

Sustaining the Islands – Community Stewardship Awards Program



Islands Trust

2012 Nominee Profile

Margot Venton, North Pender Island

- Category:** Individual
- Project:** Legal action to protect the Southern Resident Killer Whale
- Nominator(s):** David Boyd
- Letters of Support:** N/A

Project Description:

Everyone in the Southern Gulf Islands loves the Southern Resident killer whales. These whales reflect the wild heart of the Salish Sea ecosystem and are an intelligent, inspiring species.

The *Species at Risk Act* places a mandatory duty on the federal government to protect species and their habitats. Margot Venton, a lawyer with Ecojustice, filed a lawsuit in 2008 with assistance from lawyer Lara Tessaro on behalf of nine local and national environmental groups, alleging that DFO was in violation of the *Species at Risk Act* and that DFO fundamentally misunderstood its obligation to protect critical habitat. The Department of Fisheries and Oceans (DFO) argued that existing policies and programs were sufficient to protect the critical habitat of this critically endangered population. The Federal Court ruled in the whales' favour in 2010.

That victory was short-lived as the government appealed the court decision. Margot argued the appeal, assisted by lawyer Tim Leadem. In February 2012, the Federal Court of Appeal upheld the trial decision, confirming that DFO had failed to adequately protect the whales' habitat. Finally, in April 2012, DFO confirmed that they would not appeal to the Supreme Court of Canada.

This precedent-setting legal victory will ensure that wide-ranging and long-lasting changes are made to environmental protection in the Trust Area region. Fisheries management must change to accommodate the whales' particular affinity for chinook salmon. Marine traffic will have to become more respectful of the whales' need for peace and quiet. Industrial practices will have to change to prevent pollution of the air and water. The cumulative impact will be a substantial long-term improvement in the

environmental quality of the Islands Trust area. Indeed, by setting such a strong precedent, the case will benefit all marine and terrestrial species in the Trust Area that are endangered or threatened.

The victory increases the likelihood that our grandchildren will share the same thrill that we enjoy when the whales appear.