



Legacy

Nova Scotia Woodlot Owners and Operators Association

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"To keep every cog and wheel is the first precaution of intelligent tinkering."

-- Aldo Leopold

Thoughts on the Biodiversity Act

By Andy Kekacs

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The Biodiversity Act is a hot topic right now, and the board of the Nova Scotia Woodlot Owners and Operators Association asked me to offer some thoughts on the subject.

In our opinion, most of the concerns about the proposed Biodiversity Act are overblown. We believe that Nova Scotia can't do good forestry unless we pay attention to our impacts on the forest. That's what the Biodiversity Act does. It's that simple.

GOVERNMENT POWER

Opponents wrongly claim that the Biodiversity Act is a significant expansion of government power to regulate private lands. In fact, it's a better way of approaching an issue that we have been working on for a very long time.

Government already has substantial power to regulate uses of private lands through wetlands regulations; zoning; permitting processes for some land uses; endangered species protections, and many other laws. People who are concerned about property rights should note that the Biodiversity Act requires the government to compensate landowners if actions to protect biodiversity have impacts on private lands. That is not the case for most of the other laws that affect the use of private property.

Both the federal and provincial governments approved legislation to protect species at risk about 20 years ago. Nova Scotia's own Endangered Species Act gives provincial government sweeping powers to limit human activities that threaten the survival of species. It's filled with prescriptive phrases like, "No person shall ... kill, injure or disturb an endangered species or its habitat."

This earlier law also sets exactly the same fines for violations as the proposed Biodiversity Act. Opponents of the current bill have made a big issue about the supposedly "outrageous fines" in the current proposal - but the same fines have been in place for similar violations since 1998.

BIODIVERSITY PROTECTION ISN'T A NEW IDEA

One of the fundamental mistakes that opponents make is suggesting that concern about biodiversity is a new thing - that it sprang up out of nowhere in the past few years. That's not true. The existing Endangered Species Act identified the need to protect biodiversity a long time ago. These are direct quotes from the earlier law:

"the conservation of species at risk is a key component of a broader strategy to maintain biodiversity and to use biological resources in a sustainable manner;" and

"all Nova Scotians share responsibility for the conservation of species at risk, and governments have a leadership role to play in this regard."

That legislation was approved two decades ago. What's more, we have yet to see the kind of invasive government actions that opponents of the current bill are warning about. I talk with hundreds of forest landowners in the course of a year, and I don't know a single one who has been charged with a violation of the Endangered Species Act in the past 23 years.

CONCERNS ARE OVERBLOWN

Some of the concerns about the Biodiversity Act are just silly. We hear that snowmobile groups are circulating a letter that claims the Biodiversity Act would end snowmobiling on private lands. It's not clear where the letter came from, but it's completely wrong.

There is also no factual basis for believing that the government will begin randomly prosecuting people for violation of the Biodiversity Act. First, that's not how the Canadian legal system works. Second, it's definitely not how we have historically acted in Nova Scotia. Just last summer, for example, the province lost a major court case because of our long history of failure to adequately protect species.

GOOD FORESTRY

The most important point of all is that good forestry, ecologically sensitive forestry, the kind of forestry that William Lahey recommended in his Independent Review of Forest Practices in Nova Scotia, requires us to be concerned about how we are affecting the plants and animals in our forests. The centerpiece of Lahey's report is a recommendation that our forests should be managed based on ecological considerations, not economic ones:

"The primary reason (to care about the health of the forest) is that ecosystems and biodiversity are the foundation on which the other values, including the economic ones, ultimately depend," Lahey said. His language mirrors what our association has been saying for decades.

A BETTER WAY OF THINKING ABOUT FOREST ECOSYSTEMS

The Canadian Wildlife Service recently began to approach forest ecosystems in a new and significantly better way. Instead of focusing on individual endangered species like the mainland Nova Scotia moose, the federal government wants to promote healthy, diverse, natural ecosystems so that its less likely species will be pushed to the brink of survival and require far more drastic methods of protection. This is essentially the approach that the Biodiversity Act takes, and it's one that we should applaud.

PROTECTING THE ESSENCE OF NOVA SCOTIA

The hills, fields and waters of Nova Scotia are not the only thing that define this province. Neither are the people, even though they are some fine folks, as we've had an opportunity to demonstrate during the past year.

The other thing that defines our province are the trees and shrubs, the fish and fungi, the birds and beasts that we share this place with. It's part of what makes us different than the prairies, than Vancouver, than Thunder Bay. It's what makes us Nova Scotia.

In our view, the issue is quite simple: These other residents of the province deserve our consideration, and that's what the proposed Biodiversity Act would start to do.