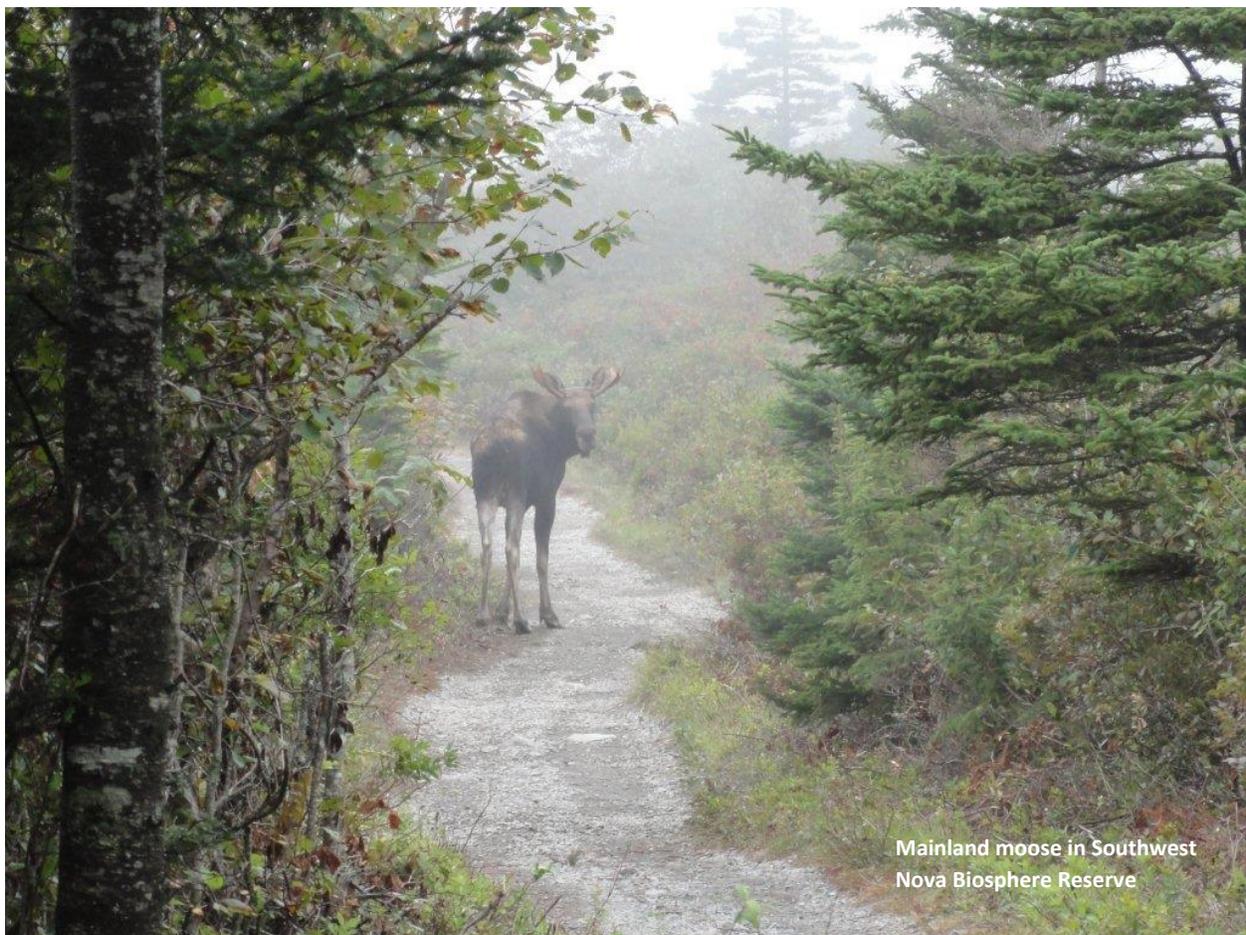


# *Backgrounder*

# GUTTED

Endangered Mainland Moose and How the Government of Nova Scotia Makes a Mockery of UNESCO



*Unless someone like you cares a whole awful lot, nothing is going to get better. It's not.*

*[Dr. Seuss – The Lorax, 1971, quoted by The Honourable Justice Christa M. Brothers of the Supreme Court of Nova Scotia in her ruling (29 May 2020) against the Nova Scotia Minister of Lands and Forestry and The Attorney General of Nova Scotia Representing Her Majesty the Queen in Right of the Province of Nova Scotia with respect to their failures in implementation of the Nova Scotia Endangered Species Act, and with specific reference to the endangered mainland moose.]*

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The document is a living document. It will be  
updated as new information is available and the  
updated document will be issued accordingly.

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**Cover Photo**

Cover photo provided by Donna Crossland

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Canadian Commission for UNESCO

Southwest Nova Biosphere Association

## Non-Governmental Organizations

Healthy Forest Coalition, Nova Scotia

Ecology Action Centre

World Wildlife Fund Canada

# Orientation to Nova Scotia



Nova Scotia is a Province of Canada. It is located in the east of the country. The province has an area of 55,284 km<sup>2</sup> and a population of 925,000 people (2016).

Governance institutions in Canada include the federal government and the governments of each province and territory; many governance responsibilities are shared between the federal government and provinces/territories. International agreements signed by the Government of Canada may require the participation of provinces/territories to implement; levels of support may vary across the country with respect to such agreements. Treaties govern many aspects of governance between Aboriginal peoples and federal, provincial and territorial governments.

# Background

The Southwest Nova Biosphere Reserve was established in 2001 under the auspices of the Network of World Biosphere Reserves of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the premier international inter-governmental organization in its spheres of activity. The Southwest Nova Biosphere Reserve comprises the counties of Annapolis, Digby, Yarmouth, Shelburne and Queens in the Province of Nova Scotia.

In accordance with the legal framework under which the Biosphere program operates, a World Biosphere Reserve is *“a tool for the conservation of biological diversity and the sustainable use of its components, thus contributing to the objectives of the Convention on Biological Diversity and other pertinent conventions and instruments”*.

The area encompassed by the Southwest Nova Biosphere Reserve includes the historic range of the Eastern Moose, referred to as the mainland moose, in southwestern Nova Scotia. The mainland moose has been a registered endangered species under the provincial Endangered Species Act (ESA) since 2003. The ESA is implemented by the Minister and the Department of Lands and Forestry. Among other things, the Minister is required to develop a recovery plan for each endangered species and including the identification of “core habitat” that can be the basis for the recovery of the species. Historically, and at the time that the mainland moose was registered as “endangered”, Kejimikujik National Park and National Historic Site and the Tobeatic Wilderness Area were core population centres for the mainland moose, and additional numbers of moose were scattered throughout southwest Nova Scotia. These areas are all within the Southwest Nova Biosphere Reserve.

In accordance with UNESCO requirements, a World Biosphere Reserve must include, among other items: (i) a “core area” where biodiversity is protected ; and (ii) a buffer area that is contiguous with the core area and in which *“only activities compatible with the conservation objectives can take place”*. In Southwest Nova Biosphere Reserve, Kejimikujik National Park and National Historic Site and the Tobeatic Wilderness Area meet the required “core area” criterion and are zoned as such by the Southwest Nova

*On 29 May 2020, the Supreme Court ruled that the Minister of Lands and Forestry had been deficient in implementation of the ESA (and specifically with reference to mainland moose)*

Biosphere Reserve. Crown lands managed by the Minister and Department of Lands and Forestry surround the “core area” and have been designated by the Southwest Nova Biosphere Reserve as Sustainable Resource Management and Protection Zone (Buffering); no other buffer zone is identified by the Reserve. Industrial forestry is scheduled and is being

undertaken on several thousand hectares of the Crown lands that constitute this “buffering” zone, including directly adjacent to the “core area”. These activities will remove up to 90 percent of the forest, which will then regenerate as a single age forest that has reduced value as habitat for wildlife, including the endangered mainland moose. These forestry activities are demonstrably in contravention of the UNESCO requirements for a buffer zone.

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The population of mainland moose across Nova Scotia, including in the Southwest Nova Biosphere Reserve, has fallen since the species was designated as an endangered species. In recent years the Auditor General of Nova Scotia has documented a litany of deficiencies in the administrative and operational capacity of the Department of Natural Resources (now Department of Lands and Forestry) to implement the ESA. The *Independent Review of Forest Practices in Nova Scotia* in 2018 for the Minister of Lands and Forestry stated that future forestry practices must be based on ecological priorities, and specifically the need to identify core habitat for endangered species, including mainland moose. On 29 May 2020, the Supreme Court ruled that the Minister of Lands and Forestry had been deficient in implementation of the ESA (and specifically with reference to mainland moose) and ordered the Minister to undertake various actions to correct this situation including with respect to mainland moose.

*The mainland moose will be extirpated from southwest Nova Scotia – including from the Southwest Nova Biosphere Reserve – if the status quo is allowed to persist*

The mainland moose will be extirpated from southwest Nova Scotia – including from the Southwest Nova Biosphere Reserve – if the status quo is allowed to persist or if conditions for the survival of the species deteriorate further. An expansion of suitable habitat is a first priority for the recovery of mainland moose populations together with parallel adjustments to human activities such that moose will find the habitat attractive. The Crown lands that surround the core protected area of the Southwest Nova Biosphere Reserve can be the basis for expansion of suitable habitat for mainland moose. The forest removal activities of the Department of Lands and Forestry, however, are fully incompatible with this objective<sup>a</sup>.

The ESA provides tools for the Minister and Department of Lands and Forestry to support the recovery of endangered species, including the mainland moose. In practice the Minister and Department of

*The legacy of the Southwest Nova Biosphere Reserve will have been to bear witness to the extirpation of the largest terrestrial species in the province from the very territory that was intended by UNESCO to provide for its conservation (and that of other species)*

Lands and Forestry have chosen to supervise the continued decline of mainland moose populations. If this is allowed to continue, their neglect – contrary to law, as established by the Supreme Court of Nova Scotia – will result in the extirpation of the species from both the Southwest Nova Biosphere Reserve and from Nova Scotia as a whole. Far from achieving the UNESCO goal of conserving biological diversity, the legacy of the

Southwest Nova Biosphere Reserve will have been to bear witness to the extirpation of the largest terrestrial species in the province from the very territory that was intended by UNESCO to provide for its conservation (and that of other species).

<sup>a</sup> Alternative forestry practices that are less damaging to the local ecology are practiced in some areas of Nova Scotia (e.g. Medway Community Forest Coop) that can meet the needs of mainland moose and other forest species while allowing production of quality timber resources.

The Minister and Department of Lands and Forestry will be the direct cause of this outcome, if it comes to pass. A deeper problem, however, is a governance structure within the Southwest Nova Biosphere Reserve that is not capable of responding to the biological diversity conservation goals set out by UNESCO. As a consequence, the following that are required at a World Biosphere Reserve under UNESCO legislation are either absent or ineffective:

- Mechanisms to manage human use and activities in the buffer zone or zones;
- A management policy or plan for the area as a biosphere reserve;
- A designated authority or mechanism to implement this policy or plan.

UNESCO has failed to ensure an adequate and “fit-for-purpose” governance structure at the Southwest Nova Biosphere Reserve. The Government of Nova Scotia has been allowed to treat UNESCO and its Network of World Biosphere Reserves with disdain, and to make a mockery of not only the biodiversity conservation efforts of that organization, but also those of other actors – including the Government of Canada – that have made commitments to the restoration and promotion of biodiversity. The failure of UNESCO to adequately monitor the performance of the

*UNESCO has failed to ensure an adequate and “fit-for-purpose” governance structure at the Southwest Nova Biosphere Reserve .....UNESCO is complicit in the looming extirpation of the mainland moose from Nova Scotia – an avoidable and directly contrary outcome to the objective of UNESCO and its Network of World Biosphere Reserves program.*

Reserve make it complicit in the failings of the Reserve. Most importantly, it makes UNESCO complicit in the looming extirpation of the mainland moose from Nova Scotia – an avoidable and directly contrary outcome to the objective of UNESCO and its Network of World Biosphere Reserves program and a sad commentary on wildlife conservation in Nova Scotia at the end of the UN Decade on Biodiversity and its slogan: “Living in Harmony with Nature”.

The following immediate actions are needed to ensure the survival of the mainland moose in the Southwest Nova Biosphere Reserve:

1. The Minister of Lands and Forestry must immediately halt forest removal activities on the Crown lands that surround the “core area” of the Southwest Nova Biosphere Reserve.
2. UNESCO must immediately insist that the Crown lands that surround the “core area” of the Southwest Nova Biosphere Reserve be given the status of “buffer” in the sense that is defined in UNESCO’s legislation (The Statutory Framework of the World Network of Biosphere Reserves) and which it is duty-bound to uphold.

3. The Minister of Lands and Forests must participate in good faith with the Southwest Nova Biosphere Association in upholding the buffer zone in accordance with its intended purpose in accordance with UNESCO legislation.
4. UNESCO must supervise the review, revision and effective implementation of the following at the Southwest Nova Biosphere Reserve, in accordance with UNESCO's legislation governing the World Biosphere Reserves.
  - Mechanisms to manage human use and activities in the buffer zone or zones;
  - A management policy or plan for the area as a biosphere reserve;
  - A designated authority or mechanism to implement this policy or plan
5. The Minister of Lands and Forestry must immediately commit to the full and effective implementation of measures to achieve measurable increases in the population of mainland moose in the Southwest Nova Biosphere Reserve, and take appropriate measures to provide for the recovery of mainland moose and other species on the List of Species at Risk in both the Southwest Nova Biosphere Reserve and elsewhere in the province

