

Endangered by the 49th Parallel: How political boundaries inhibit effective conservation

February 8 2024, by Greg Garrard



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Canada is wasting scarce resources conserving species that are not endangered elsewhere.

Some Canadian scientists advocate for [conservation efforts](#) to focus on species unique to this country, while others argue for a more global focus. However, most ignore the fact that the U.S.—Canada border creates endangered species.

Scientists preserve their objectivity by excluding politics from their research. The truth is, however, that [conservation science](#) can't help being geopolitical. We must consider the global context when designing Canadian endangered species, and biodiversity, protections.

Time for a chat about Chats

Take the [Yellow-breasted Chat](#), a [charismatic warbler listed as Endangered under the \(Canadian\) federal Species at Risk Act \(SARA\)](#). The Canadian fragment of the Southern Mountain subspecies survives in a handful of sites in B.C. along the Okanagan and Similkameen rivers.

A [2014 federal Action Plan estimated](#) the entire B.C. population to be 170 [breeding pairs](#). According to the [International Union for Conservation \(IUCN\) Red List](#), though, the global population is around 17 million across North America.

As a result the Chat's status is "least concern", the lowest in the IUCN ranking.

The federal Committee on the Status of Endangered Wildlife in Canada (COSEWIC) [says](#) the Southern Mountain subspecies "occurs at the northern edge of its range in Canada" as a peripheral to the huge American core population.

In other words, the Yellow-breasted Chat is listed as endangered in Canada because, in 1846, the British accepted that the [border with the U.S. should lie at the 49th parallel](#).

Endangered, or not?

The question then is, should conservation efforts be dedicated to tiny Canadian populations of otherwise healthy species?

[Elder Richard Armstrong's traditional story](#) illuminates why the Chat, which his people call x^waʔłq^wiləm' (whaa-th-quil lem), matters to the transboundary Nsyilxcən speaking Peoples. This story is an example of the cultural values that always [shape](#) conservation laws, both in Canada and around the world, and which provide good reasons for legal protection even of treasured peripheral populations. The First Nation's special care for the Chat, in turn, makes it more likely that COSEWIC's listing will help.

Not in every case, though. In a soon to be published study on the conservation status of transboundary mammal species in Canada and the U.S., Cardiff University doctoral student Sarah Raymond, Sarah Perkins from the School of Biosciences at Cardiff University, and I, found just six species—including the polar bear, wood bison and two species of right whale—were listed by both COSEWIC and U.S. authorities.

Of 20 transboundary species listed in just one country, 17 were listed only in Canada. Fourteen of those were, like the chat, 'Least Concern' globally, while just one bat species, *Myotis lucifugus*, was universally assessed as endangered.

Other research supports our findings.

A [recent study found](#) that 22 percent of those species that straddled the U.S.-Canada border were only protected on one side—almost always in Canada. The authors, though, take it for granted that peripheral populations deserve to have high conservation status.

Another [study scored](#) 729 COSEWIC-listed species, subspecies and [populations](#) to assess the global context of these conservation measures. The study questions the fact that:

"In many cases, ... subspecies units (e.g. twelve kinds of caribou) and peripheral populations of globally secure species are being given high priority, while endemic and globally endangered species are neglected."

Sometimes isolated populations, like the [fishers](#) of the Columbia region, are valued because they are genetically distinctive, but these should be rare exceptions. Instead, Canada has so many peripheral populations marooned on the wrong side of the border that Fred Bunnell, a UBC forest ecologist, named the phenomenon "[jurisdictional rarity](#)." Bunnell argued that:

"Efforts to conserve species that are locally rare but globally common often ignore the ecologically marginal nature of habitat and population. They engage in a fight with nature."

Overcoming jurisdictional rarity

I live in one of the skinny fragments of shrub steppe that snake up from the Columbia plateau in the U.S. through Osoyoos to Kamloops—an area which seems purpose-built for jurisdictional rarity.

Take the burrowing owl, a ground-nesting raptor with a vexed facial expression.

The bird, [while protected in B.C. since 2004](#), is mostly absent from the province. Meanwhile, the IUCN's [range map](#) for the burrowing owl (Least Concern), stretches from Alberta to Argentina.

B.C. has [spent considerable resources reintroducing](#) the owl within the

province. Ecologists might defend its role as a grasslands predator, and British Columbians might, given the choice, like to have the charming bird species thrive in the province. However, this choice, which is arguably 'a fight with nature', is never presented as a political one.

Public information about endangered species dodges jurisdictional rarity, leaving decisions to scientists and bureaucrats.

Reframing the conversation

Ontario's Endangered Species Act (OESA) was [lauded by conservationists](#) because, unlike SARA, it gave scientists the power to impose automatic listing with no political interference.

Doug Ford's government defanged OESA with its [More Homes, More Choice Act in 2019](#), though it did include a sensible requirement that the Committee on the Status of Species at Risk in Ontario (COSSARO) consider jurisdictional rarity.

Scientists opposed to Ford's pandering to property developers [want the legislation restored to its former glory](#), meaning COSSARO would list species "based on their status solely in Ontario, as was formerly done." But why?

Over-listing shouldn't be a partisan issue. Scientists may feel protective towards Canadian populations they know and love, but citizens won't want limited resources wasted on conservation of un-[endangered species](#). Scientific and political processes [gummed up](#) with peripheral species make it less likely that critically imperiled species will be saved.

[Some biologists claim](#) that effective conservation needs tough laws that put scientists alone in charge of listing and protection (on public land, at least). I would argue, though, that legitimacy, not coercive power, is the

most precious commodity in conservation.

Social science research [shows that most Canadians, regardless of background, want species protected](#), yet their support—vital in a vast nation like Canada—is fragile. It [depends on a belief](#) that listing processes are democratically legitimate, and that listed species deserve protection.

Where good reasons exist to protect peripheral species, those arguments should be public and open to debate.

My field—environmental humanities—is generally better at asking awkward questions than proposing solutions. In this case, though, I have a simple recommendation: new conservation laws, such as B.C. is [considering](#), should require that peripheral species be identified transparently, using agreed definitions, as 'endangered in B.C.', or 'threatened in Canada'. If it does, I would vote for conservation of Okanagan chats regardless.

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