

Bill # 50

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From: Bridget Curran <bridget@antisealingcoalition.ca>
To: <legc.office@gov.ns.ca>
Date: 04 November 2009 02:44 PM
Subject: Written submission of Nick Wright re Bill 50 (Amendments to Wilderness Areas Protection Act)
Attachments: Bill 50 submission - Nick Wright - Nov 4 2009.pdf

Please find attached the written submission sent on behalf of Nick Wright who is in Toronto and unable to attend in person before the Committee due to the nearly non-existent notice period we were given to appear.

Please acknowledge receipt as soon as possible.

Thank you.

Bridget Curran
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Join Us. End It.
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Nicholas Wright Barrister & Solicitor

November 4, 2009

Law Amendments Committee
Province House
1726 Hollis Street
Halifax, NS B3J 2Y3

RE: Bill 50 - *Wilderness Areas Protection Act* (amended)

It has come to my attention that serious concerns exist with regard to the proposed amendment to the Nova Scotia *Wilderness Protection Act* (the "Act") that will permit the hunting of grey seals on Hay Island, part of the Scatarie Island Protected Wilderness Area

I write to bring these concerns to light so that the integrity of the Act in its current form can be maintained. Notably, both the proposed amendment to the Act and the process in which it is expected to be carried out will be in direct conflict with the Act itself.

In light of these considerations I strongly urge that the proposed amendment be rejected.

The amendment to the Act pertaining to Hay Island as contemplated in Clause 2 of Bill 50 reads as follows:

2 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.

1. Management, preservation or restoration of biodiversity of a wilderness area

Section 2 of the Act states:

Purposes of Act

2 The purpose of this Act is to provide for the establishment, management, protection and use of wilderness areas, in perpetuity, for present and future generations, in order to achieve the following primary objectives:

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- (a) maintain and restore the integrity of natural processes and biodiversity;
 - (b) protect representative examples of natural landscapes and ecosystems;
 - (c) protect outstanding, unique, rare and vulnerable natural features and phenomena,
- and the following secondary objectives:
- (d) provide reference points for determining the effects of human activity on the natural environment;
 - (e) protect and provide opportunities for scientific research, environmental education and wilderness recreation; and
 - (f) promote public consultation and community stewardship in the establishment and management of wilderness areas,
- while providing opportunities for public access for sport fishing and traditional patterns of hunting and trapping. 1998, c. 27, s. 2.

The amendments as contemplated in Clause 2 of Bill 50 are in direct conflict with s.2 of the Act in that it allows the destruction and removal of natural fauna (seals) of the protected land and does not guarantee the protection of the wilderness area, merely stating that the Minister "may" impose restrictions in order to minimize adverse environmental impacts and protect the wilderness area.

2. Management Plans

Section 15 of the Act states:

Management plans

15 (1) The Minister shall complete management plans to guide the protection, management or use of a specific wilderness area, a part of a specific wilderness area or any action or activity undertaken to manage a specific wilderness area.

(2) A management plan may be revised from time to time.

(3) Where a management plan is completed pursuant to subsection (1) or revised pursuant to subsection (2), the Minister shall engage in such public consultation on the management plan as the Minister considers appropriate.

(4) Before the designation, a socio-economic analysis of the impact of designation of a wilderness area shall be prepared for every wilderness area designated on Crown

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land after this Act comes into force, the analysis shall be completed and made available to the public before the designation and, for greater certainty, this subsection does not apply to an additional area of Crown land added to a wilderness area if that additional area has been given to the Crown by a private landowner. 1998, c. 27, s. 15.

Clause 2 of Bill 50 contemplates a revision of the "use" of the protected wilderness area Hay Island, specifically allowing a seal hunt on the protected land. Therefore, under s.15(3) of the Act, the Minister is obligated to present a revised management plan and to engage in public consultation regarding this change of use as reflected in a revised management plan.

To date, there has been no revised management plan presented, nor have there been public consultations on such revisions. Government is presently conducting an extremely brief public consultation on Bill 50 itself, but not on a revised management plan as contemplated in s.15 of the Act.

3. Permitted Activities

Section 20 of the Act states as follows:

Permitted activities

20 The Minister may undertake or provide for environmental, educational and natural history interpretation in a wilderness area and, where these are undertaken or provided for, shall do so in a manner consistent with this Act, the regulations and any applicable management plan and they shall not contribute to degradation of the wilderness area. 1998, c. 27, s. 20.

Clause 2 of Bill 50 seeks to permit the hunting of seals on Hay Island. However, as stated above, the management plan for that protected area has not been revised and no public consultations have been held on such revisions.

4. No requirement for seal hunting to be undertaken in a manner consistent with the Act, the regulations or applicable management plan

Section 24(1) of the Act states:

Permitted Activities

In wilderness areas, the public may engage in

- (a) sport fishing; and

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(b) traditional patterns of hunting and trapping,

that are undertaken in a manner consistent with this Act, the regulations and any applicable management plan and in accordance with any applicable laws.

(2) Notwithstanding subsection (1), the Minister may make an order temporarily restricting or prohibiting the sport fishing, hunting or trapping referred to in subsection (1) or related activities, structures or facilities in a wilderness area to protect property, the environment or the health or safety of humans. 1998, c. 27, s. 24.

Section 24(1) allows sport fishing and traditional patterns of hunting and trapping only if they are in accordance with the management plan for that protected area. Clause 2 which will allow the issuance of a license permitting a seal hunt authorized by the DFO but does not make a similar requirement that it be conducted with the management plan for that protected area. Again, this is in conflict with the purpose of the Act itself and is contrary to s.24 of the Act.

Yours sincerely,

Nicholas dePencier Wright

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