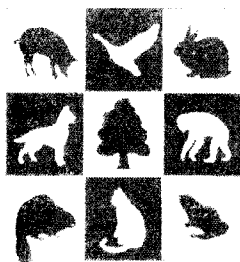
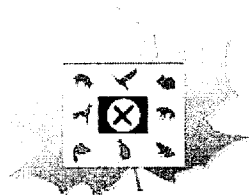


Bill #50

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**Animal Alliance
of Canada**



**Animal Alliance
Environment Voters
Party of Canada**

November 4, 2009

Chair and Members,
Law Amendments Committee,
Nova Scotia Legislature,
House of Assembly
Province House
PO Box 1617
Halifax, NS
B3J 2Y3

Dear Members of the Law Amendments Committee,

Thank you for the opportunity to appear before you on Bill 50,
Wilderness Areas Protection Act (amended).

Recommendation:

Item #2 authorizes a commercial grey seal hunt on Hay Island in the
Scatarie Island Wilderness Area protected wilderness. We recommend
that the Committee strike Section 2 of Bill 50 as set out below:

*"Section 24 of Chapter 27 is amended by adding immediately after
subsection (2) the following subsections: (3) The Minister may issue a
licence permitting the holder of the licence to carry out a seal hunt
authorized by the Department of Fisheries and Oceans (Canada) on Hay
Island in Scatarie Island Wilderness Area. (4) A licence issued pursuant
to subsection (3) must only permit such activities as are required to
conduct the hunt, and may contain such terms and conditions as the
Minister considers necessary to minimize adverse environmental impacts
and protect the wilderness area."*

Rationale for the recommendation:

The purpose of the *Wilderness Areas Protection Act* is to "provide for the
establishment, management, protection and use of wilderness areas, in
perpetuity, for present and future generations..." This mandates the
Minister to act to protect Nova Scotia's wilderness areas, not to pander to
the Department of Fisheries and Oceans desire to implement a
commercial grey seal hunt on Hay Island.

In addition, the *Act* prohibits the removal, destruction or damage of "any
natural object, flora or fauna, whether living or dead".

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Under Section 19 of the *Act*, the Minister may carry out permitted activities including those that would have been prohibited but they must relate to the "responsible management, preservation or restoration of indigenous biodiversity of a wilderness area..."

In the November 2, 2009 Hansard debate, the Minister states:

A further proposed amendment relates to access to Hay Island, which is part of the Scatarie Island Protected Wilderness Area. This amendment is intended to strike a balance between economic and environmental interests related to seal harvesting on Hay Island. This is a housekeeping amendment that is designed to make the process to allow the harvest more straightforward. Until the current legislation, the minister's authority to allow a seal harvest on Hay Island is linked to showing that a seal harvest benefits the island.

We ask this Committee to consider that it is not the Minister's mandate to strike a balance between "economic and environmental interests" in a protected wilderness area but to allow a prohibited activity to occur only for very specific and protective purposes as stated in Section 19 of the Act. We find it very troubling that the Minister considers a commercial activity of this nature in a protected wilderness area as "a housekeeping amendment".

The Minister goes on to say:

Mr. [Deputy] Speaker, as you may know, the seal harvest has taken place on Hay Island in the past two years. These harvests were authorized under strict conditions. While studies to assess the benefit of this harvest to the island biodiversity have been inconclusive and there is no evidence to suggest that there has been any harm done to the island because of these seal harvests, and since we have this information, our objective with this amendment is to make the process for allowing the Department of Fisheries and Oceans seal harvest on Hay Island more straightforward.

He repeated this assertion in a Canadian Press article in which he was quoted as saying,

Sterling Belliveau who serves as both the province's fisheries and environment minister, said although a review found no environmental benefits to the hunt, it also didn't show evidence of any harm.

The Act talks about "responsible management, preservation and restoration" and yet the Minister admits that there is "no environmental benefits to the hunt" that can be attributed to Hay Island specifically and to Scatarie Island Protected Wilderness Area generally. He added that the review showed no evidence of harm.

However, his role as steward of this wilderness is not to approve activities that "show no evidence of harm" but "to maintain and restore the integrity of natural processes and biodiversity", "protect representative examples of natural landscapes and ecosystems" and to protect outstanding, unique, rare and vulnerable natural features and phenomena"

We urge this Committee to consider the intent of the Act and Regulations. It should therefore be irrelevant that the Minister maintains "authority and responsibility" for the

commercial grey seal hunt on Hay Island because the Minister's decision to allow such activity, in our opinion contravenes the spirit and intent of the Act. We assert that it is the Minister's role to protect this wilderness area not to approve commercial activities even where the Minister argues there will be "minimum harm to the island".

Finally, the Minister states, "This amendment provides the proper authority, as well as the right to impose strict conditions, to protect the environment during the harvest. This new authority will not apply to any other location, wilderness areas, or activity."

In fact, the Act and Regulations provide the Minister with the authority to control activities in wilderness areas and that Section 2 of Bill 50 undermines the integrity and authority of the Act and although the Bill states that this amendment does not apply to other wilderness areas, in fact a dangerous precedence regarding "allowable activities" in wilderness and protected areas has been set and may ultimately be challenged and tested in the courts.

Failure to reasonable consult:

Under duties and powers of the Minister, the Act states that "For the purpose of the administration and enforcement of this Act and the regulations and after in engaging in such public consultation as the Minister considers appropriate, the Minister shall establish and administer such policies...as are necessary for the establishment, protection, management and use of wilderness areas."

It is unclear to our supporters in Nova Scotia and to me, why the government is rushing this Bill through the legislative process, why the Minister would consider this an appropriate consultation unless a decision has already been made and this is simply a pro forma exercise.

I found out about Bill 50 late last week and called immediately to appear as a deputant. I was called by the Clerk on Monday night to say that I could appear at the Committee on Tuesday after 4 pm, an impossible task. Thankfully, the Committee decided to hear deputants today which allowed for an opportunity to comment in person.

However, the truncated timeframe and lack of available information made the presentation a challenge. I remain unclear as to whether this wilderness area has a management plan as required under Section 15 of the Act.

Despite an extensive on-line search, I was unable to locate one. I called several government officials but have not yet received a response. In addition, the Minister refers to "review" of the effects of the commercial grey seal hunt. Again, I was unable to track down a copy of the review for this presentation.

Finally, there were a number of stakeholders who wished to present but simply could not make the extended time.

Observing the commercial hunt:

We wish to given notice to the Committee and indirectly to the Department of Fisheries and Oceans that we wish to be present to observe and document the hunt.

Conclusion:

We urge you, the members of the Committee to adopt our recommendation to strike Section 2 from Bill 50.

Thank you again for the opportunity to speak.

Sincerely,

A handwritten signature in cursive script, appearing to read "Liz White".

Liz White