



PRESS RELEASE
For immediate release

Victory: The Federal Court of Appeal rules in favour of the western chorus frog!

MONTREAL, May 21, 2020 – The Federal Court of Appeal handed down its decision on Friday: the emergency federal order to protect the western chorus frog has been upheld. In its decision, the Federal Court of Appeal rejected all the arguments put forward by the private developer. In particular, the court maintains that the emergency order does not directly infringe on provincial jurisdiction in that it is specifically intended to allow for an emergency intervention to protect the western chorus frog from harm that would jeopardize its survival or recovery.

In its decision, the Court recognizes the urgency to act to protect biodiversity, emphasizes the inextricable link between the protection of biodiversity and the control of environmental pollution, and reiterates Canada's obligations to protect biodiversity.

"We welcome the fact that the federal emergency order is being maintained. The Federal Court of Appeal is sending a clear message to both governments and developers that the situation is urgent and that we have a duty to prevent human activities from leading to species extinction. Recognition of the validity of the emergency order represents an important victory for all the groups that, like CQDE, are mobilizing to protect at-risk species," said Geneviève Paul, Executive Director of the Quebec Environmental Law Centre (CQDE).

"In rejecting the company's argument, the Federal Court of Appeal supports what CQDE argued before the court, namely that the emergency order does not encroach on provincial jurisdiction or circumvent provincial or municipal environmental authorization processes. On the contrary, it is a limited, exceptional, and necessary measure to ensure compliance with the *Species at Risk Act*," said Me David Robitaille, legal counsel for CQDE.

"The conclusion of this case confirms the Quebec government's failure to protect the western chorus frog and is a reminder that it must do more to ensure the protection of threatened and at-risk species on its territory. We hope that the message will be heard... loud and clear," added Ms. Paul.

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Context:

Threatened in particular by urban sprawl, the western chorus frog, which lives and breeds in wetlands, has lost 90% of its range in the Montérégie region in recent decades. Faced with the refusal of Ville de la Prairie and the private developer to suspend work on a housing project that would destroy part of the western chorus frog's suitable habitat, the CQDE and its partners have been intensifying their efforts since 2013 to protect the western chorus frog and ensure that environmental law is respected.

In June 2016, after more than three years of legal proceedings, the federal Minister of Environment and Climate Change adopted the first ever emergency order on private land under the *Species at Risk Act* to protect the critical habitat of the western chorus frog in the greater La Prairie region of Quebec. This is the first order to target habitat on private land and is designed to protect critical habitat for the western chorus frog. The company challenged the constitutional validity of this order and the legislation that allowed it.

Source: [Quebec Environmental Law Centre \(CQDE\)](#)

Media contact: Sophie Turri, communications manager, CQDE

sophie.turri@cqde.org | 438-979-7951