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Publisher's Note

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Walton

Blakes' Canadian Law of Endangered Species

Walton Blakes' Canadian Law of Endangered Species, Release 2019-4

This unique supplemented looseleaf service, canvasses in detail federal, provincial and territorial statutes and regulations governing the protection of species at risk of extinction in Canada. The Work begins with a discussion of the structure of endangered species law, with specific comments on the federal division of powers, and the common law principles applicable to regulatory law. The remaining chapters review the key federal laws, with particular emphasis on the *Species at Risk Act*, as well as the legislation of each province and territory regulating endangered species, including a detailed analysis of the provisions of each section and applicable case law. In addition, the Work cites U.S. cases which may be of assistance in interpreting the Canadian legislation and includes a detailed glossary, table of contents and analytical index.

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What's New in this Update:

This release features additions and updates to Chapter 4 (British Columbia) and Chapter 15 (Yukon). Additionally, Words & Phrases section has been updated in this release. .

Highlights

- **BRITISH COLUMBIA** — In October 2018, the BC Ministry of Environment and Climate Change Strategy released a report recommending the enactment of a provincial endangered species law. The report set out specific recommendations regarding what components should be included in what it referred to as the “British Columbia Species at Risk Protection and Recovery Act”. As yet, the legislature has not acted on the recommendations.
- **YUKON** — In May 2019, Yukon entered into the *Conservation Agreement for the Conservation of the Boreal Caribou*, between Canada (Minister of Environment) and the Yukon (Minister of Environment and Minister of Energy, Mines and Resources), the Gwich'in tribal Council, and the First Nation of Na-Cho Nyak Dun. The agreement articulates the actions the parties plan to take over five years to support the conservation of the species and to maintain its self-sustaining status over the long term, in line with the population and distribution objectives set out in the federal recovery strategy.
- **SAFETY NET — Federal** — Refers to provisions in *Species at Risk Act* (ss. 34, 61 and 80) which provides authority of the federal government to extend protections under the Act to non-federal lands and species in circumstances where the provincial/territorial protections are considered to be insufficient. “This provision was intended as a “safety net“ when a species at risk is facing an imminent threat to its survival and recovery and, in an emergency situation, there is no measure in place to counter this threat.”: *Groupe Maison Candiac inc. c. Canada (Procureur général)*, 2018 CarswellNat 3416, 2018 FC 643.