



# RIO + 11

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THE ELEVENTH ANNUAL RIO (REPORT ON INTERNATIONAL OBLIGATIONS)  
REPORT CARD, 2003

Grading the Government of Canada and the Provinces on their Environmental Commitments

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## FEDERAL RIO REPORT CARD GRADES

<b>SUBJECT</b>	<b>GRADE</b>
<b>Commitment to Increase Overseas Development Assistance to 0.7% of GDP</b>	<b>B-</b>
<b>Commitment to Reduce Greenhouse Gases</b>	<b>A</b>
<b>Federal Commitment to Biodiversity</b>	<b>B+</b>
<b>Commitment to Review and Reform Pesticide and Toxic Policies</b>	<b>C+</b>
<b>Commitment to Environmental Assessment</b>	<b>C</b>
<b>Agenda 21 Commitment to Make Trade and Environment Mutually Supportive</b>	<b>F</b>
<b>Commitment to the Conservation and Sustainable Use of Living Marine Resources</b>	<b>C</b>
<b>Forests</b>	<b>C+</b>

## PROVINCIAL RIO REPORT CARD GRADES

<b>PROVINCE / TERRITORY</b>	<b>SUBJECT</b>	<b>GRADE</b>
<b>Newfoundland and Labrador</b>	<b>Biodiversity</b>	<b>C+</b>
	<b>Climate Change</b>	<b>C+</b>
<b>Nova Scotia</b>	<b>Biodiversity</b>	<b>F</b>
	<b>Toxic Chemicals / Pollution</b>	<b>F</b>
	<b>Climate Change</b>	<b>C</b>
<b>Prince Edward Island</b>	<b>Biodiversity</b>	<b>C-</b>
	<b>Climate Change</b>	<b>B+</b>
<b>New Brunswick</b>	<b>Biodiversity</b>	<b>C+</b>
	<b>Climate Change</b>	<b>B</b>
<b>Quebec</b>	<b>Biodiversity</b>	<b>B</b>
	<b>Climate Change</b>	<b>A-</b>
<b>Ontario</b>	<b>Biodiversity</b>	<b>D-</b>
	<b>Climate Change</b>	<b>F</b>
<b>Manitoba</b>	<b>Biodiversity</b>	<b>D-</b>
	<b>Climate Change</b>	<b>B+</b>
<b>Saskatchewan</b>	<b>Biodiversity</b>	<b>D-</b>
	<b>Climate Change</b>	<b>C</b>
<b>Alberta</b>	<b>Biodiversity</b>	<b>F</b>
	<b>Climate Change</b>	<b>F</b>
<b>British Columbia</b>	<b>Biodiversity</b>	<b>F</b>
	<b>Climate Change</b>	<b>F</b>
<b>Northwest Territories</b>	<b>Biodiversity</b>	<b>B-</b>
	<b>Climate Change</b>	<b>C</b>
<b>Yukon</b>	<b>Biodiversity</b>	<b>D-</b>
	<b>Climate Change</b>	<b>B-</b>
<b>Nunavut</b>	<b>Biodiversity</b>	<b>D-</b>
	<b>Climate Change</b>	<b>C-</b>

## INTRODUCTION

Sierra Club of Canada has been researching, writing and producing the Rio Report Card every year since 1993, marking the first anniversary of the Earth Summit in Rio de Janeiro, and every anniversary since. In this, our eleventh year, we are altering our approach and updating the concept. What was recent news when we began, the Earth Summit has slipped into history. New promises have been made, and yet the Earth Summit commitments remain as unfulfilled as they are important.

Nevertheless, eleven years after the Earth Summit, our Report Card from “G.H. Brundtland High School” began to feel dated. In 2003, Dr. Gro Harlem Brundtland is better known for SARS and her role as head of the World Health Organization, than as the Norwegian Prime Minister who spearheaded the work of the World Commission on Environment and Development, which led to the Earth Summit.

To broaden the scope of measurable government promises, this report card is now continuing the name RIO, as an acronym and not a city. R.I.O. now stands for “Report on International Obligations.” We will continue to measure progress on environment and development commitments, whether reached in Rio, Kyoto, Johannesburg or Stockholm.

Canada has numerous international commitments respecting the environment and one of the challenges to the new R.I.O. is selecting which to report on. Canada's international promises and agreements stretch across subject areas and across regions of the world. Many of these commitments are embodied in multilateral environmental agreements (MEAs) - and there are over 200 MEAs worldwide. The RIO Report Card grading team at the Sierra Club of Canada has chosen from among these many commitments those that most logically chart the road ahead as it leads from the ground already covered in the 10 years since the Earth Summit.

We hope that this sleight of hand will keep the RIO Report Card current. It is important to maintain a well-researched national review of progress, and lack thereof, in promises to sustainable development.

# REPORT ON THE FEDERAL GOVERNMENT OF CANADA

JUNE 2002 - JUNE 2003

## 1. Commitment to Increase Overseas Development Assistance to 0.7% of GDP

### 2003 Grade: B-

2002 Grade: C+  
2001 Grade: D  
2000 Grade: D+  
1999 Grade: D  
1998 Grade: D  
1997 Grade: F  
1996 Grade: F  
1995 Grade: F  
1994 Grade: B  
1993 Grade: F

In 1992 at the Rio Earth Summit, Canada committed to increasing development assistance (aid) to 0.7% of our GDP. This commitment represented a recycling of the same promise made by Prime Minister Lester B. Pearson. At the time, Canadian ODA stood at 0.45% of GDP. In the “programme review”, deficit cutting era of the Chrétien Liberals, ODA dropped to less than 0.25% of GDP.

In March 2002, at the U.N. sponsored summit on “Financing for Development” in Monteray, Mexico, Prime Minister Jean Chrétien committed to reversing this slide, with an 8% per year increase in ODA. By 2009, this commitment will lead to ODA representing 0.36% of GDP. While still far below the Pearson commitment, at least the trend lines are in the right direction.

This year, the federal government has been holding the course in meeting its commitment to increase overseas development assistance (ODA). The February budget included improved funding for Canada’s international development assistance program. The goal is to double assistance by 2010, with at least half the planned increase going to Canada’s support of the New Partnership for Africa’s development and the G8 Action Plan for Africa.

Canadian aid increased by approximately 10.6% between 2001 and 2002 (most of which is accounted for by already committed bilateral debt cancellation). Canadian performance remains relatively constant at 0.25% of GNI in 2001 and 0.26% of GNI in 2002. In comparison with the other 22 nations tracked by the OECD as donor nations, Canada’s adjusted ranking in 2001 was 15<sup>th</sup>, which improves to 13<sup>th</sup> in 2002. The coalition representing non-governmental development organizations, the Canadian Council for International Cooperation (CCIC), calculates Canadian aid performance based on CIDA’s fiscal year financial reports. CCIC’s estimate of Canadian aid performance for 2002/03 and 2003/04 remains at 0.27% of GNI.

A number of CIDA policies have met with the approval of the development community in the last year. In particular, CIDA’s programming will address the central role and inequalities facing women in agriculture. The policy identifies five major program priorities and sets specific

financial targets for CIDA's investments in agriculture, rising from an estimated \$95 million in 2002/03 to \$150 million and \$225 million in 2003/04 and 2004/05 respectively, aiming for a target of \$500 million by 2007/08.

Canada's Minister for International Cooperation, Susan Whelan, outlined CIDA's new policy commitments on Tuesday September 24 in Ottawa. The Minister said that CIDA: (1) aims to develop "enhanced partnerships" with a select number of low income countries committed to reform and effective governance; (2) would place a new emphasis on agriculture given the importance of the sector for the world's poor; (3) commit at least half Canada's increased aid contribution (which is set to double by 2010) to initiatives in Africa; and (4) strive to ensure consistency in Canada's domestic policies (as between policies related to aid, trade, investment, agriculture and environment) as a strategy to build a more effective relationship between Canada and the developing world and to look to developing countries to take the lead in setting development priorities. These priorities are encouraging as Canada seeks to be strategic and effective in its ODA.

Despite acknowledged progress, CIDA's mandate remains contaminated. Rather than being able to focus on poverty alleviation, CIDA is under pressure to deliver contracts and wealth to Canadian companies. CIDA Inc is a programme operating without adequate over-sight. It exists to fund Canadians to do projects in the developing world. The growing scandal of the Fortis dam in Belize is a case in point. Nearly a half million Canadian dollars flowed from CIDA to Fortis, a large energy company based in Newfoundland, with a monopoly ownership of Belize's energy utility. This month, with the assistance of Fortis lawyers, the Belizean government has introduced legislation to supplant all democratic process in Belize, including its courts, to guarantee construction of the Chalillo dam, regardless of its environmental impacts or the outcome of an appeal currently headed for the Privy Council. This anti-democratic move is consistent with a project which is unjustifiable. It is galling for environmentalists in Belize and Canada to realize that our development assistance agency has been a supporter of a project that threatens critical habitat of the Scarlet Macaw and tapir.

## **2. Commitment to Reduce Greenhouse Gases**

### **2003 Grade: A (for ratification) incomplete (for implementation)**

2002 Grade: B  
2001 Grade: D  
2000 Grade: C  
1999 Grade: incomplete  
1998 Grade: incomplete  
1997 Grade: F  
1996 Grade: D-  
1995 Grade: D+  
1994 Grade: C+  
1993 Grade: A (for ratification) D (for implementation)

For the first year since 1993, the federal government has earned an "A" on the RIO Report Card. That first "A" was to former Prime Minister Brian Mulroney for ratifying the Framework Convention on Climate Change (FCCC). This "A" is to Prime Minister Jean Chrétien for ratifying the first agreement based on the FCCC to include deadlines and targets, the Kyoto

Protocol. In an added piece of good news, the last reported year, 2001, demonstrated that for the first time Canadian greenhouse gas emissions have declined (by 2.3%).

Like the follow-up grade in 1993, the performance post-ratification is not as unqualifiedly deserving of accolades. The budgetary commitment, \$2 billion for Kyoto over the next five years, is a more positive first step than anything in 1993. The money pledged for Kyoto in the 2003 budget is notable for two things: there is a lot of it, and there is no commitment to where the money will be spent. Internal wrangling within the government meant that key ministers and departments disagreed about priorities for Kyoto spending.

The \$2 billion committed is to be spent over five years. Only \$250 million is set aside for something specific – Sustainable Development Technology Canada. This is an arms length government created foundation, (started with \$100 million in 2001). It can only be spent on technologies so new they are not yet commercialized.

When spread out over five years, the other \$1.7 billion is not as impressive an amount. It should be seen, like Kyoto itself, as a down-payment on future commitments. The budget provides only the following as detail: “to support climate change science, environmental technology and cost-effective climate change measures and partnerships in areas such as renewable energy, energy efficiency, sustainable transportation and new alternative fuels.”

In aid of alternative fuels, the government has eliminated the excise tax on bio-diesel, a step it has already taken on the ethanol or methanol portion of blended gasoline. This excise tax exemption is still far less than the rebate support such fuels receive in the U.S.

The budget also extends the improvements on capital cost allowances (leveling the famous playing field with fossil fuels) to certain stationary fuel cell systems, equipment acquired for electricity production using bio-oil and some greenhouse operating equipment, such as ground source heat pumps. This accelerated tax depreciation is known as Class 43.1. Eligibility for Class 43.1 tax treatment had previously been extended to some other renewable and alternative energy options.

Speaking from both sides of the budgetary mouth, the government has created a new subsidy for company cars and trucks. Justified as a measure to help small business, the government is spending \$40 million over the next two years on reducing tax charges for employer provided vehicles. Despite years' worth of research, consensus and pressure for tax exempt employer provided bus passes, this measure was, once again, ignored.

Hugely disappointing in the budget is the lack of funds for municipal infrastructure. Mayors across Canada had been hoped there might be as much as \$1 billion/year for initiatives to improve infrastructure. High on the list for climate and clean air advocates is investment in mass transit. Instead, municipal infrastructure received \$1 billion over ten years! Unhappy mayors were told to look to the \$1.7 billion Kyoto funds to fund infrastructure too.

RIO Report Card will monitor whether government spends these Kyoto dollars wisely, or squanders them on internal wrangling and bad projects; thus losing precious years when we need to be reducing emissions. Early signs indicate that the Ad Hoc Cabinet Committee chaired by agriculture minister Lyle Vanclief is trying to spread funds around, avoiding throwing too much cash at boon-doggles. (A partial list of dumb ideas includes any money for nuclear, subsidizing ethanol based on growing corn as fuel as opposed to sensible ethanol based on non-edible parts of

the corn, or wood waste and other bio-waste, research projects for things we already know how to do, etc)

To ensure strong performance in this area next year, and to meet our Kyoto targets, we hope to see regulated improvements in vehicle fuel economy (CAFÉ standards), improved efficiency in appliances, ambitiously targeted retrofits in residential and commercial buildings, and a fair burden on industry for reducing emissions.

### **3. Federal Commitment to Biodiversity**

#### **2003 Grade: B+**

2002 Grade: D+

2001 Grade: D

2000 Grade: F

1999 Grade: D-

1998 Grade: F

1997 Grade: D-

1996 Grade: D

1995 Grade: C

1994 Grade: D

1993 Grade: A (for ratification)  
C (for implementation)

Since 1993, and our first RIO Report Card, the federal government has been graded toward progress in upholding the U.N. Convention for the Protection of Biodiversity. Two indicators in protecting biodiversity have been used: progress in completing the national park system, and work to protect species at risk in Canada. In 2003, for the first time in many years, substantial progress was made in both areas.

#### **Species at Risk**

The Species at Risk Act (SARA) passed the House and the Senate. It was proclaimed on World Environment Day, June 5, 2003. The bill has hit the ground limping.

The disappointments were many. The bill is still quite weak. Despite the last minute improvements won by a stalwart group of back-bencher Liberals (see 2002 Report card), SARA still applies to very few terrestrial species. The protections under the law apply automatically only to species found on federal land. While the so-called “safety net” is relied on by government to protect the majority of terrestrial species, it is politically and constitutionally problematic. SARA does have universal application in federal waters, and as such could provide much needed protection to the vanishing species of our oceans and freshwater systems.

Unfortunately, when SARA was proclaimed, key provisions were delayed. The prohibition against killing a species at risk on federal lands or in federal waters, will not take effect for one year. *This means that as of this writing, there is nothing in this act to prohibit the killing of a species at risk, even if it is on federal land – at least until 2004.*

The scheduling of species listed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) on Schedule 2 been extended from 30 days to three years. A key reason for this delay is to ensure that Aboriginal traditional knowledge can be collected and incorporated into the status reports of some of the Schedule 2 species. While the management of some species such as the Peary caribou, and bowhead and beluga whales would clearly benefit from such knowledge, the benefit is less obvious for other Schedule 2 species such as the Lake Erie watersnake, the copper redhorse (a small fish), and the prairie loggerhead shrike.

The delay in listing Schedule 2 species is an unnecessary obstacle on the path to recovery for these and many of the other species on Schedule 2 that have not yet been reassessed. If the listing process is delayed, so too are recovery efforts. That the first stages of implementation of SARA have seen such back-tracking and delays does not create confidence. Most of the law to protect species relies on discretion. If discretion is applied to avoid implementation at this early stage, what hope is there for future tougher exercises of discretion to come down on the side of species? If not for this limping start of the bill, the federal biodiversity grade would have been an A.

Funding to implement the Species at Risk Act is also lower than anticipated. On top of \$45 million allocated annually in 2000, the budget provides another \$33 million over two years for implementation of the Act.

One reason advanced for delaying the implementation of the Act is that the responsible departments, including Canadian Wildlife Service, Department of Fisheries and Oceans and Parks Canada, were not ready and are under-funded. After a ten year effort to pass legislation to protect species at risk, it is disturbing that the department was not yet ready. Ensuring adequate funding for enforcement, as well as for proper research and on-going assessment of species by COSEWIC, will be a key on going indicator of the commitment to protect species at risk.

### **Protected Areas**

At the World Summit on Sustainable Development in Johannesburg, Prime Minister Chrétien made the dramatic announcement of ten new National Parks, five new marine conservation areas, expand three existing parks, and funding to meet the recommendations of the Gerin Report on Ecological Integrity for the National Parks. The increased park areas result in an almost 50% increase in the land base protected in parks in Canada. The new parks include some, such as Wager Bay, that have been on the drawing board for years. Only lack of funds and political will kept them from coming to reality. It also included parks to be established in some eco-regions to fill gaps in the Parks System. The areas where gaps have been identified and commitments to new parks within them include northern interior B.C. and Yukon, Interior Dry Plateau of BC, and east of Georgian Bay.

The proposed new national parks include Ukkusiksalik, Nunavut; Gulf Islands, B.C. (announced); Manitoba Lowlands, East Arm of Great Slave Lake, NWT; Torngat Mountains and Mealy Mountains, Labrador; and Northern Bathurst Island in Nunavut. The expansion of three existing national parks (Nahanni National Park Reserve and Tuktut Nogait, both in the Northwest Territories) is an important boost to biodiversity. So too is the federal government action in granting interim protection for 7 million hectares of land owned by the people of the Deh Cho in the Deh Cho Region of the NWT for conservation purposes.

The Marine Conservation Area system is particularly weak. The commitment to five additional MCAs is a huge shot in the arm to the system.

Initially, conservation groups were disappointed that the budget only committed \$74 million over the next two years. Within weeks, the announced commitment was boosted with a further \$144 million over five years, as well as \$54 million in on-going funding to support the ecological integrity of the parks system. Actions within National Parks, such as the spraying of spruce budworm in Prince Albert National Park, and Parks Canada's commitment to build a winter road through Wood Buffalo National Park, demonstrate clearly that ecological integrity is not being adequately protected even within existing parks.

The total new funding comes to \$218 million over five years. If any part of the commitment remains underfunded, it is the commitment to ensuring the ecological integrity of existing parks.

Two other federal government departments have responsibility for protected areas, Environment Canada through National Wildlife Areas and Department of Fisheries and Oceans. (see the grade for Conservation of Living Marine Resources for a review of DFO activities.)

The National Wildlife Areas have been virtually entirely neglected. The Canadian Wildlife Service manages 50 national wildlife areas (NWA) and 94 migratory bird sanctuaries (MBS), for a total of nearly half the area of the National Parks system. Yet, these 144 areas operate on a budget totalling \$1.9 million, or approximately 1% of the Parks budget. The only bright spot for NWAs this year was the establishment of a new NWA on the Sheffield Military Reserve in Alberta.

Another important step for biodiversity slipped in as the House approached summer recess. On June 13<sup>th</sup>, Environment Minister David Anderson obtained the unanimous consent of the House, allowing three readings in a single day to allow Canada's long over-due ratification of the global treaty to protect Antarctica.

#### **4. Commitment to Review and Reform Pesticide and Toxic Policies**

**2003 Grade: C+**

2002 Grade: C

2001 Grade: F

2000 Grade: D-

1999 Grade: D

1998 Grade: F

1997 Grade: F

1996 Grade: C-

1995 Grade: D

1994 Grade: C

1993 Grade: F

The Pest Control Products Act has, at long last, been amended and the new revised Pest Control Products Act received Royal Assent on December 12, 2002. Key to the potential improvement in the Act are the regulations which allow for significant improvements in Canadian pesticide policies. The Pest Management Regulatory Agency has taken positive steps towards the creation of Worker's Hazardous Materials Data Sheets to inform workers of the health risks of pesticides, Sales Reporting Regulations to know the extent of pesticide use, and mandatory Adverse Effects reporting from pesticide registrants. Although these proposed steps are moving in the right

direction they are far from perfect and have yet to be enacted. Despite the new amended PCPA, we have yet to see any significant pesticide policy reform.

Some of the major issues surrounding reforming pesticide policies have not been explored or met. Worker's Hazardous Materials Data sheets will only inform workers of active ingredients, leaving them unaware of all health risks associated with sometimes more toxic inert ingredients. Equally imperfect is the proposed Adverse Effects Reporting. Adverse Effects Reporting will require registrants to report any prescribed information that relates to a health or environmental risks of a pesticide. Although this is a positive step, in absence of adverse effects reporting by the medical community and in absence of an environmental monitoring program to monitor populations particularly species at risk, the step forward is an extremely small one.

Pesticide Re-evaluations have not been an area where the PMRA have funneled an adequate amount of funds. The United States EPA spends at least 25% more of their budget on pesticide re-evaluations than the PMRA. The re-evaluation of the organophosphate insecticide chlorpyrifos illustrates the continued lack of environmental concerns with regards to pesticide policy. The reevaluation issued March 18, 2003 expressed extremely high risk quotient values of acute toxicity for aquatic invertebrates, freshwater fish and small birds to name a few. In spite of clearly high levels of hazard to many non-target organisms registration has been continued for a wide range of crops.

The Agricultural Policy Framework, released June 20, 2002, has allocated a total of \$5.2 billion intended to guide Canada's agricultural industry for the 21<sup>st</sup> century. The Agricultural Policy Framework will spend \$264.5 million encouraging the use of new pesticides rather than exploring sustainable alternatives to help reduce farmers' reliance on chemical inputs. While much of this policy framework is progressive, no money is allocated to assist organic farmers or aid in the transition to organic farming. This policy both ignores the growing public demand, internationally and domestically, for a reduction in pesticides and organic food products and supports the chemical industry rather than farmers.

The Cartagena Protocol on Biosafety is aimed at protecting biodiversity from any risks due to living genetically modified organisms. The Cartagena Protocol hopes to achieve these aims by using the precautionary approach outlined in Principle 15 of the Rio Declaration on Environment and Development. Using an advance informed agreement (AIA), the protocol will foresee that countries are provided with the necessary information to make an informed decision over the import of genetically modified organisms. Finally the protocol will establish a clearinghouse of information and experiences from around the globe regarding living modified organisms. The Cartagena Protocol on Biosafety has been ratified by 50 states plus the EU, however, Canada has still not ratified this important agreement despite signing on April 19<sup>th</sup> of 2001.

Persistent Organic Pollutants (POPs) have not been nationally addressed at all in the past 12 months. Canada has been trying to encourage other countries to ratify the Stockholm Convention on POPs, they have in previous years committed to \$20 million to the implementation and ratification of developing countries. Despite being the first country to ratify the Stockholm convention, we have not developed our own national implementation plan.

In conclusion, Canada receives positive marks for committing funds to aid the implementation and ratification of the Stockholm convention, however they lose marks for not taking steps towards implementing the Stockholm convention at home. Similarly, without a domestic policy framework, the revised Pest Control Products Act has yet to allow for significant improvements in pesticide policies. The Pest Management Regulatory Agency has yet to re-register outdated products, provide fast-track approval of less toxic pesticides, deal with endocrine disrupting chemicals, provide full right to know provisions to the public or other federal departments and

has yet to focusing on protecting the health children. The revised Pest Control Products Act, like the Agricultural Policy Framework, has yet to live up to its potential. Although the Agricultural Policy Framework allocates a substantial amount of money, by giving none to organics, it is a disincentive for farmers to make the transition to more sustainable Integrated Pest Management or organic agriculture. Finally, as one of the three major producers of genetically modified crops, Canada should ratify the Cartagena Protocol on Biosafety.

## 5. Commitment to Environmental Assessment

### 2003 Grade: C

2002 Grade: D-

2001 Grade: C-

2000 Grade: F

1999 Grade: F

1998 Grade: F

1997 Grade: F

1996 Grade: D

1995 Grade: B-

1994 Grade: C

1993 Grade: F

Bill C-9, a bill to reform the Canadian Environmental Assessment Act received Royal Assent in June and awaits proclamation. A strong multisectoral process had led to a series of recommendations with both environmental and industry group support. The revised Act fell short of these recommendations. As well, the Standing Committee on Environment and Sustainable Development conducted a broader review of the environmental assessment (EA) process. It also recommended more sweeping changes.

Nevertheless, even the relatively narrow review that led to C-9 has resulted in some improvements. Key improvements in the new Act are the inclusion of Crown Corporations into coverage under the environmental assessment regime, the creation of a Federal Coordinator empowered to set timelines and manage the process, measures to improve public participation in the EA process, publication of scope determination (i.e., the public will know why the EA has been “scoped” for certain issues only, and will know what aspects of the project will be subject to review), and a guarantee of future review of the Act.

Environmental and legal groups were disappointed the bill did not meet the challenge of strategic environmental assessments, those that under a Cabinet directive, are supposed to apply to governmental policy. The Act is still designed to only deal with physical projects.

A larger concern is the application of CEAA by departments throughout the government of Canada. **The environmental assessment process is increasingly treated to a predictable formula through which nearly any project can pass unscathed.** Consultants do well in cranking out the paperwork without imagining it could possibly result in anything meaningful.

The key is to provide pages of data in “B-L-T” format (bullets, lists, and tables). Meaningful analysis is skipped, and the report moves right to a summary conclusion that there may be environmental damage, but that it will be mitigated through subsequent monitoring and

mitigation. No one is really in charge of ensuring such monitoring and mitigation occurs. Departments generally lack the resources to watchdog projects.

One case, in which Sierra Club of Canada successfully challenged a permit from the Minister of Fisheries for an intensive aquaculture project, (mussel aquaculture in St. Anns Bay, Cape Breton), provided an interesting window into the rigour of review once a permit has been issued. The second screening required by the Federal Court placed on the public registry evidence of the proponent's treatment of conditions. Requirements under several acts and terms of the license had been ignored by the proponent, Bounty Bay Shellfish of Prince Edward Island. The regulators were at a loss as to how to react to the proponent violating conditions, considered forcing the proponent to take structures out of the water, and in the event, did nothing. The earlier conditions were ignored with impunity. So much for "adaptive management."

The system is broken in a fundamental way. Promises of "adaptive management" are simply empty public relations. No one is legally liable if projections of minor damage turn out to underestimate the impact.

A current environmental assessment screening provides a good example of what is at stake. The environmental review of a massive housing development in a significant wetland, with old growth forest, near Ottawa is being assessed for its storm sewer only. It will place 5,000 homes in one of southern Ontario's last Class 1 wetlands. It will lead to a significant loss of biodiversity and a massive release of carbon. Yet these issues are not touched in the Screening Report on Leitrim Wetlands. As in the standard B-L-T approach, much is listed, but nothing assessed. In fact, the report notes that NRCan had wanted more studies done, but that the City of Ottawa proposed it would monitor the damage as it goes along. DFO has accepted that as the basis of a screening report recommendation that the project can proceed.

Where will the watchdogs be to stop construction once the wetland is impacted? Who will be able to save the wetland once the houses are already built? Deciding to accept development first and monitor for damage afterwards is turning the precepts of environmental assessment on their head.

## **6. Agenda 21 Commitment to Make Trade and Environment Mutually Supportive**

### **2003 Grade: F**

2002 Grade: F

2001 Grade: D-

2000 Grade: D

1999 Grade: F

1998 Grade: F

1997 Grade: F

1996 Grade: F

1995 Grade: F

1994 Grade: F

1993 Grade: F

In no other category of review have we been left so wanting of a grade lower than a 'F' than in this one. Most of the principles of Agenda 21, including sustainable development and the

precautionary principle, have been left in the dust of the government as it gallops toward further trade liberalization in a multitude of fora.

Canada's international trade policy continues to fail to build from a solid understanding of the state of our natural capital. In our trade policy, we continue to be a debtor nation - drawing greater and greater resources from our natural accounts merely hoping that resources (and therefore jobs) will be available for future generations. To this extent, Canada's trade policy desperately needs new tools of measurement in respect of environmental impacts of trade liberalization.

In 1999, Cabinet passed the *Directive on the Environmental Assessment of Policy, Plan and Program Proposals*. This was followed in 2001 by the *Framework for Conducting Environmental Assessments of Trade Negotiations* and a handbook in 2002. The promise of strategic environmental assessment (SEA) of trade agreements is great, but the performance to date has been marginal.

These negotiations together touch upon virtually every aspect of Canadian trade including agriculture, chemicals, fishing, forest products, tourism, transportation, manufacturing, etc. However, the SEAs for the Free Trade Agreement of the Americas (FTAA) and the World Trade Organization (WTO), despite covering a myriad of different trade issues and geographies, conclude with the exact same sentence:

“[Any] effects that the [FTAA/WTO] negotiations may have on the Canadian environment are likely to be minimal due to one or a combination of the following reasons: (1) further trade liberalization affects only a small proportion of Canada's trade (the bulk already being subject to North American Free Trade Agreement (NAFTA) and other regional free trade agreements; (2) federal and provincial environmental legislation that can mitigate negative effects is, or will soon be, in place; (3) some negotiations that seek to...[will/may] not directly translate into increased production of trade.”

This past year witnessed a number of trade disputes that carry the hallmarks of Canada's environmental debt. Beef, wheat, softwood lumber, aircraft, agriculture, Genetically Modified Organisms (GMO) and dumping. This past year's highlights of trade disputes brought the Canadian government face-to-face with Canadians' concerns to protect local economies, laws, jobs and natural capital. Most glaring among these is the softwood lumber dispute - a case where economic subsidies and environmental mismanagement has led to a crisis for those people relying on this resource for their livelihood. The government has been in "crisis management" mode; focus has been on trade arbitrals and economic bailouts. In the future, Canada will need to navigate out of this quagmire using the tools of sustainable development.

Another dispute - this one over Canada's ability to meet its commitments under the *Basel Convention* - witnessed a NAFTA Tribunal award against Canada to the tune of \$6.05 million plus interest in October of 2002. Sierra Club of Canada and other Canadian NGOs applied to have intervener status in this case considering the serious legal, environmental and health consequences of the decision - our application was dismissed and costs awarded in favour of the investor.

Owing to these experiences and others, the government's position has chilled on Chapter 11. However, the Canadian position on this issue, including the future of Chapter 11 in NAFTA, needs to be stated clearly. On one hand - the government has taken the position that the FTAA should contain no Chapter 11 equivalent; on the other hand - the initial SEA of the FTAA makes

no concession that a Chapter 11 equivalent would be an intolerable position to Canada based on legal and environmental concerns.

The future of Canadian environmental laws based on international commitments is also uncertain in the context of WTO negotiations. Canada continues to advance an intolerable position respecting the relationship between international environmental agreements and the WTO. Canada's position would essentially invite re-negotiation of these hard-fought environmental commitments at the WTO.

Generally, progress at the WTO on the Doha Development Agenda (DDA) has been characterized by division and missed deadlines. To date, all major negotiating deadlines at the WTO have been missed and resolution at the upcoming Ministerial in Cancun seems unlikely. Canadian positions on an array of important issues have been criticized by domestic and foreign civil society alike; including our positions on access to medicines and agriculture.

The government has been moving forward on a "new culture of transparency", both at DFAIT and in trade fora. However, these efforts have been viewed skeptically by civil society; transparency of information and participation in decision making are important variables in an equation with the outcome of government accountability. While the release of information is a positive step, the government can not claim greater democratization of the process until they become accountable for the decisions that are made.

The accelerating pace of global trade liberalization will be evidenced in the next year by major Ministerial meetings of the WTO and FTAA and mass mobilizations associated with each. Public outcry against trade agreements will inevitably continue to focus on the unforgivable disassociation between scope and scale of human activities and global environmental devastation.

## **7. Commitment to the Conservation and Sustainable Use of Living Marine Resources**

### **2003 Grade: C**

2002 Grade: D-  
2001 Grade: F  
2000 Grade: D  
1999 Grade: C  
1998 Grade: C-  
1997 Grade: F  
1996 Grade: F  
1995 Grade: C  
1994 Grade: F  
1993 Grade: B-

In July, 2002, the government released the Oceans Strategy, having passed the Oceans Act. Unfortunately, there was nothing in the budget for Department of Fisheries and Oceans to implement this ecologically focused strategy and its related legislation.

The need for it is urgent, as lacking ecosystem based coastal management resource conflicts along our coasts are proliferating. Oil and gas development in Atlantic Canada is threatening key

productive fisheries and endangered species of whales. On the Pacific coast, the threat of oil and gas development is also looming. A consistent, ecosystem-based coastal management framework is essential. That is something that can only come from the Oceans Strategy, not from management by regulators who favour petroleum over living oceans.

From the perspective of sustainable fisheries, federal government efforts to conserve marine biodiversity warrants mixed reviews. Full marks for sensible decisions in Atlantic Canada in closing the cod fishery off Newfoundland. (see discussion under Newfoundland grade.) Even more rigorous conservation measures are necessary. Osborne Burke and the fishermen of the North Shore of Cape Breton Island actually went to court to get the DFO decision to allow fishing for cod in Sydney Bight reversed. The fishermen of the area simply do not want to take the chance that DFO is prepared to take with fragile cod stocks in this critical area. Hats off to fishermen who put the ecosystem ahead of their own short-term interests. Sadly for the cod, the courts rejected the challenge and DFO quota for cod in Sydney Bight still stand.

The news on the Pacific Coast is also mixed. 2003 saw once again a large abundance of Strait of Georgia herring – a testimony to the success of management restraints implemented in preceding years. Strait of Georgia herring appear to have matured to the point that they meet the optimum conditions that conservationists require of fisheries. Questions about local stock depletions remain unresolved, especially in some other areas of the Strait West Coast of Vancouver Island, the Central Coast and Haida Gwaii. But it is encouraging to conclude that, in spite of a major industrial fishery prosecuted on the Strait's migratory herring stock every year, the estimated spawning biomass from that stock in 2003 was once again in the neighbourhood of 100,000 metric tonnes. The fishing industry, DFO scientists and DFO managers have ensured that each season's projected total-allowable-catches remain with sustainable quotas, and that every effort is being made to control fishing effort and to prosecute a very challenging fishery in a responsible and safe manner.

The halibut fishery has made great strides towards addressing the challenge of ensuring that harvests are sustainable, that catch statistics are reliable, and that harmful "by-catch" impacts are being addressed. The halibut fleet's recent adoption of bird avoidance gear is particularly laudable, as is their efforts to reach 100% catch accountability through an innovative use of on-board observers and cameras.

An unanticipated, unexplained phenomenon allowed unexpectedly high freshwater survivals of homeward-migrating Fraser River sockeye in 2002. This averted what would otherwise have been a conservation disaster of historic proportions. The number of late-summer sockeye, including endangered stocks, on the spawning grounds would have been the lowest for that cycle year in at least 60 years. In the face of these circumstances, DFO imposed strict conservation measures. In the fervor that ensued, Fraser River Panel officials were unfairly accused of imposing unnecessarily inflexible and overly cautious measures during the 2002 Fraser sockeye fishery.

What the facts show is that strict conservation measures were necessary. However, while these measures were, in most cases, maintained, industry demands for fisheries openings were sometimes granted despite extreme risk to salmon runs. These decisions to proceed with commercial fisheries appear to have been made against the advice of Fisheries and Oceans scientists, over the objections of the U.S. representatives on the Pacific Salmon Commission's Fraser panel, without prior consultation with First Nations, and without supporting advice from the Pacific Salmon Commission's scientific staff.

Much attention has been paid to the fact that the number of Adams River sockeye spawners ultimately far exceeded Fisheries and Oceans' spawning escapement goals for 2002. What has been overlooked is the evidence suggesting that many co-migrating sockeye stocks are in deep trouble. Cultus Lake sockeye, for instance, was recently declared endangered by an emergency decision of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). More importantly, Cultus Lake sockeye may actually be one of the stronger stocks in the late-run timing aggregate.

Despite the necessary management constraints imposed on the 2002 Fraser River sockeye fishery, preliminary management plans for sockeye salmon in 2003 seriously contradicts DFO's mandate to conserve salmon in a risk-adverse manner - a mandate that was reinforced by the previous year's precautionary decisions. In 2003, DFO officials, representing Canada's interests at the Fraser River Panel of the Canada-U.S. Pacific Salmon Commission, adopted a "final" version of the "2003 Fraser River Panel Management Plan Principles and Constraints" that contained no provisions of protections for Cultus or Sakinaw sockeye. In fact, Canada's Fraser Panel representatives have actually agreed to harvest rates for late-run Fraser sockeye that could expose Cultus sockeye to rates of harvest twice as high as the 2002 harvest-rate ceiling. This decision was approved by DFO officials the very day the government announced the proclamation of Canada's new Species at Risk Act.

While the Cultus sockeye run has been subjected to intense scientific study over the years, several other late-summer sockeye stocks may be in even greater need of endangered-status protection. Of the Fraser's 54 late-summer sockeye runs, 36 (67 per cent) had fewer than 1,000 spawners in 1994 - the last year of escapement records available for this review - while 26 (48 per cent) had fewer than 100 spawners.

Most groundfish stocks in Pacific Canada continue to have inadequate or no scientific data and many have no catch limits whatsoever. While major important reforms have been recently imposed on B.C.'s offshore trawlers, including 100 per cent on-board observer coverage, only two dozen of the 75 finfish species B.C.'s trawlers catch are protected by annual quotas. And even for those two dozen "managed" species, the fish that are "dumped" annually are not deducted from the quotas that are supposed to ensure they are properly conserved. Without adequate stock assessment resources, fisheries scientists remain incapable of assigning quotas for about 50 of the species that routinely come up in trawlers' nets. For these species there are simply no catch limits at all.

Further inshore, Fisheries and Oceans Canada's reluctance to close several fisheries that threaten the inshore rockfish stocks, particularly in the Strait of Georgia where populations are at approximately 5% of historical levels, appears to be in direct disregard of their own scientists' recommendations.

The Strait's commercial allocation of inshore rockfish was suspended in 2002, then reopened with a reduced allocation (one third of its 2001 allocation) in 2003. Large scale closed areas or rockfish refugia have also not yet been set up as advised by Pacific Salmon Advisory Research Centre scientists and promised by the previous minister in 2002.

Importantly, all recreational fishing for lingcod in the Strait of Georgia and adjacent waters was banned (a commercial closure had preceded it), pending a full scientific assessment of lingcod abundance and distribution. Fisheries and Oceans scientists estimate that like rockfish, only 5% of the 1950s-era lingcod biomass is left in the Strait of Georgia.

Canada lags far behind the U.S. in the scientific resources it dedicates to fisheries management. This has been especially true for inshore rockfish and South coast lingcod stocks, but early in 2003, after intensive work by the Sierra Club of Canada –British Columbia Chapter, the federal government committed \$1.1 million annually for lingcod and inshore rockfish stock assessment research.

A key federal project, which was formally sponsored by the Sierra Club of Canada, allocates almost \$200,000 to federal scientists, annually, for a lingcod abundance survey in the Strait of Georgia. The acceptance of that project proposal has assured the continued closure of the Strait of Georgia's lingcod fisheries for the next two years, which means that no matter what the survey results may be, the Strait's lingcod populations will have had fully four years of a reprieve from fishing by the time fisheries managers consider the survey's results.

Pacific hake is a cousin of Atlantic cod and one of the most ecologically important fish species on North America's West Coast. As recently as the late 1980s, the great hake stock ranged from California to British Columbia's northern waters in a biomass exceeding six million tonnes. Chronic overfishing, related to a quiet, but debilitating, "hake war" between Canada and the United States, began in the early 1990s, when the two countries could not agree on a catch-share formula. Last year, the hake stock had fallen to its lowest observed levels in 30 years – an estimated 710,000 tonnes. The Canada-U.S. dispute, coupled with the decision by politicians on both sides of the border to ignore a joint panel of Canadian and American hake scientists, resulted in fisheries that put the combined Canada-U.S. allowed catch last year at 180,000 tonnes -- about one-quarter of its estimated biomass.

Following this affair, a hake treaty was concluded between Canada and the U.S., which, among other things, placed much greater authority over quotas in the hands of scientists. The treaty's provisions will not be in place until next year, however. In recent weeks, decision-makers on both sides of the border once again ignored the scientific consensus about the fishing pressure the hake stock can sustain, and authorized another 180,000-tonne fishery for 2003.

The world's oceans are in a biological meltdown. As the recent study in *Nature*, by Dalhousie University's Dr. Ransom Myers and Barry Worm, established, the scale of the threat to a multitude of species is devastating. But it is not inevitable. We are losing species from health and viable numbers to support people in a fishery, due to shortsighted decisions. Canada has added one of the most tragic episodes to the litany of destruction in our loss of the rich northern cod fishery on the east coast. And we see similar problems emerging on the west coast, especially with regard to overfishing of hake, and the collapse of inshore rockfish. It is time that DFO enshrined a strong, regulated conservation ethic which puts the precautionary approach first in the management of all fisheries.

To ensure the grade improves, the Minister of DFO must protect fragile stocks, prevent oil and gas exploration and development in sensitive areas, and follow through on an important commitment to phase out the Yukon Placer Authorization. (see Yukon section).

## 8. Forests

**2003 Grade: C+**

2002 Grade: F  
2001 Grade: Absent  
2000 Grade: D  
1999 Grade: D  
1998 Grade: D  
1997 Grade: D  
1996 Grade: C-  
1995 Grade: C+  
1994 Grade: A

The federal role in forest management in Canada is admittedly a weak one. The provincial governments have primary responsibility. Still, the federal role in research and science has been historically important. Cutbacks since 1993 have reduced the size of the Canadian Forest Service (CFS) budget to one less than half the size of the direct subsidy to AECL, the nuclear Crown Corporation. (Ironically AECL is funded from the same departmental budget, Natural Resources Canada). Meanwhile, the department does hold the potential for leadership. The National Forest Strategy, a collaborative effort sponsored by an industry led, but multi-stakeholder NFS Coalition, is operated out of the CFS.

The most recent five-year National Forest Strategy, unveiled in May at the National Forest Congress will form the basis of grading as the RIO report card process goes forward. A number of significant commitments have been made: to ensure land use plans prior to timber allocations, to ensure no net loss of carbon reservoirs in Canada's (boreal) forests, and the preservation of biodiversity.

Meanwhile, Sierra Club of Canada continues to pursue the complaint referenced in the 2002 report card for the failure of the federal government to protect migratory birds from logging. The complaint from a number of environmental groups in Canada and the U.S. is still before the North American Commission for Environmental Cooperation.

## PROVINCIAL RIO REPORT CARD GRADES

### NEWFOUNDLAND AND LABRADOR

#### **Biodiversity**

**2003 Grade: C+**

2002 Grade: F

2001 Grade: F

2000 Grade: F

1999 Grade: D

1998 Grade: C-

1997 Grade: D

1996 Grade: F

1995 Grade: D-

(Not graded in 1993, 1994)

Newfoundland and Labrador made real strides this year in advancing the protected areas agenda. The grade would have been higher is not for the government's outlandish response to the closing of the remnant cod fishery and failure to heed public calls for a transparent process for setting Abitibi's next forest license. These issues will be reviewed separately.

#### Protected Areas:

The provincial government created several new parks, expanded some existing parks, pushed prospective parks forward and issued an eleventh hour reprieve for one park.

Welcome news of new protected areas include Little Grand Lake Ecological Reserve (with confirmation of protection that has been in the planning stage for many years was in the planning stage last year), and adding four reserves to the Little Grand Lake system. The Little Grand Lake protected network now totals 150,000 hectares, including two forest eco-regions.

The expansion occurred in the beleaguered Main River watershed. This National Heritage River watershed is still being fragmented by logging within the oldest known boreal forests in the world. The license holder, Kruger Pulp and Paper, had entered into a voluntary moratorium and joined Sierra Club of Canada in establishing a Science Panel. Despite the fact the Science Panel had not yet reported, the two-year moratorium ended this year with newly permitted Kruger logging. Although the logging moratorium was broken with relatively low levels of cutting until 2007, conservationists maintain that all remaining intact forests within the watershed need to be protected. Some progress was made with expansion by adding Kruger's no-cut zones permanently to the park. Key to next steps include expanding the planned Waterway Park to include Crown land at both ends of the river. Every bit the remaining uncut forests of Main River and Little Grand Lake Reserves are critical if the pine marten, a species at risk, is to make a successful recovery.

Regardless of what decisions are made about logging in the Main River, it is by now sadly the case that the unique old growth boreal forest ecosystem these has been significantly compromised.

This increases the vital importance of achieving adequate protection in the pristine watersheds north of the Main, on the east side of the great northern peninsula.

Political support made all the difference in taking the proposed Lac Joseph-Atikonak Wilderness Reserve in Labrador off the drawing board and closer to reality. The 1,650,000 hectare area has been stalled since 1973 due to the potential for further hydro development at Churchill Falls. The Lac Joseph-Atikonak region is home to a very significant threatened herd of woodland caribou. The new minister for parks and reserves, Julie Bettney, has signaled her willingness to consider a wilderness reserve.

Lastly, we have the case of the eleventh hour reprieve. A court battle to challenge the province's decision to allow a golf course in Windmill Bight Provincial Park was waged by the Protected Areas Association of Newfoundland and Labrador, one of RIO Report Card's favourite eco-heroes, Laura Jackson, and a strong coalition of other groups. On the eve of the court hearing, the minister announced a Cabinet decision to reverse its previous pro-development decision. This sensible, if over-due, decision from the provincial government prevented the setting of a very dangerous precedent to open parks to development.

If you wonder how a grade can go from F to C+ in one year, the simple answer is "Windmill Bight." In the 2002 Report Card, the "F" to the provincial government was laid squarely on the decision to approve the golf course. We commend the provincial government for its decision this year and for the provincial minister's willingness to promote a wilderness reserve at Lac Joseph Atikonak.

### Cod

The destruction of one of the planet's most abundant animal species – the northern cod – remains a disaster of epic proportions. That the destruction occurred under the federal watch is no secret.

How then to explain the bizarre timing of Premier Grimes? The time to call for provincial management of cod stocks was when DFO mis-management and federal political intransigence in reducing the quotas was destroying the fishery, not *now* when DFO is trying to protect the remnant cod stocks. This year, for the first time, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) has listed the northern cod off Newfoundland as "endangered" and the cod in the Gulf of St. Lawrence region as "threatened."

The sustainable level of the Total Allowable Catch of northern cod was probably around 200,000 metric tons. It had been harvested at such levels for hundreds of years. The foreign dragger fleet took an unbelievable 800,000 metric tons in the late 1960s. Canada reacted by extending our territorial limit to 200 miles, so we could protect the cod. Instead, with billions in tax subsidies, we "re-structured" the fishery, created our own dragger fleet and approved catch rates far above what was sustainable.

When in-shore fishers warned the regulators and politicians that the catch rates were too high and that the fishery was in trouble, they were not believed. In-shore fishermen were told that since the dragger fleet was still doing well, perhaps these men with life-times and, for many, generations of fishing experience, simply did not know how to fish. They too were encouraged to employ more technology to improve the fishing effort. The cod stocks, predictably, collapsed.

DFO has learned some lessons from this grim experience. Catch rates now take into account the precautionary approach. Rebuilding the cod stocks is still a priority. In 2003, DFO took

appropriate steps in closing the cod fishery. The pathetic 5,000 ton quota became a political story as Premier Grimes protested the closure.

Few people outside Newfoundland really appreciate the extent of the disaster the cod collapse has been for the region. The failure of cod stocks to rebound after a decade-long moratorium has been a surprise, but we cannot afford to abandon the recovery effort. More attention needs to be paid to the various factors impeding cod recovery. Likely the major factor has been the increasingly cold water off Newfoundland, due to climate change and the impact of the Labrador Current. Other fisheries still impact the cod through by-catch. While much attention has focused on seals, neglected is the potential role of oil and gas development in the very areas cod inhabit. Frequent seismic blasting may be interfering with acoustic communication impeding cod reproduction.

Meanwhile, Premier Grimes' cynical political attempt to foment an anti-federal backlash displays an appalling lack of ecological understanding. This is an endangered species. Last year it was hard to reach a catch 5,000 tons, even with leaving gillnets longer in the water. And Premier Grimes is seeking more fishing? We have to agree with federal minister Stephan Dion: a constitutional amendment will not bring back the cod. Strong, difficult management decisions are our only hope.

### Forests

A mixed grade for the province's handling of the renewal of the Abitibi lease. The 99-year lease expired this year. Sierra Club of Canada held public meetings in small communities throughout the lease area to call for a thorough public consultation prior to re-issuing the monopolistic forest license. The Sierra Club adopted this approach only after the provincial government dragged its feet on holding consultations on the leases that had been promised since 1998, but never carried out. The government pulled off a secretive, closed door re-issuing of the lease for another ten years. So doing, it promised to engage the public before the end of that lease period to develop terms for a longer term lease, providing more benefit to the people, and forests, of Newfoundland. In the mean time, the Sierra Club will be actively engaged in reviewing the so-called "Labrador linerboard leases" that were granted to Abitibi-Price in 1979, with an extension granted in 1999 that expires in 2005.

## **Climate Change**

### **2003 Grade: C+**

2002 Grade: C-  
2001 Grade: C-  
2000 Grade: D+  
1999 Grade: F  
1998 Grade: F  
1997 Grade: D  
1996 Grade: D-  
1995 Grade: F  
1994 Grade: F  
1993 Grade: F

Credit for a recent change of heart. At least the province recognizes that it must join with the majority of provinces and the federal government and work to meet Kyoto targets. Unfortunately, this position may be tied to renewed interest in developing the Lower Churchill's hydro potential. The province is missing the boat in pursuing its wind power potential. The affordability of wind power, tied to the enormous potential wind power has for Newfoundland and Labrador, make it a logical choice for serious investment.

## NOVA SCOTIA

### Biodiversity

#### 2003 Grade: F

2002 Grade: C

2001 Grade: C

2000 Grade: C-

1999 Grade: C-

1998 Grade: C-

1997 Grade: F

1996 Grade: B-

1995 Grade: D

1994 Grade: F

(Not graded in 1993)

After years of environmental neglect, punctuated only with the progressive effort of the endangered species legislation, Premier John Hamm is now promising a Green Plan. It is expected “soon.” With an election call in the offing, it looks like “too little, too late.”

Nevertheless, if the Premier commits to key protected areas, Sierra Club of Canada will review this failing grade and allow promotion to the next term with a press release after the Green Plan.

As matters now stand, no new protected wilderness areas have been created on public land during John Hamm’s government. Of the 80 natural regions in Nova Scotia, only 23 are adequately protected. To reverse this failing grade the province must act on the demands for a series of new protected areas. High on the priority list for terrestrial conservation are Eigg Mountain-James River, Gully Lake, Herring Cove Backlands, Five Bridge Lakes, Ship Harbour Long Lake, Nictaux River, Humes River, Gluskap Mountain, and the Tobeatic Additions. The Hamm Government needs a process to move forward on the protected areas strategy.

As well, there is no understanding the government’s failure to bring forward the draft Nature Reserves legislation it has been sitting on for years. Creating nature reserves can be extremely important to biodiversity, without the same obstacles in establishing parks and larger protected areas. A growing problem in Nova Scotia is the use of off-road (ATV) vehicles. They are a menace to their users, particularly children, a waste of fossil fuel, and do serious damage to wild places. The government has at least acknowledged the problem by recently striking a committee under the Voluntary Planning board. We will be watching for government policy in this area.

Compounding the government’s failure to protect key ecological areas, the Hamm government has allowed a series of environmentally disastrous projects. Permitting a massive basalt quarry on Digby Neck threatening the water supply of surrounding villages, local fisheries worth millions and employing hundreds, and a thriving ecotourism industry (acknowledged by the United Nations as a model of sustainable development) to allow a US-based company to take material for road building in New Jersey, is mind boggling. The shipping lanes for taking the rock to New Jersey could threaten the highly endangered Right Whales. The province played “dumb” allowing a permit for 3.9 hectares to go through without an environmental assessment, even though the company’s plans have always called for a 380-acre quarry. As well, the province has allowed a

mine to proceed adjacent to the Tobeatic Wilderness Area. This is a direct contravention of the U.N. Convention on Biological Diversity, Article 8. The Black Bull quartz and kaoline mine is a threat to biological diversity within the park, as well as drawing down water for the mine.

In the marine environment, the Hamm government record is appalling. The government and the regulator, the Canada Nova Scotia Off-shore Petroleum Board, have acted as boosters for oil and gas. There has been little concern for the ecological, fishery or tourism impacts. Yet, in its energy strategy, "Seizing the Future," the Hamm government committed to the identification of sensitive areas, *prior to* issuing permits for oil and gas exploration and development.

To improve this grade, the province must act to protect more sensitive areas from oil and gas activity. In particular, the provincial government must instruct the CNSOPB to create a buffer around The Gully, to protect bottle-nose whales and other species from seismic blasting and create a moratorium against exploration or development in critical in-shore areas of the Northumberland Strait (southern Gulf of St. Lawrence) and Sydney Bight.

A further black mark on the province's record has been the blind support for ecologically damaging intensive aquaculture, against the wishes of local communities. Particularly aggrieved are the residents of Northwest Cove and St. Anns Bay. Neither has the Hamm Government taken steps within their provincial powers to reduce destructive fishing practices.

## **Toxic Chemicals/Pollution**

### **2003 Grade: F**

2002 Grade: F  
2001 Grade: F  
2000 Grade: C+  
1999 Grade: D  
1998 Grade: F  
1997 Grade: C  
1996 Grade: F  
1995 Grade: --  
1994 Grade: F  
(Not graded in 1993)

Things have gone from bad to worse on this file. The province has maintained a stone-walling attitude, refusing to acknowledge that there is any health risk to communities surrounding the toxic waste sites left by the steel operation.

The chief provincial spokesperson has chosen *ad hominum* attacks on local environmentalists, rather than respond to the substance of concerns. Meanwhile, studies demonstrating unacceptable levels of contaminants within the homes, coupled with confirmation of higher levels of toxic substances in the North End and Ashby, as well as new studies documenting extremely elevated cancer risk in the neighbourhoods closest to contamination have been dismissed out of hand.

While some surface improvements have been made -- the municipal dump has been sealed, a road has been built along the coke ovens site to help with clean up and piles of sulphur and coal have been removed -- the reality is that Sydney residents are exposed to virtually the same toxic

mess as one year ago, residents with arsenic oozing in their basements have not been helped, the rates of illness are not receding and governments, both federal and provincial, would rather blame the victim than help them.

The proposed clean up options are mostly variations of technologies the community has already rejected -- variations of burn and bury. Over 3, 000 residents, nearly 10% of the population, has called for a full panel review under CEAA of the technologies under consideration. The province could vastly improve its performance on this file by supporting the call for full panel review and developing a framework for joint federal-provincial review.

Meanwhile, Halifax-Dartmouth is setting a nationally significant example in reducing exposure to toxic substances through the pesticide by-law. Provincial support for more such by-laws would raise the grade next year.

## **Climate Change**

### **2003 Grade: C**

2002 Grade: C-  
2001 Grade: F  
2000 Grade: C+  
1999 Grade: D  
1998 Grade: D  
1997 Grade: D+  
1996 Grade: D  
1995 Grade: D+  
1994 Grade: F  
(not graded in 1993)

The province gets credit for supporting (if somewhat reluctantly) the ratification of Kyoto. In the last year, the provincial utility has brought on line two wind generators and converting some of Tuft's Cove's production to natural gas. Ironically, the province is still burning coal in its electricity plants, while shipping cleaner burning natural gas to the U.S. When New Brunswick challenged the export priority for natural gas, Nova Scotia's government intervened to side with greater exports.

While progress has hardly been breathtaking, progress in meeting Kyoto targets is measurable. Nova Scotia is moving to implement some of the measures adopted through the Conference of New England Governors and Eastern Canadian Premiers (CNEGECP). This progressive regional forum demonstrates that even with George Bush in the White House, action on climate change is possible within the U.S. (see discussion under "New Brunswick" for need to expand and ramp up the current suite of timid CNEGECP measures).

The implementation of LED traffic lights is an example of CNEGECP action. LED stands for "light emitting diode." LED lights use 85% less energy than conventional light. The province is also supporting Clean Nova Scotia's energy efficiency efforts. The province is working on getting the government's house in order. The province is pushing NS Power to do more. For these modest signs of hope, NS's grade bumps up!

## PRINCE EDWARD ISLAND

### Biodiversity

#### 2003 Grade: C-

2002 Grade: D

2001 Grade: D

2000 Grade: D

1999 Grade: C-

1998 Grade: D

1997 Grade: C

1996 Grade: C

1995 Grade: B-

(not graded in 1993, 1994)

Little had changed since last year on the biodiversity front. Slight improvement on protected areas merits a small increase in the overall grade, but problems persist in pesticide use.

Thanks to the efforts of Island Nature Trust in acquiring 235 acres (95 hectares), four new protected areas will be created. Minister Chester Gillan has confirmed that the areas will be legally protected. The province needs to move forward with a number of other land owners who wish to see their properties designated under The Natural Areas Act.

The recovery and protection of species at risk is undertaken within the Wildlife Conservation Act. A new committee including environmental groups and other stakeholders has been established to better address the urgency of species recovery. Of particular concern are the Piping Plover, Gulf of St. Lawrence Aster, Short-eared owl and Beluga whale.

Prince Edward Island fishermen and environmental groups are concerned about the impact of oil and gas development proposed for the southern Gulf of St. Lawrence, but regulated by Nova Scotia and the federal government. It is critical to all provinces bordering the southern Gulf (NS, NB, and PEI) and the fishers in that area that the productive fishing grounds of the southern Gulf not be subjected to seismic blasting.

Pesticides continue to be the Dark Side of the idyllic world of Anne of Green Gables. Despite high profile announcements by the government last year, made in the wake of public outrage over fish kills linked to potato pesticides, little has changed. No potato pesticides were banned, but one was restricted so as not to be used along stream banks. One pesticide in particular, Amadochloprid (tradename: "Admire") is suspected of being responsible for massive loss of honey bees. One successful bee hive keeper who had operated 800 hives has been forced out of business by bee mortality. Oyster growers in Bedeque Bay also suspect that significant increases in the winter kill of oysters (up from 10% to 80%) may be due to pesticide run-off into the Bay.

In another pesticide controversy, last fall in the town of Alberton in western PEI, a fumigant used on strawberry land caused several workers and a little girl to become ill, and contaminated the drinking water. The Alberton Town Council has not been aided by any level of government in its attempts to stop the use of town land for strawberry production.

Despite a good start on new regulations for slopes and crop rotation, there is no definite move to limit and decrease potato production, the main suspect in pesticide run-off and nitrate contamination of groundwater.

## **Climate Change**

### **2003 Grade: B+**

2002 Grade: B+

2001 Grade: B

2000 Grade: D

1999 Grade: C

1998 Grade: D-

1997 Grade: D

1996 Grade: D

1995 Grade: C-

1994 Grade: C

(not graded in 1993)

Once again the government of Prince Edward Island is receiving credit for its political leadership in standing up for the Kyoto Protocol. PEI's investments in wind energy are also to be commended.

With some climate change models suggesting Prince Edward Island may become "Prince Edward Islands," with winter storm surges already creating havoc, the nation needs to hear more from the birthplace of Confederation.

## NEW BRUNSWICK

### Biodiversity

#### 2003 Grade: C+

2002 Grade: C

2001 Grade: B-

2000 Grade: C

1999 Grade: D

1998 Grade: D

1997 Grade: F

1996 Grade: D

1995 Grade: F

1994 Grade: C

1993 Grade: F

The news this year is mixed. On one hand, the province is to be praised for its proclamation in February 2003 of the Protected Natural Areas Act, creating the ten new protected areas originally announced in 2001. Also for legislating protection for provincially significant wetlands and ecologically sensitive coastal features.

On the other hand, the Minister of Natural Resources and Energy has placed a cap of 5,000 hectares on all new protected areas from Crown land. The competition between land for wood supply and for ecosystem integrity will only intensify if the government accepts the pulp and paper industry's demands to double the supply of spruce by converting 40 percent of the province's natural Acadian forest to plantations. In the short-term, consideration is being given to allow increased logging in deer wintering areas, stream buffers and Old Growth Spruce-Fir habitats.

In order to meet the goals of this ecologically flawed forestry plan, any new measures aimed at conserving biodiversity would be capped at current levels including the creation of special management areas to provide habitat, protect old growth remnants, provide for new protected areas or establish buffers and connectivity among existing ones.

Meanwhile, the Peticodiac River still requires installation of a bridge span in the causeway at Moncton to allow the ecosystem to restore itself.

There is a broader issue impacting biodiversity in many of New Brunswick's bays and estuaries. Eutrophication caused by nutrient pollution from sewage treatment plants, fish plants, pulp and paper mills, salmon farms and agricultural run-off is eroding the ecological health of many aquatic systems. The province needs to protect its coastal waters from eutrophication by regulating the release of nutrients into coastal waters. This assessment is based on the cutting edge research conducted by Conservation Council of New Brunswick, the province's leading environmental group.

Demonstrated through this research is the clear message that the Bouctouche watershed needs protection from the industrial hog barn nearby in Ste. Marie-de-Kent.

## **Climate Change**

### **2003 Grade: B**

2002 Grade: B+  
2001 Grade: D  
2000 Grade: Incomplete  
1999 Grade: F  
1998 Grade: D  
1997 Grade: C-  
1996 Grade: D+  
1995 Grade: C+  
1994 Grade: C  
(not graded in 1993)

The province stayed on-side with the pro-Kyoto forces throughout the debate, gaining political points. It has also played a leadership role in the New England Governors/Eastern Canadian Premiers process. However, its own energy saving implementation is lagging. Prior to the September meetings of the New England Governors and Eastern Canadian Premiers, Premier Lord needs to announce a provincial target for reducing carbon pollution and release New Brunswick's climate action plan now that the consultation is complete. The plan needs to contain innovative and ambitious plans to meet our targets. Pursuing what are known as "low hanging fruit" measures is simply incapable of yielding the sort of change needed to protect the climate and clean the air.

At a minimum the plans to extend the life of the 1005 MW Coleson Cove fossil-fuelled power plant out to 2030 should be shelved. This is Atlantic Canada's largest single source of carbon pollution and represents 20 percent of the total emissions from the province. Without life-extension it would be phased out within 10 years.

The Public Utilities Board has clearly advised that pursuing the nuclear option in New Brunswick is not in the public interest. Any rudimentary analysis reveals that further investments in Point Lepreau are losers for the people, and the Treasury of the Province of New Brunswick. This advice must be heeded. Even leaving out the environmental, health and safety risks, the economics of billions wasted on nuclear power should convince any government that the cost-effective energy planning of the future leaves no room for nuclear. Demand-side management, energy efficiency, fuel switching, and cogeneration are profitable, no-regrets measures which the province needs to fully exploit.

## QUEBEC

### Biodiversity

#### 2003 Grade: B

2002 Grade: D  
2001 Grade: D-  
2000 Grade: D  
1999 Grade: F  
1998 Grade: F  
1997 Grade: D-  
1996 Grade: C+  
1995 Grade: C+  
1994 Grade: D  
(not graded in 1993)

The Government of Bernard Landry, in its last year, finally made some significant progress in its protected areas strategy. Although the province is still at the back of the class, with the lowest level of protection of natural areas of any province, (just under 3% of Quebec's land base), still this is remarkable progress from the level of protection at the time of the 2002 RIO Report Card. Just one year ago, Quebec only had 1% of the land base in any protected state.

Key announcements in the last year include significant protection in the boreal region, with nearly 19,000 square kilometres of boreal forest added to the protected areas network. Most of this protection occurred along the North Shore, with eleven separate protected areas, ranging in size from 32 square kilometres (Collines de Brador) to over 4,000 square kilometres (Vallee de la Rivière Natashquan).

Six new protected areas in the Abitibi-James Bay region added a further 2,967 square kilometres to the system. As well, the province has made important announcements of new aquatic reserves -- the first in Quebec's history. The famed Moisie River of the North Shore, famous for its salmon sports fishery, the Harricana River, and the Ashuapmushan River, an important river biologically within the Saguenay area form the core of Quebec's first system of aquatic reserves.

These sites were all designated under new provincial legislation, *Loi sur la conservation du patrimoine naturel*, passed in December, 2002.

As well, the government promised the creation of five new parks in northern Quebec within the next five years. All together, these new proposed parks would add another 13,000 square kilometres to the park system. (the proposed parks are Lacs-Guillaume-Delisle-et-a-l'Eau-Claire, Monts-de-Puvirnituk, Cap-Wolstenholme, Monts-Torngat-et-de-la-Rivière -Koroc, and Pingualuit.)

A significant threat to biodiversity, as well as a serious impact to the carbon sequestration of Quebec's boreal is the proposed Rupert River diversion. The project calls for the construction of four dams, 51 dikes, two diversion bays flooding an area of 395 km<sup>2</sup>, 12,000 m of diversion channels or tunnel and two permanent access roads. The enormous engineering project is unacceptable on environmental grounds.

It is critical that the new Liberal government of Jean Charest continue and accelerate work in bringing Quebec's protected areas network to levels that protect ecosystems across the province. Anything less will violate the principles of the Biodiversity Convention, signed by Brian Mulroney under Jean Charest's watchful eye, negotiated with his enthusiastic leadership at the 1992 Earth Summit.

## **Climate Change**

### **2003 Grade: A-**

2002 Grade: B+

2001 Grade: B-

2000 Grade: B

1999 Grade: C+

1998 Grade: B-

1997 Grade: D-

1996 Grade: D+

1995 Grade: C+

1994 Grade: D

(not graded in 1993)

Quebec deserves credit for its consistent support of ratification of the Kyoto Protocol. (Ironically the Kyoto Protocol had the anomalous effect of making Quebec the federal government's biggest supporter.) Its commitment to wind energy exceeds that of any other province with the Gaspé region wind farm moving to 350 MW production. Much more can be done within the province to meet improved energy productivity and energy efficiency goals. Moreover, the province must accept that large scale hydro development is not greenhouse gas neutral. Flooding huge areas creates methane, a powerful greenhouse gas, while simultaneously removing carbon sequestration capacity.

The Rupert River Diversion is a major mistake. It is not too late for the province to reconsider.

## ONTARIO

### Biodiversity

#### 2003 Grade: D-

2002 Grade: F

2001 Grade: F

2000 Grade: F

1999 Grade: D-

1998 Grade: F

1997 Grade: F

1996 Grade: F

1995 Grade: C+

(not graded in 1993, 1994)

The RIO Report Card grading team is charitably giving the Eves government credit for abandoning its worst, most anti-environmental legislation. The proposed Recreation Reserves Act would have given legal priority in parks to ATV use, hunting, private lands owned within parks (inholdings) and would have opened the door to logging in protected areas. The level of public outrage must have surprised the Eves government and they have abandoned the Act. Still, they are allowing ATV use and skidoos in the Kawartha Highland Park. The message needs to be clear: parks and ATVs do not mix!

The Eves government has not created any new protected areas this year. The regulation of areas protected under the Harris government's Lands for Life process is lamentably slow. To date, more than 80% of the new protected areas and parks announced in 1999 still have no regulations.

While not protecting more areas, the government is quietly turning regulation of logging over to the forest industry. The Class Environmental Assessment Act for Timber Management removes the role of the Minister of Environment in monitoring and watch-dogging industry activities. It loosens regulation, rejects requirements for the department to prepare new forest policies, and turns monitoring over to the industry.

### Climate Change

#### 2003 Grade: F

2002 Grade: Incomplete

2001 Grade: F-

2000 Grade: F

1999 Grade: F

1998 Grade: F

1997 Grade: F

1996 Grade: F

1995 Grade: C+

1994 Grade: C

1993 Grade: D

Having given Premier Eves the opportunity to convince the RIO Report Card team that its policies would be greener than the Harris Government, it is time to declare failure. In the Kyoto Debate, Eves flirted with outright opposition to the protocol, and certainly disappointed by not joining with the majority of provinces to support ratification.

That the electricity deregulation scheme was a massive debacle is obvious. Less visible are the lost opportunities for greener energy through the lack of coherent policy. By now Ontarians should have been receiving a significant percentage of power through co-generation, district energy, more bio-gas plants such as in Toronto, with a smaller but important contribution from wind and solar, and have been making significant progress in energy efficiency. Instead, we are gearing for auxiliary generators for emergency power to avoid brown-outs over the summer.

The “Smart Growth” plan continues to be more about paving than saving. It promotes building highways and even tried to sneak in a garbage incinerator as “Smart Growth.” Sprawl continues to be a threat throughout southern Ontario. And the Eves Government appears to be taking a laissez faire attitude to the threat.

While Eves deserves credit for announcing the closure of Ontario’s coal fired plants, only Lakeview is slated for closure in the near term. The Lakeview coal plant is to be shut down in 2005, but the government has not done enough to ensure this happens in an environmentally sound way. The proposed natural gas co-generation plan is a good notion, but there is not enough investment in energy efficiency to ensure that Lakeview is replaced. All other coal plants are to be closed in 2015 -- so remote as to be politically irrelevant. The provincial government has chosen, yet again, to squander hundreds of millions of dollars on the energy option that got it in debt in the first place -- nuclear energy.

The Eves government’s support for public transit is proving to be less than advertised. The province used to support public transit by covering 75% of capital costs and 50% of operating. This was cancelled by Premier Harris, and revived with much fanfare by Premier Eves. In fact, the current support is only up to one third for capital costs. But to receive the full amount, municipalities must have secured matching funding elsewhere. There is still no ongoing support from the province for operating expenses.

## MANITOBA

### Biodiversity

#### 2003 Grade: D-

2002 Grade: D-

2001 Grade: D

2000 Grade: Incomplete

1999 Grade: D+

1998 Grade: D

1997 Grade: C+

1996 Grade: F

1995 Grade: F

1994 Grade: F

1993 Grade: F

There has been no improvement in Manitoba's performance in protecting biodiversity over the last year.

In the November 2002 Speech from the Throne, the Doer government claimed that "Since 1999 close to a million hectares has been added to protected areas and parklands in Manitoba." This would indeed be excellent news, if it were true.

The Canadian Nature Federation (CNF) conducted an audit of Manitoba protected areas and parks decisions since 1999. Far from the close to one million hectares claimed, the audit concluded that a grand total of 194,000 new hectares have been protected in Manitoba during the period in question.

A protected area in Manitoba may be: an ecological reserve, a national park, a provincial park, or a wildlife management area – only those crown land designations protected from development. The definition of a protected area in Manitoba's *Action Plan for a Network of Protected Areas* is an area that is "closed by legal means to logging, mining, hydroelectric development or any other activity that significantly affects habitat."

What else was the Doer government counting to boast of a number nearly five times bigger than reality? Lands protected since 1995 where government passed new regulations. Permanent protection decisions are important, but double counting is not acceptable in Biodiversity class!

Teachers grading Manitoba's performance under Premier Gary Doer have noticed, across the board, a decided propensity to exaggerate their environmental bona fides. It is hard not to love a student who professes to "really, really love the environment and to be doing their best every day to get better and better." But from time to time, on both climate change and biodiversity, the students in the Manitoba class have a tendency, like Eddie Haskell from the old "Leave it to Beaver" series, to ingratiate and claim leadership in excess of performance. Far better the student like Gary Doer who wants to be at the head of the environment class than one who bullies others and sprays graffiti on the playground (more about Ralph Klein later), but if Manitoba was really leading, it wouldn't have to boast about it and embellish its record.

In fact, Manitoba added no new protected areas in the last year. Land use planning for the critical ecological region on the East Side of Lake Winnipeg remains a confused process that does not have an adequate budget or clear guidelines for consultation with First Nation communities. Expansion plans by Manitoba Hydro threaten more areas of boreal forest and taiga with flooding and erosion, and unnatural hydrology. The 1970s *Northern Flood Agreement* with impacted Cree First Nations has not been honoured. This modern day treaty signed by Manitoba, Canada and Manitoba Hydro committed the governments to rehabilitation of damaged traditional territories and solutions to long standing economic and social damage. While some Cree communities have settled and extinguished entitlements from the original treaty, choosing funds for economic development over the original entitlements Pikamikamak Cree Nation (PCN) has taken the damaged boreal ecosystems in their territory to Manitoba Hydro's U.S. export customers. Manitoba and its public utility will have to deal with the powerful and emotional call for justice from PCN.

## **Climate Change**

### **2003 Grade: B+**

2002 Grade: B-  
2001 Grade: C-  
2000 Grade: F  
1999 Grade: F  
1998 Grade: F  
1997 Grade: F  
1996 Grade: F  
1995 Grade: D+  
1994 Grade: F  
(not graded in 1993)

Premier Doer's stalwart defense of the Kyoto Protocol, often when it was hard to know if the federal government deserved the support, raises Manitoba's grade this year. Another plus is the new department of Energy Science and Technology in the government. We hear rumours of wind studies that may be available next year. Our grading team does not understand why Shell Canada and Manitoba Hydro need to be the vehicle for wind energy in the province.

The reality of how Manitoba plans to meet its Kyoto targets is a source of real concern. Further hydro development is not a green choice for the province. It may also not be economically viable, given recent concerns voiced by Manitoba's own hydrology expert, about the effects of climate change on water levels and reservoirs in the province. Flooding produces methane, also a powerful greenhouse gas. Each new dam under discussion includes hundreds of kilometres of transmission lines. Climate change impacts from thousands of kilometers of new transmission corridors through Manitoba's boreal forest regions must also be assessed. 'Run of the river' plans to build Conawapa, and the Hydro system overall must have a full environmental assessment, including cumulative effects. This has never been done for any hydro project in Manitoba. The students in this class need to learn more environmental science.

It appears that Manitoba has a climate change task force report and action plan, but are without any public benchmarks. Perhaps Premier Doer underestimates his fellow students who want to know the basis for his policies and plans. As the lead student Premier Doer needs to share all his

climate change, and energy development plans with his fellow students. Also it is becoming dizzying keeping up with Manitoba Hydro development intentions. Premier Doer needs to make sure that Manitoba Hydro makes all its development intentions public, together. The province also needs an energy plan. Our grading team recommends that students in executive council learn all about the new renewables, and the difference ecologically and economically between the old renewables (hydro) and the new renewables (wind, solar, biomass).

## SASKATCHEWAN

### Biodiversity

#### 2003 Grade: D-

2002 Grade: D-  
2001 Grade: D  
2000 Grade: F  
1999 Grade: F  
1998 Grade: C+  
1997 Grade: F  
1996 Grade: D  
1995 Grade: D  
1994 Grade: F  
1993 Grade: F

Saskatchewan has not improved its performance in the last year. We will review activities in endangered species, biodiversity strategy, protected areas, forest issues, oil and gas and land use in sequence.

#### Endangered Species

Saskatchewan has no specific endangered species legislation. It does have regulations under The Wildlife Act through which 15 plants and animals were officially designated in 1999. It should be noted that five of these species are considered extirpated at that time, including the Plains Grizzly, which was wiped out in the 1920's. A review of status for an additional 35 species has been in progress since 1999, with no further action undertaken to date.

Programs to protect species at risk in Saskatchewan seem to be at risk themselves, as no designations have been made since the original group of 15 in 1999 (5 of which were already extirpated). Moreover, the current regulations do not confer habitat protection.

#### Biodiversity Strategy

A promising, if late start was made late in 2000 with the release of *Conserving Saskatchewan's Natural Environment: Framework for a Saskatchewan Biodiversity Action Plan*. This was followed by a long hiatus with no apparent activity: no follow up discussions, no draft plan, no indication of what's next. In fact, nothing happened for over a year and a half.

Then, in the fall of 2002, Saskatchewan Environment released "Caring for Saskatchewan's Natural Environment: A Proposed Biodiversity Action Plan". The change in wording from "conserving" to "caring for" is perhaps an interesting window on the internal battles in government over the content of this plan, and the apparent reason for the delays. Nevertheless, this was a solid plan, at least in terms of its intent, if not its promises of action.

There were three public meetings, and the plan was open to comments until the end of January, 2003, with an intention to have it finalized and approved by Cabinet during the spring 2003

legislative session. But to date we hear that the requisite Cabinet Decision Item has not even been drafted. Another delay.

Eight years and counting since the Canadian Biodiversity Strategy. Four years and counting since the first background report. Three years and counting since the framework document. Almost a year now since the release of the draft plan. And no end in sight, except for vulnerable components of Saskatchewan's biodiversity.

### Protected Areas

Meanwhile, the Representative Areas Network (RAN) system of protected areas is an umbrella program for any provincial land designation that purports to provide landscape/ biodiversity protection. While the goals are there: no industrial activity (logging, mining, hydro, oil and gas), the results leave much to be desired.

The area of Saskatchewan within the RAN system has ostensibly doubled from about 4% to about 8% in the past ten years. The problem is, about 30% of the RAN system is not truly protected, including allowances for ongoing mineral exploration and staking, and oil and gas development. And on top of that, the province does not plan to designate enough land to the RAN system to meet its commitments to protect a representative sample of all Saskatchewan landscapes, and has indicated it thinks about 10% should do it, without proof that it will.

The only RAN system additions announced this year were two relatively small sites in the Doré/ Smoothstone Lakes area totalling less than 30,000 ha. Another small site (3,300 ha) had already been designated there. The government's original proposal for the area included 5 sites totalling over 120,000 ha. Sounds like Weyerhaeuser got its way again!

But the real problem with the RAN process is that the designation of sites is being driven not by ecological representation and integrity, but by mineral, forestry and petroleum potential. Recent site proposals have been severely compromised by the need to avoid lands considered more valuable for industrial resource extraction.

The system so far has too many "protected" areas that are not protected from industrial development, and is being hampered by a site selection process that is controlled by the forestry, mining and petroleum sectors. At this rate, even if the system gets completed, it will not be representative or provide adequate protection for ecological systems and biodiversity. But we are doing a good job of protecting mineral and forestry potential!

### Forests

News from Saskatchewan's forests is not any more encouraging. The big news last year was the new TOLKO OSB mill in Meadow Lake. There was no EIA on the forest impacts, just for the mill site. This area of forest already supports a pulp mill and several sawmills, and timber supply will have to come from a combination of lands already dedicated to existing mills (with consequent erosion of management standards to increase harvest), and adjacent agricultural and wildlife habitat lands, which will not be managed for renewal.

The increasing dependence upon wood from crown and private agricultural land in the forest fringe area is poorly regulated. These productive boreal plain forests have high biodiversity and productivity, but are too often being converted to marginal farmland and low grade pastures.

On the plus side, the province has made a renewed commitment to reforestation of logged areas, but still has the highest percentage of non-sufficiently restocked harvested forest lands in Canada.

The province is making progress in addressing some pressing issues like reforestation backlogs created by poor past management, but is still fostering new development without adequate regard to the capacity of the forest to sustain both the harvest and ecological integrity and biodiversity.

### Oil and Gas

In combination, oil and gas developments are the major source of impact on the last large areas of contiguous native prairie in the south, and the unallocated boreal forest in the north of Saskatchewan. The province has instituted tax and royalty holiday programs as incentives to development of these industries without providing matching incentives to complete the biodiversity action plan, work on species at risk, or completion of the RAN system. In considering the best sites for new protected areas, mineral and petroleum potential is taking clear precedence over ecological and biodiversity values.

Digging and drilling is taking precedence over conserving and caring for biodiversity in Saskatchewan. Our last large native prairies are under immediate threat.

### Land Use Planning

Several ongoing land use plans should be important mechanisms to protect biodiversity. Unfortunately, planning has been focussed on areas chosen on the basis of future timber allocations. Planning tables are working long and hard, but are stymied by the refusal of the province to allow planning boundaries to follow either ecological or traditional cultural boundaries, or to allow any say about future mineral or hydro development.

Land use planning is being used to further industrial development without seeking an adequate balance with biodiversity protection.

### **Scoring Saskatchewan**

The province of Saskatchewan has a new promotion campaign “Our Future is Wide Open”, being plugged in the media across Canada and beyond. This campaign typifies an attitude towards the landscape that extols its natural beauty and richness, and then suggests that it is all open for development. A wide open future needs some wide open spaces; natural spaces for biodiversity protection, and not just clear cuts and mine sites.

While some halting and incomplete initiatives are underway to protect biodiversity, we find it difficult to be generous based on results to date. No Biodiversity Action Plan, an uncompleted protected areas system, stalled action on species at risk, and land use planning focused on economic development. Industrial interests (mining, forestry and petroleum) continue to trump and triumph over biodiversity protection.

## Climate Change

### 2003 Grade: C

2002 Grade: C-  
2001 Grade: C+  
2000 Grade: C+  
1999 Grade: F  
1998 Grade: F  
1997 Grade: D-  
1996 Grade: F  
1995 Grade: D-  
1994 Grade: F  
1993 Grade: F

Saskatchewan's performance in the Kyoto debate was mixed, but overall the province deserves credit for staying the course for ratification.

Work on the ground to reduce emissions has improved only slightly. SaskPower has initiated or supported a number of measures; a partnership on a landfill gas recovery project in BC, a study of the economic viability of a landfill gas project in Saskatoon, a cogeneration pilot project at Regina General Hospital, and a solar project at the Saskatchewan Science Centre. SaskPower supports the International Test Centre for Carbon Capture. They and SaskEnergy are working on a pilot project to use flare gas to generate power. The two windpower projects are up and running. The installation of windfarms and purchase of wind power until 2006, will reduce GHG emissions in Saskatchewan by 14,800 tonne of CO<sub>2</sub> in 2005 and 73,500 tonne by 2006. Last year, CO<sub>2</sub> reductions from two windfarms was 19,100 tonne.

The new Saskatchewan Office of Energy Conservation is at last (minimally) staffed, but there hasn't been any significant action from them yet. The government continues to support the Weyburn CO<sub>2</sub> Storage and Monitoring Project, and a new pilot project for generating power from hog manure.

Although emissions rose again slightly over the past year, the energy utilities are trying to move in the right direction. Both still support Saskatchewan's Destination Conservation program in fifty schools across the province and Climate Change Saskatchewan is doing educational development work.

To really bring this grade up in the coming year, Saskatchewan needs to commit to the phase out of its coal fired electrical generating capacity on a reasonable timetable. In the meantime, accept a strong "C" for progress made!

## **ALBERTA**

### **Biodiversity**

#### **2003 Grade: F**

2002 Grade: F

2001 Grade: F

2000 Grade: F

1999 Grade: D

1998 Grade: F-

1997 Grade: F

1996 Grade: B

1995 Grade: F

1994 Grade: B

1993 Grade: B

Once again, Alberta has moved further away from completing a system of parks that protects and represents the biodiversity of Alberta. The pressure is entirely pro-development. No new protected areas have been created.

Existing protected areas, such as the nationally significant Whaleback area (partially protected as the Bob Creek Wildland Park), established thanks to Amoco relinquishing its sub-surface petroleum leases, is under pressure from an adjacent freehold drilling interest. Polaris, a US based petroleum company, has too little land to be able to drill under provincial law. However, the Alberta Energy and Utilities Board (EUB) can force the adjacent lease-holder into a “forced pool.” That leaseholder is the Nature Conservancy to whom Amoco gave their sub-surface leases in order for the park to be created. The perverse reality is that there is a hearing of the EUB in September that may force the Nature Conservancy to allow drilling on land adjacent to the park! One small piece of good news for an existing protected area was the decision by the proponents, Teck Cominco, Fording and Ontario Teachers Pension Plan, not to proceed with the Cheviot Mine in the Cardinal and McLeod River headwaters for the moment. This is, at most, a reprieve for this critical ecosystem connected to Jasper National Park. We know it is only a reprieve, as the province issued a larger mine permit.

Protection in the Bighorn Wilderness, announced as a future park in 1986 but never legislated, was relaxed this year to allow use by off-road vehicles. The Bighorn is not really protected at all as it is open to oil and gas development and logging. Across Canada, more and more wilderness groups are reporting increasing damage from ATVs.

Meanwhile there is an urgent need to move fast to create the Castle Wildland Park. With much of the Castle having once been in Waterton Lakes National Park, located in the southwest corner of Alberta, with Glacier Park to the south in the U.S., and with Canada and British Columbia moving forward to add the Flathead on the west to Waterton, adding the Castle would ensure long term viability of the ecosystem. The area already has the distinction of being the world’s first International Peace Park, linking Montana’s Glacier National Park and Waterton in Alberta. The combined international park is a massive contiguous wilderness, recognized by UNESCO as a World Heritage Site. The Castle contains vital wildlife corridors needed to ensure the long term biodiversity of the entire Glacier-Waterton region - the Crown of the Continent - is maintained.

The enlarged contiguous international park in the Rockies would create a home for species at a scale that would be sustainable.

First recommended as a park by provincial public hearings in the 1970's, a major barrier to creation of the Castle Wildland Park is Shell Canada. Shell Canada holds the petroleum leases covering the eastern portion of the Castle, right to the Waterton boundary. Other incompatible users include a ski hill resort and off road vehicles. Shell, like Amoco in the Whaleback, has an opportunity for exemplary leadership in conservation by relinquishing those leases to permanent conservation.

Alberta has still not passed stand-alone endangered species legislation. The Klein government claims that the Endangered Species Conservation Committee can make recommendations to the Minister and species can be listed under the Wildlife Act. The process has not been impressive. This year, both the Endangered Species Conservation Committee and its science sub-committee recommended the province's wildlife status report list the Grizzly Bear as a species "threatened with extinction" in Alberta, and that the Minister should quickly move forward with a protection and recovery plan. The Minister has not listed the Grizzly despite the committee's clear advice. The Minister has created a committee to develop a recovery plan for the Grizzly. Meanwhile, the Grizzly populations are under stress and have not recovered to the provincial target of 1,000 adults set in the early 1980s. For example, the Grizzly bears in the population shared by Jasper National Park and the Hinton region are being killed outside the park at a rate the population cannot sustain. On top of habitat destruction, hunting and natural deaths, a frightening number of bears are being poached by people using the region's maze of oil and gas, logging, and coal mine roads, petroleum seismic lines and pipeline rights of way. Sadly, the federal species legislation does not apply outside federal land, unless the SARA safety net is invoked. If Alberta does ignore the plight of the Grizzly bear, perhaps this is David Anderson's chance to prove that SARA can be invoked to protect species where a province is failing to act.

Nevertheless, there are signs of hope. Alberta still has opportunities for protecting and conserving large tracts of wilderness. Local conservation groups and citizens are teaming up with international organizations and are determined to conserve key wilderness areas -- before it is too late. Despite the rape and pillage mentality of the current government, a change of heart is always possible.

## **Climate Change**

### **2003 Grade: F**

2002 Grade: F-  
2001 Grade: F  
2000 Grade: D  
1999 Grade: D-  
1998 Grade: F-  
1997 Grade: F  
1996 Grade: F-  
1995 Grade: F  
1994 Grade: D  
(not graded in 1993)

Was there anything else Ralph Klein could have done to try to sabotage ratification of the Kyoto Protocol? The taxpayers' treasury was looted to run a scare campaign to attempt (unsuccessfully) to persuade the majority of Albertans to oppose Kyoto. (Poll numbers dropped to about a 50/50 split, until the firing of Dr. Matthew Fox, the public health officer who argued for ratification. Numbers started coming back up for Kyoto after that.) The province tabled a law claiming that it had jurisdiction over carbon dioxide and methane (from which it has since recanted). Klein tried strong arm tactics to get other premiers to oppose Kyoto. Klein even started his own department of foreign affairs, contacting the White House directly to signal his solidarity in opposing Kyoto and supporting invading Iraq.

The irony is that the province has some good news to share as it moves to completely eliminate the flaring from gas wells -- a source of wasted energy, pollution and carbon throughout Alberta. Individual municipalities in Alberta, particularly the provincial capitol Edmonton, have achieved significant greenhouse gas reductions through energy efficiency. Calgary's light rail system is fuelled by wind power.

Other impressive moves include the province's commitment to require, by regulation, large industrial GHG emitters to report their emissions (this regulation is currently in development and the province seems determined to have it operational in 2004). Another positive item is the Alberta government's recent announcement it will buy most of its electricity from green power sources starting in 2005.

Since nothing Klein did to sabotage Kyoto actually worked, could it be he secretly supported Kyoto all along? Could he be a modern Brail Rabbit, with Kyoto being his Briar Patch?? Diabolical.

## BRITISH COLUMBIA

### Biodiversity

#### 2003 Grade: F

2002 Grade: F  
2001 Grade: C+  
2000 Grade: D-  
1999 Grade: F  
1998 Grade: D-  
1997 Grade: D-  
1996 Grade: B-  
1995 Grade: C+  
1994 Grade: C-  
(not graded in 1993)

The last year of the Campbell government has been a political Exxon Valdez -- a disaster coating the landscape. The punishing cutbacks in the civil service, weakening of protections for everything from drinking water to forest protection, to opening parks for more development, have blackened the province's green record.

The Campbell Government has increased subsidies to mining exploration (to 65 cents on the dollar), and provided a \$28 million road subsidy to oil and gas exploration.

Campbell has undone the promise (never quite realized) of the Forest Practices Code, moving to a results based code -- only to be implemented as a *post mortem*, after the damage has been done. Penalties are low and usually not levied, constituting a permitting system for destruction of the forest.

The government is looking at results over maybe a two year period, but watersheds take longer than that to unravel after logging and a 20-50 year time frame is necessary to assess the impact of logging in watersheds. That's why a precautionary approach is a much better and safer management system. It tries to prevent the damage before its done.

The impacts of the results based code and working forest legislation result *de facto* in less protection for salmon habitat. The government is promoting a higher AAC and fewer protective rules, more privatization in the forests.

The Campbell government's record on endangered species is no better. There is still no legislation to protect species at risk in BC. Campbell opened the grizzly bear population to hunting, ending the moratorium on grizzly hunting, and has opened critically endangered spotted owl habitat to logging. The Campbell government has also increased hunting of cougars and wolves.

Environmental assessment has been weakened, pesticide appeals weakened, toxic sites cleanup weakened, and a whole series of new dams have been approved. There have been no new provincial protected areas created this year. Existing parks have faced serious cutbacks. The

parks interpretation program was eliminated, while commercial development, recreational use in parks before conservation plans are final, have been promoted.

On marine biodiversity, the Campbell government has become the nation's strongest promoter of expanding salmon aquaculture. There is no meaningful regulation. We do know that existing farms are unable to adequately quantify threats related to disease outbreak (as witnessed in the Broughton pink salmon collapse) or threats related to escaped fish, fish food and waste discharge. Rather than increase the effective monitoring and enforcement of environmental laws, the government has actively discouraged prosecutions. The B.C. Fisheries Minister intervened to stop the prosecution of a fish farm guilty of allowing the escape of Atlantic salmon into wild BC waters, with the warning that prosecutions would send "conflicting messages" to an industry the government wishes to promote.

In their keenness to spur "results based" industrial development at all costs, the government also attempted to lift the moratorium on offshore oil and gas - a decision based on a highly criticized and rushed scientific review and disregarded widespread concern regarding appropriate scientific inquiry and public process.

## **Climate Change**

### **2003 Grade: F**

2002 Grade: F  
2001 Grade: B-  
2000 Grade: C-  
1999 Grade: D-  
1998 Grade: D-  
1997 Grade: C-  
1996 Grade: D+  
1995 Grade: C+  
1994 Grade: C-  
(not graded in 1993)

The government of Gordon Campbell sided with Ralph Klein in opposing the Kyoto Protocol. For the first time ever, British Columbia is actually developing coal reserves, with coal bed methane plants a real threat. Despite the fact that energy analysts proposed far more environmentally appropriate alternatives, the Campbell government seems determined to build the Georgia Strait Crossing (GSX) pipeline and build a 295 megawatt gas-fired power plant at Duke Point, near Nanaimo on Vancouver Island. The pipeline would run through a proposed National Marine Conservation Area in the Strait of Georgia and through the habitat of the Southern Resident Population of killer whales, listed as "endangered" by COSEWIC.

At the hearings of a joint federal-provincial environmental review, it was established that a far more cost-effective, less environmentally damaging approach was ignored. Using BC Hydro's own estimates of upgrading and restoring the existing high voltage undersea cable (HVDC) would cost \$187 million. Instead the government is pursuing the GSX pipeline at a cost nearly twice that of the HVDC upgrade (\$320 million).

The plant would increase greenhouse gases, although less than a coal plant. Initially BC Hydro committed to the review panel a carbon off-set plan to obtain credit for carbon sequestration efforts elsewhere to off-set 50% of the new emissions from the new gas plant at Nanaimo. Following the hearing, in May 2003, BC Hydro abandoned the promise.

The government's pressure to develop the B.C. coastline with off-shore oil and gas is a further sign that Campbell does not recognize the fossil fuel era is coming to an end. Risking fragile marine ecosystems by lifting the moratorium in order to burn more climate bending fossil fuels is unacceptable.

Energy efficiency measures, such as BC Hydro's Power Smart, need to be encouraged and expanded.

## NORTHWEST TERRITORIES

### Biodiversity

#### 2003 Grade: B-

2002 Grade: B

2001 Grade: B+

2000 Grade: C-

1999 Grade: C

1998 Grade: C

1997 Grade: C-

1996 Grade: D

(not graded 1993-1995)

The Government of the Northwest Territories (GNWT) and the Federal Government represented by the Department of Indian & Northern Affairs (DIAND) in partnership with First Nations and Environmental Non-Governmental Organizations (ENGOS) have continued to make significant progress towards protected areas under the NWT Protected Areas Strategy (PAS).

The most impressive gains in this collaboration have occurred in the federal government and the Deh Cho First Nation agreeing to interim protection of over 70,000 square kilometres of ecologically significant lands. The network now protected on an interim basis extends from the western edge of Great Slave Lake to the NWT-Yukon border to the west, and encompasses two-thirds of the South Nahanni watershed. The Deh Cho land use plan is currently being developed.

Another new protected area is the Dogrib Refuge, an area of approximately 7500 square kilometres.

Sahyoue/Edacho, a proposed historic site located on Great Bear Lake, achieved interim protection in May 2002 and was acknowledged in last year's RIO Report card. This interim protection is in place until 2005. The final process of both Edézhzhíe and Sahyoue/Edacho is to take these sites to legislated permanent protection at the end of interim five-year periods.

Last year, the GNWT received points for drafting new legislation to protect species at risk. This year, the government has passed a Wilderness Conservation Area and Cultural Conservation Area Act, creating new protective designations that will meet the goals of the NWT Protected Area Strategy (1999). The GNWT will require the cooperation of the Federal Government, who manages the land, in order to provide full sub-surface protection under the new designations.

Despite these positive efforts, the NWT remains under heavy development pressure. Diamond mining and oil and gas development, including the proposed Mackenzie Valley pipeline, all threaten large areas of wilderness.

## **Climate Change**

### **2003 Grade: C**

2002 Grade: C

2001 Grade: F

2000 Grade: C+

1999 Grade: C-

1998 Grade: C

1997 Grade: C

1996 Grade: C-

1995 Grade: D

(not graded 1993-1994)

Once again, the Northwest Territories Government expresses support for Kyoto while at the same time promoting incompatible developments. As a “canary in the coal mine” in terms of rapid warming, permafrost melt and threatened species, the NWT Government has been a Kyoto ally. But at the same time, the government has embraced development projects from the Mackenzie Valley pipeline to diamond mining.

Environmentalists in the NWT anxiously await the government’s energy strategy. Current measures include upgrading the government’s own automobile fleet to more fuel efficient cars. Expectations for the new Energy Plan are high, but likely the plan will include more research, a few energy efficiency measures, but nothing to fundamentally challenge the schizophrenic nature of NWT’s climate change policy.

## **YUKON**

### **Biodiversity**

#### **2003 Grade: D-**

2002 Grade: C  
2001 Grade: F  
2000 Grade: C+  
1999 Grade: C-  
1998 Grade: C  
1997 Grade: C  
1996 Grade: C-  
1995 Grade: D  
(not graded 1993-1994)

The last year has been very disappointing for conservationists in the Yukon. The government's previously endorsed Yukon Protected Areas Strategy came under heavy fire from industry and the pro-development lobby. The pressure slowed down the process and then brought it to a complete halt. The new Yukon Party Government has been very susceptible to this lobby. The same sort of lobbying pressure is being applied to federal fisheries minister Robert Thibault to renege on his commitment to phase out the Yukon Placer Authorization by 2007. Now this clear environmental improvement is at risk.

The only conservation achievements have been through work directly with First Nations. World Wildlife Fund and the Canadian Parks and Wilderness Society have been pursuing conservation opportunities and partnerships. The Kaska Nation is particularly engaged and may come through in its claim resolution with important biodiversity gains.

The Yukon government is encouraged to seize the federal national parks initiative to support the Wolf Lake National Park proposal. Wolf Lake would be a 2.4 million acre park and falls within one of the regions (natural region 7) identified federal as slated for a new national park.

### **Climate Change**

#### **2003 Grade: B-**

2002 Grade: C  
2001 Grade: B-  
2000 Grade: C-  
1999 Grade: C  
1998 Grade: C  
1997 Grade: C  
1996 Grade: D  
1995 Grade: D  
(not graded 1993-1994)

The Yukon Government has made progress on its climate change implementation strategy since last year. Although its overall grade suffers from continued oil and gas and pipeline interest, the Territorial government has made strides in the last year. The Yukon government support for Energy Solutions Centre program, the Northern Climate ExChange, Canadian Climate Impacts and Adaptation Research Network North, Yukon public Education and Outreach Hub and has provided much needed support for Yukon International Wind conference last May 2003. As well, work continues on providing hydro power to Dawson to displace diesel power production.

Efforts on the energy efficiency front have also improved with the Yukon Housing, R200 and energy audit programs, support for 2 day vehicle emissions testing clinic and a recent reward of an “A” for energy efficiency.

Work continues on climate change action plan for Yukon.

## **NUNAVUT**

### **Biodiversity**

#### **2003 Grade: D-**

2002 Grade: B

2001 Grade: B-

The grade has fallen this year due to the government's failure to move a number of key action items on the biodiversity agenda. The sensible excuse that the territory is too new to be held accountable for a full range of policies, has now been worn thin. There is no territorial conservation strategy and no protected area program. While the government has talked about it for several years, nothing has been implemented. Without a clear commitment to a protected areas strategy, some good initiatives are started, such as establishing a heritage river or park, only to be derailed by local politics.

On the endangered species file, the government is writing a new wildlife act. It would benefit from strengthened habitat protection. It is too early to judge this not yet passed law. The government has removed the conservation education staff person from of the department. In the process of moving the office they have lost their staff.

The government is loathe to discourage economic development. Mineral development is being welcomed in short-sighted haste, and conservation is regarded either an obstacle or any welcome as a source of revenue. Conservationists fear the government is out of balance and must return to respecting land claims, conservation, and traditional idea of caring for the land.

One bright spot is the Nunavut Planning Commission and the work it is doing to conduct land use planning for the Nunavut Settlement Area.

### **Climate Change**

#### **2003 Grade: C-**

2002 Grade: B+

The government of Nunavut has a number of climate research projects, particularly in collecting Traditional Knowledge on Climate change. The government could do more with monitoring impacts of climate change and continuing to press for faster reductions of ghg in southern Canada.

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