

STATE OF NATURE 2021



THE ONGOING FIGHT FOR CHANGE IN
NOVA SCOTIA

- New Protected Areas & Targets for 2030
- Progress for Species At Risk
- No Home for the Mainland Moose
- Misinformation and the Biodiversity Act
- Delays for Forestry Reform
- Federal Action on Forest Conservation
- Owls Head Provincial Park & the Need for Public Trust Law



A WORD FROM OUR PRESIDENT

It's been a tough year for nature. The deliberate gutting of the Biodiversity bill by a barrage of industry-invented media misinformation earlier this year was a clear signal of a serious problem. The decades-long wait to establish Recovery Plans and legally required core habitats for mainland moose and other Species At Risk has allowed for the irreversible transformation of Crown lands. Acadian forests are being harvested for biomass and burned to produce "green" electricity here, in Europe, and in China. Meanwhile, our protected areas are secretly delisted so that they can be sold to foreign developers.

Still, with significant effort from many passionate and organized citizens, nature made some small wins this year. The buyer for Owls Head has walked away, several Species At Risk now have up-to-date Recovery Plans, and there is a loud and growing voice calling for the end of unsustainable forestry practices.

Change is sorely needed. Many of you joined NatureNS this year to raise a strong voice for nature. With 17 member organizations, and individual members like you, NatureNS has grown to represent more than 10,000 citizens. We are naturalists, hikers, hunters, landowners, and citizen scientists, and we are advocates for nature.

And in 2022, with your support, we will create change.



BOB BANCROFT

President, Nature Nova Scotia



NEW PROTECTED AREAS AND TARGET FOR 2030

2021 started off with good news for protected areas. The province reached its' previous 13% land protection goal with the addition of 20 new sites, including the protection of mature forests of the Sackville River Wilderness Area in Upper Sackville. Shortly after, government announced the protection of 61 additional sites, including an expansion for Blue Mountain Birch Cove Lakes Wilderness Area. This helped address a large gap left in the Parks and Protected Areas Plan", which had over 100 sites still waiting for protection. In summer 2021, the new PC government promised to protect 20% of Nova Scotia's land and waters by 2030. We at Nature Nova Scotia are encouraged by this promise, and are hopeful that Nova Scotia's contribution will help Canada get to 30% total land and water protection by 2030.

These gains were hard-won, though. Following the success of misinformation campaigns targeting the Biodiversity Act (see p. 14 for more on that), forestry lobby groups set to work spreading misinformation about the Parks and Protected Areas Plan and the process for protecting Nova Scotia's wild spaces.

Ingram River, which was released for consultation in Fall 2021, immediately faced a misinformation campaign by WestFor Management Inc., which happens to operate a Crown logging lease in the area. Staff stated that, under protection, the Nova Scotian public would no longer be able to access the area, despite government openness to ATV and snowmobile use and the fact that all Nova Scotians have the legislated right to access forested lands for many purposes.

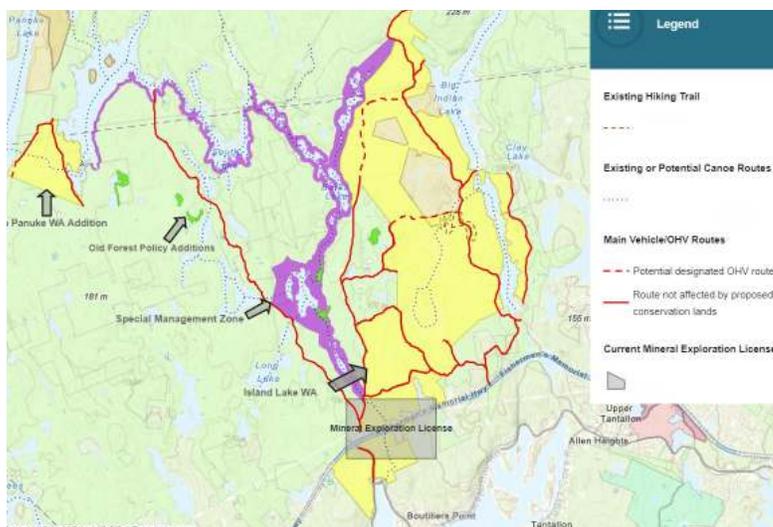


FIGURE 1. Ingram River protected area additions, fall 2021

There are several different kinds of conservation lands in the Nova Scotia protected areas system, each with varying degrees of protection and allowances for certain activities. So we understand why the proposal for the large and complex Ingram River area might have been confusing to some. The proposal for Ingram River included the the addition of lands to the existing South Panuke Wilderness Area, designation of the new Island Lake Wilderness Area, creation of a special management zone along the Ingram River waterway, and protection of additional lands under Nova Scotia's Old Forest Policy.

The proposed South Panuke Wilderness Area addition was part of a volume-based Crown forestry licence with WestFor Management Inc. Now protected, government intends to amend its licence with WestFor to remove these lands (and only these lands) from the licence. The northern side of the proposed wilderness area addition borders on a large block of Crown land that is part of the Mi'kmaw Forestry Initiative (MFI). This is a forestry pilot project that gives the Nova Scotia Mi'kmaq forest planning and management responsibility on designated Crown land parcels, through the guiding principles of Netukulimk, and it will be unaffected by the designation. The 888 ha Special Management Zone (SMZ) proposed for the valley corridor will also not allow for forestry activities. This area forms a thin buffer around watercourses, wetlands, and other sensitive habitats that are inappropriate for forestry operations anyway. The areas being added under the Old Forest Policy include 54 ha of old-growth and near old-growth forest. This hectareage is so small compared to the rest of the proposed conservation lands that it cannot reasonably be considered to negatively impact forestry interests. It will, however, significantly benefit the conservation of declining old forest species.

As for recreational access, all Nova Scotians have the legislative right to cross forested land for the purpose of fishing and hunting, especially Crown land. Wilderness Areas also allow for hunting, fishing, and even ATV use in designated areas. In fact, the Department of Environment and Climate Change has already indicated that it would be open to amending existing provincial trail management agreements with the All Terrain Vehicle Association of Nova Scotia (ATVANS) and Snowmobilers Association of Nova Scotia (SANS) to allow continued ATV and snowmobile use on essential connecting routes through the proposed Island Lake Wilderness Area, which is the larger of the two.



Hemlock and coral lichen at Ingram River, taken by volunteers of the Healthy Forest Coalition

All together, the protection of Ingram River is a very small step towards better conservation of an area that supports 18 Species At Risk, rare forest types, and that provides countless dollars in ecosystem good and services for all Nova Scotians. The only Nova Scotians who may not benefit from the new Ingram River protected areas, are those who want to clearcut it.

Nature Nova Scotia condemns the use of strategic misinformation in our political processes and industry policies. Seeing this technique emerge over and over again when protected areas, Species At Risk, and biodiversity issues are discussed, and being concerned that misinformation is playing an increasingly important role in environmental decision making in Nova Scotia, we have made it a priority to watch for statements like those made by WestFor Management Inc. about the Ingram River area, and to respond.

We encourage you to do the same. Other important areas are still awaiting designation. Learn more at www.novascotia.ca/parksandprotectedareas/plan/interactive-map. Call out misinformation when you see it. Contact your MLA and tell them you support the province's 20% by 2030 goal. Tell them you support science-based decision making and community consultation.

Nature depends on it.

PROGRESS FOR SPECIES AT RISK

In 2019, naturalists from Nature Nova Scotia, Blomidon Naturalists Society, and Halifax Field Naturalists launched a judicial review over the province's continued failure to protect several Species At Risk. In Spring 2020, Justice Christa Brothers ruled that years of inaction by the provincial government to adequately protect the Mainland Moose, Wood Turtle, Eastern Wood Pewee, Canada Warbler, Rams Head Lady Slipper, and Black Ash, and not appointing Recovery Teams or creating Recovery Plans for the species in question, should be considered a violation of the Endangered Species Act.

In the time since Brothers' ruling, we have been monitoring government's actions to get up to date on their legal responsibilities. The Department (now Natural Resources and Renewables) is required to establish a Recovery Team and create a Recovery Plan for every listed Species At Risk in Nova Scotia, within one year of listing for Endangered species and within two years for Threatened species, including the identification of Core Habitat. At the time this report was written (November 2021), all but the Black Ash and Eastern Wood Pewee had received new or adopted Recovery Plans, with varying results for Core Habitat.

Overall, this progress for 4 of the 6 species featured in the judicial review is an encouraging sign that many remaining Species At Risk may soon receive their legally required protections. However, we have concerns about how protection measures for these species may actually be implemented.





Listing on the registry, and the recovery planning process that accompanies it, is only one way of protecting Species At Risk, one that depends heavily on government compliance and public support. Identifying "Core Habitat" through the Recovery Plan process, for example, doesn't automatically offer listed species any extra protections, as the discretion to implement policies in this area lies with the overseeing minister. Protecting core habitat, for many species, relies much more on the implementation and enforcement of Special Management Practices, building a culture around stewardship, and incentivizing landowners and stewards of Crown lands to adopt best management practices.

Across Nova Scotia, Mi'kmaq groups, private landowners, and industry co-operatives are already implementing land management practices that benefit Species At Risk. On Crown land, though, change has been slow.

Mi'kmaw leaders, scientists, and forward-thinking citizens have been calling for Crown land forestry reform in Nova Scotia for decades. Just before this report was published, it was revealed that the provincial government would not immediately implement the Lahey Report through adoption in the new Environmental Goals and Climate Change Reduction Act, as recommended by many conservation leaders and respondents to the government's consultation portal. Calls to implement a temporary clearcut moratorium until the Lahey recommendations can be implemented have also gone unanswered. There are also limitations to Nova Scotia's Wetland Policy, which result in small forested or seasonal wetlands being overlooked for protections that may otherwise have benefited the forest as a whole. On Crown lands, conservation of many of Nova Scotia's most imperiled species depends on both improved policy and better adherence to best practice.



NATURE NOVA SCOTIA'S ASSESSMENT OF SAR PROGRESS TO DATE

We reviewed the new or adopted Recovery Plans for each Species At Risk featured in the Bancroft vs Lands and Forestry judicial review and assigned each a grade for conservation outlook - Poor, Fair, or Good - dependent on the knowledge available to inform scientific understanding, the feasibility of recovery given that knowledge, and the likelihood that recovery actions will actually be taken by the stakeholders identified in the plans.

SPECIES PROGRESS TO DATE OUTLOOK

Rams Head Lady Slipper

- Recovery Plan updated, 11 years overdue, in Fall 2020.
- Core habitat defined and dependent on the presence of known populations, which is suitable considering Lady Slipper ecology and how naturally rare and clumped populations of this species tend to be in the landscape. The Plan also states that this definition may be updated as more information becomes available.
- Protection of species going forward depends on forest stewardship, particularly on private lands: limits on mining leases, use of low-impact selective harvest practices, and monitoring of existing populations.

Good

YOU CAN HELP!

- Report sightings to the province or iNaturalist
- Join the call for ecological forestry on Crown lands
- Ask your MLA and councillor to protect local stands within their riding.

www.speciesatrisk.ca or www.inaturalist.org

See pg.18

www.westhants.ca/mayor-and-council-contacts



See our full review at:

www.naturens.ca/an-update-on-the-rams-head-lady-slipper-progress-for-species-at-risk-in-ns



Wood Turtle

- Federal Recovery Plan adopted, 6 years overdue, in Spring 2021.
- Core habitat depends on the presence of turtles, not on the presence of wetlands. Existing set back requirements, local monitoring, stewardship programs such as SARPAL, and existing special management practices may offer protections anyway.
- Protection of species going forward depends on continued stewardship effort by local groups, implementation of ecological forestry practices, and strengthened wetland policy.

Fair

YOU CAN HELP!

Join the Turtle Patrol  @ Nova Scotia Turtle Patrol  See pg.18

Join the call for ecological forestry on Crown lands

Watch for our next call to action, for strengthened wetland policy



See our full review at www.naturens.ca/an-update-on-the-wood-turtle-progress-for-species-at-risk-in-ns

Canada Warbler

- Federal Recovery Plan adopted , 7 years overdue, in Spring 2021.
- Core habitat not identified due to knowledge gaps in habitat use.
- Protection of species going forward depends on improved understanding of ecology, implementation of sustainable forestry, and strengthened wetland policy.

Poor

YOU CAN HELP!

Join the Nova Scotia Bird Society  @ Nova Scotia Bird Society or www.nsbirdsociety.ca  See pg.18

Join the call for ecological forestry on Crown lands

Watch for our next call to action, for strengthened wetland policy



See our full review at www.naturens.ca, coming out in 2022_____

- Updated Recovery Plan released, 9 years late, in Fall 2021.
- Outlines, for the first time ever, a population target assuming recovery of the species and 20 year goal for increasing numbers.
- Recognizes that there is insufficient suitable habitat available over the next 30 years to support the populations necessary to achieve recovery objectives and suggests that the current Special Management Practice, which guides Crown land forestry in moose habitat, be revised.
- Defines Core Habitat based upon current distribution of moose as well as conditions most likely to secure habitat and connectivity requirements, and suggests core habitat be designated immediately.
- Protection of species going forward depends on uptake of Plan actions, including Core Habitat designation and implementation of relevant policies, additional research, as well as implementation of ecological forestry and strengthened wetland policy.

**Mainland
Moose**

Poor

YOU CAN HELP!

Get A Lawn Sign!



Show your support for ecological forestry
www.naturens.ca/save-the-mainland-moose

Demand the Minister of Natural Resources and Renewables designate Core Habitat
Watch for our next call to action, for strengthened wetland policy

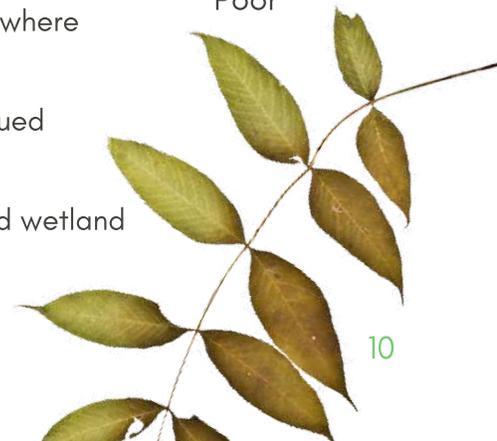


See our full review at www.naturens.ca/save-the-mainland-moose

- Overdue by 1 year for Recovery Plan review as of 2021. However, recent identification of Core Habitat may indicate a reviewed Plan is soon to be released.
- Recovery Plan amended with Core Habitat in October 2021. Core habitat includes only known occurrences and a varying buffer around each, leaving all other small forested wetlands, where Black Ash may occur, unprotected.
- Protection of species going forward depends on continued monitoring, empowerment of local Mi'kmaq stewards, implementation of ecological forestry, and strengthened wetland policy.

Black Ash

Poor



NO HOME FOR THE MAINLAND MOOSE

5 months after Brothers' decision, clearcutting began in an area of South West Nova Scotia, between Fourth Lake and the Napier River, where several sightings confirmed the presence of the endangered Mainland Moose. Seeing no action on the Lahey Report or any of the interim protection measures suggested by us or other scientific and conservation organizations, we launched a petition to halt Crown land harvests in the area, garnering over 38,000 signatures.

We never heard from government and harvests continue today in moose habitat.

HELP US SAVE THE MAINLAND MOOSE

Without meaningful action towards ecological forestry, an updated Recovery Plan for the Mainland Moose offers little protection. So, in 2022, we are asking Nova Scotians to make their voices heard. Demand government designate Core Habitat. Demand a moratorium on crown land harvest until the Lahey Report is actually implemented.

GET A LAWN SIGN!

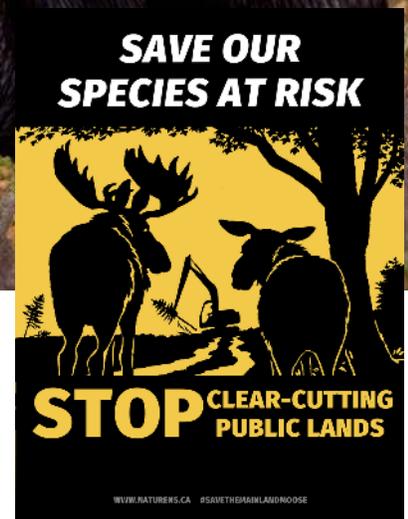
Order your sign and choose a pick up location via our website: www.naturens.ca/save-the-mainland-moose

Pick up locations in:

Annapolis Bridgewater Halifax Kentville Windsor Yarmouth and more



We have a few signs available for free, while supplies last!



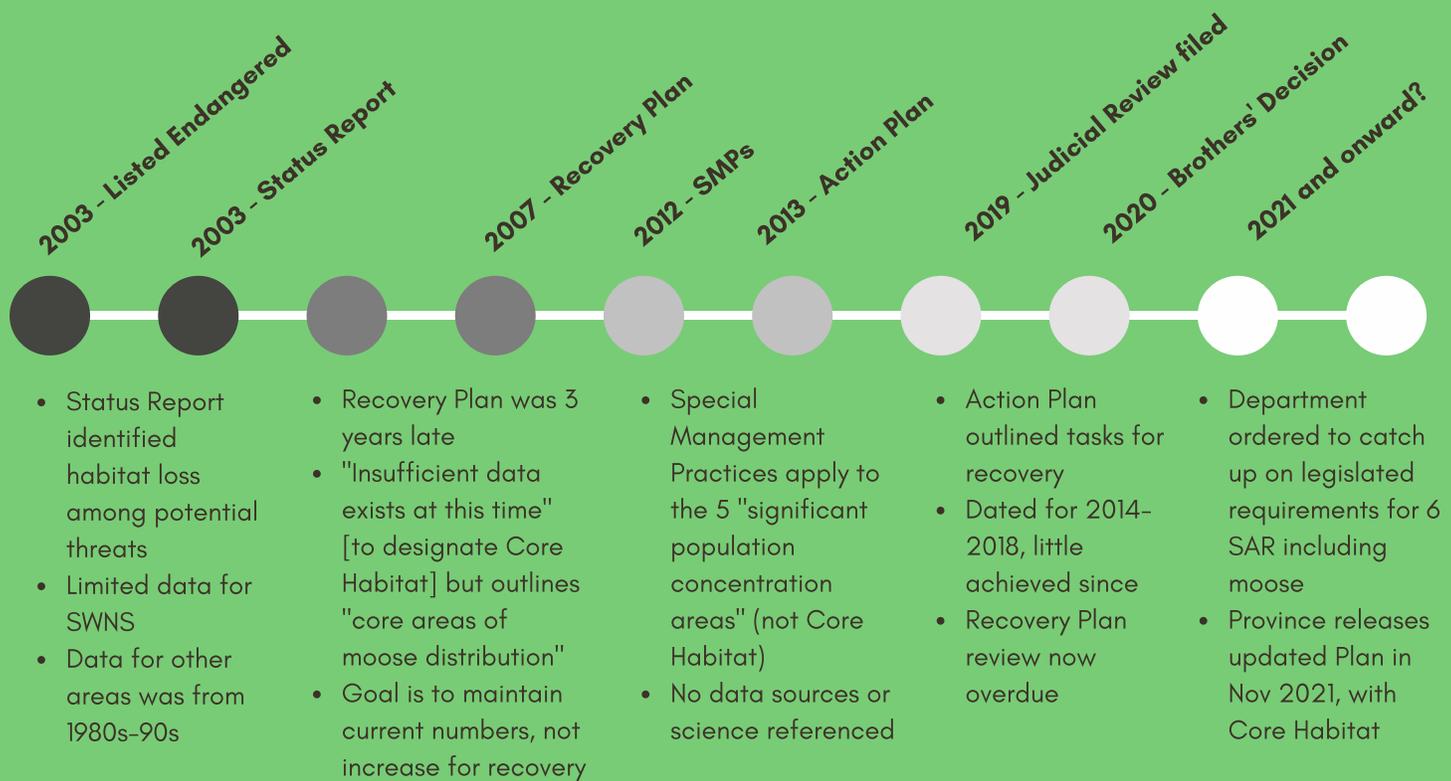


FIGURE 2. *A Mainland Moose Timeline*

ORDER A PACK OF HOLIDAY CARDS!

Order a pack of our 4 Moose Facts holiday cards and help us save the mainland moose. 10% of your donation helps us advocate for better policy, while 90% will be dedicated to moose research to help fill knowledge gaps preventing better conservation planning.

www.natures.ca/save-the-mainland-moose

DID YOU KNOW

The Mainland moose was declared an endangered species in 2003, but government never identified or designated core habitat, as required by the Endangered Species Act. This has allowed habitats with confirmed moose activity to be clear-cut and mined.

#SAVETHEMAINLANDMOOSE





NatureNS VP Donna Crossland standing in a clearcut
in South West Nova Scotia



MISINFORMATION AND THE BIODIVERSITY ACT

The Biodiversity Act for Nova Scotia was re-introduced at the legislature in early 2021, after a 2-year-long delay stemming from concerns that not enough public consultation had taken place during the first introduction, in 2019. The idea of an Act to protect biodiversity was first brought up by the Department of Lands and Forestry in 2018 and discussed with some nature conservation groups and representatives of the forestry industry at that time. Concerned the Department may not lead any public consultations, Ecology Action Centre and East Coast Environmental Law collaborated on a series of stakeholder engagement sessions over 2018 and 2019.

They released a report, in which they made several recommendations for what would make for good biodiversity legislation in Nova Scotia. The bill was then formally introduced in the Spring of 2019, but was pulled from the process because government thought that more work was needed. Lands and Forestry eventually held its own public consultations in the summer of 2019 and also met with EAC and ECE Law, who repeated their original recommendations. Some of these recommendations, and those of other stakeholders, were incorporated into a new draft of the bill and finally introduced, again, by Minister Chuck Porter as Bill 4: Biodiversity Act.

Nature Nova Scotia participated in the Law Amendments process for the bill and released a number of "explainer" series to help our supporters navigate the legal jargon.

Almost immediately, the new draft was attacked by forestry lobby groups and a mysterious new Facebook group called the "Coalition of Concerned Landowners", which seemed to be run by lobby staff.

Together, they spent what investigators later estimated to be hundreds of thousands of dollars on a strategic misinformation campaign that engaged private landowners (and some politicians) in false narratives focused on landowner rights and government overreach. They insisted that the new Act would allow Conservation Officers to access woodland properties at any time, that landowners wouldn't be allowed to build hunting cabins anymore, and that citizens would be arrested for stepping on grass...

In reality, the Biodiversity Act would have had less impact on private landowner rights than existing legislation. Management Zones were temporary, specific to the threat at hand (like a new invasion front), and voluntary. The power the Act gave to the Minister was less than that given under the Endangered Species Act, which does allow for the non-voluntary designation of Core Habitat. Considering that the ESA hasn't dampened landowner rights in its 20 year history, it seemed ridiculous to those of us who had read the draft Biodiversity Act that these could even be concerns.

In the end, misinformation won, and the Act was passed in a skeletal form compared to what it was. Private lands, and the option to opt into a Management Zone, were not included, limiting the ability of the Act to benefit average Nova Scotians, and it was no longer possible for the government to fine violators under the Act.





While we were happy to see the Biodiversity Act make it through the third reading, we were reluctant to celebrate. Bill 4 was significantly weakened before even making it to the Law Amendments process, the result of an expensive and successful misinformation campaign coordinated by an industry group with a vested interest in the mismanagement of Nova Scotia's public forests. The blatant lies that plagued the Biodiversity Act were only able to gain a foothold in the public's interest because of years of built up mistrust in government, exacerbated by the endorsement of politicians hoping to use the controversy for political benefit.

How did legislation so obviously beneficial for landowners (and all Nova Scotians) become so controversial?

Maybe, because transparency is an issue the Nova Scotia government has struggled with for years? It was, after all, environmental groups that pushed for public consultation back when the first bill was proposed two years ago, and it was environmental groups who came to the rescue to save the latest bill from industry myths. Maybe because misinformation has become so mainstream in our society, that newspapers and our elected officials no longer question the things they hear or are paid to advertise? Maybe because the public is unaware of how much tax revenue goes to lobby groups like the one that coordinated the Biodiversity Act misinformation campaign?

In any case, the death of the Biodiversity Act was certainly a learning opportunity for us at Nature Nova Scotia, and we will be watching closely for these tactics in the future.



DELAYS FOR FORESTRY REFORM

In November 2021, government passed the Environmental Goals and Climate Change Reduction Act with only two small amendments. This legislation built on the previous Environmental Goals and Sustainable Prosperity Act of 2007 and introduced a commitment to phasing out coal by 2030, an electric vehicle mandate, a commitment to protecting 20% of the province's land and water by 2030, and a focus on equity.

Several groups, including Nature Nova Scotia, participated in the consultation process for the Act and recommended that nature-based climate solutions be better incorporated into the goals drafted by government. This would include immediate implementation of ecological forestry as recommended by the Lahey Report.

After the bill passed with few amendments, government stated that implementation of the Lahey Report may still be 2 years off. We consider this delay inexcusable.

WRITE TO GOVERNMENT

Use our online mailer to send a message to the Premier and Minister Rushton, or call the Minister at 902-424-5935 and tell them that further delays on ecological forestry are unacceptable.

www.naturens.ca/ecological-forestry-now



FEDERAL ACTION ON FOREST CONSERVATION

In December 2020, the federal government launched the two billion tree planting program, identifying trees as an important part of Canada's efforts to achieve net-zero greenhouse gas emissions by 2050, as well as acknowledging its contribution to other key federal goals, such as improved air and water, support for biodiversity, and enhanced urban green space. We and other nature groups voiced concerns to our partners at Nature Canada that the program could be misused to supply stock to plantation-style forestry operations on Crown lands, which would not benefit climate change or biodiversity goals. Nature Canada is now advocating for the strategic and responsible distribution of the program so that it may deliver on its intended purpose; so that the right trees, are planted in the right places, for the right reason.

At the COP26 this year, Canada committed to end deforestation by 2030. Advocates suggest, though, that the non-binding commitment is unlikely to address the actual problem with forest loss in Canada, which is the clearcutting of old forests to be replaced with single-species plantations. The goal was lofty to begin with, as previous promises to halt deforestation, like the one made at the 2014 United Nations Climate Summit, were not delivered on. Importantly, this new commitment promises only to end "net deforestation," meaning that harvest and replacement with other forest types will still be allowed. It also will not protect old forests from mining, oil and gas, hydroelectricity, or other extractive industries. Learn more and take action at www.naturecanada.ca/missingtheforestreport.





Eelgrass research at Owls Head Provincial Park, photo
by Nicolas Winkler



OWLS HEAD PROVINCIAL PARK AND THE NEED FOR PUBLIC TRUST LAW

In March 2019, the Nova Scotia government secretly removed Owls Head Provincial Park from Our Parks and Protected Areas Plan in order to enter into a Letter of Offer with a private developer.

On April 1, 2021, biologist Bob Bancroft and local group Eastern Shore Forest Watch Association took the provincial government to court over the delisting. Nova Scotia Supreme Court Justice Christa Brothers recognized several important points in the case but ultimately ruled that there is “no recognized common law duty of procedural fairness owed by the Crown to the public at large.”

WE THINK THAT THIS SHOULD CHANGE.

Nature Nova Scotia is joining the fight to save Owls Head.



Bob and Eastern Shore Forest Watch Association are heading to the Nova Scotia Court of Appeal to fight for Owls Head Provincial Park and a new age of environmental law in Canada. The underlying question in this appeal is whether Nova Scotians ought to be informed before the government makes decisions affecting the fate of ecologically important public lands. We want to prevent other protected areas from becoming the next Owls Head.

An anonymous donor has generously offered Nature Nova Scotia \$5,000 in support of the Owls Head legal fund, asking that we match that amount through fundraising by January 1st. Each dollar our supporters contribute will unlock \$1 in matching funds, up to a total of \$5,000. You can help us get there by donating today. Donate online via our Canada Helps page or send a cheque, attention Nature Nova Scotia, to the Museum of Natural History.

OUR DEEPEST THANKS TO OUR SUPPORTERS THIS YEAR

We are grateful for the support of the Gosling Foundation, Nature Canada's Work to Grow program, and the many concerned nature lovers across the province who donated and volunteered on our projects this year. We couldn't do it without you.



www.naturesns.ca

