

***Species at Risk Act***  
**(SARA)**

**Canadian Electricity Association**  
**June 8, 2004**

# Purpose of SARA Bill C-5

- The purposes of this Act are to prevent wildlife species from being extirpated or becoming extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity and to manage species of special concern to prevent them from becoming endangered or threatened.

# Purpose of SARA

## Bill C-5

- The Act covers all wildlife species listed as being at risk and their critical habitats.
- “Wildlife species” includes aquatic species.
- “Aquatic species” means a wildlife species that is a fish, as defined in section 2 of the *Fisheries Act*, or a marine plant as defined in section 47 of that Act.

# SARA Roles and Responsibilities

## 2 Competent Ministers:

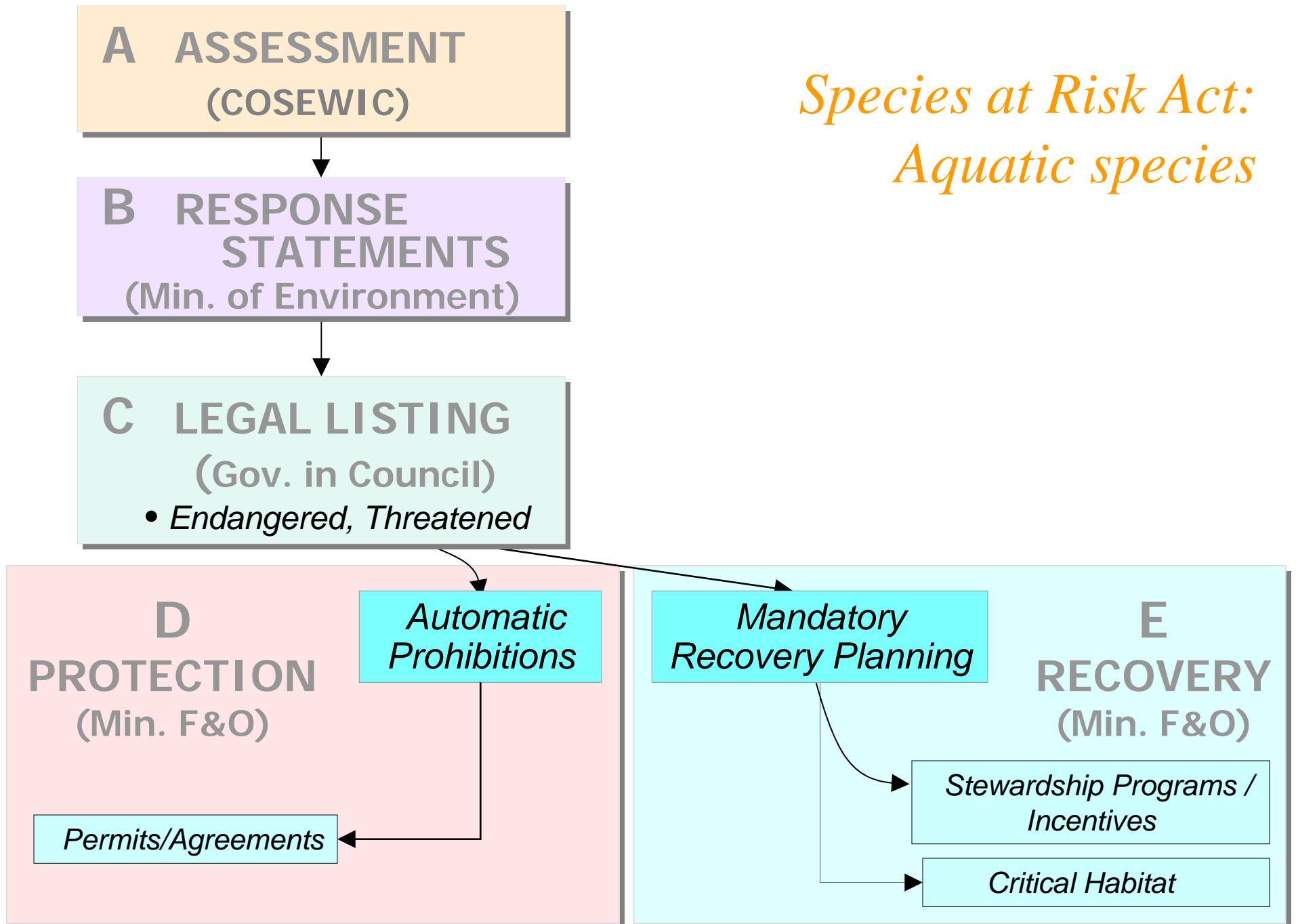
### 1. Minister of Fisheries and Oceans

- Competent Minister for aquatic species (fish and marine plants as defined in the *Fisheries Act*) except individuals located in Parks.

### 2. Minister of Environment

- Overall coordination, Competent Minister for migratory birds and all other non-aquatic species. Parks Canada Agency (now reporting to MoE) responsible for species in national parks or historic sites.

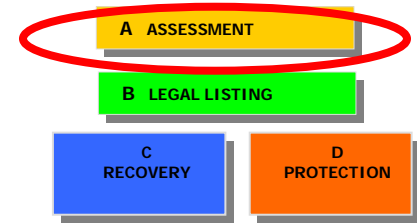
*Species at Risk Act:  
Aquatic species*



## A ASSESSMENT

- *Status Reports*
- *COSEWIC Designation*

[Sections 14-24]



## A. Species Assessment

COSEWIC (Committee on Status of Endangered Wildlife in Canada) assesses the status of species and classifies them as extirpated, endangered, threatened, special concern or data deficient.

Arm's-length scientific advisory body made up of government and university scientists

# COSEWIC<sup>1</sup> Categories

**“Extinct, Extirpated”**



“gone from the world or from Canada”

**“Endangered”**



“at significant risk of biological extinction”

**“Threatened”**



“likely to become Endangered if limiting factors not reversed”

**“Special Concern”**



“particularly sensitive to human activities or natural events”

**“Not at Risk”**



“assessed and OK”

**“Data Deficient”**

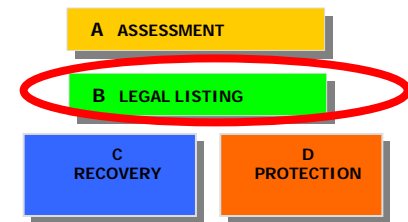


“insufficient evidence to support status determination”

## B LISTING

- *Endangered*
- *Threatened*

[Sections 27-31]



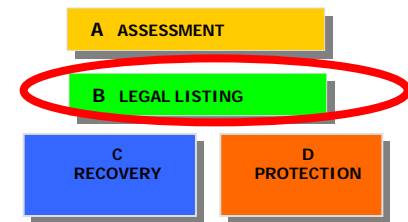
## B. Listing

- COSEWIC provides the final status reports to the MoE
- Response statement to be posted in the SARA public registry within 90 days upon receipt of status report
- Within 9 months of receiving report, GIC decides:
  - accept the assessment and add the species to the List
  - decide not to add the species to the List
  - to refer the matter back to COSEWIC

## B LISTING

- *Endangered*
- *Threatened*

[Sections 27-31]



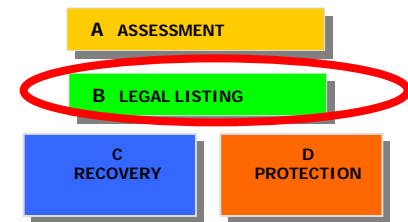
## B. Listing

- To inform GIC's decision DFO to:
  - prepare RIAS (Regulatory Impact Analysis Statement) for aquatic species (cost-benefit analysis)
  - Undertake public consultations
  - EC submits recommendation to GIC
- Extent of consultations depends on species
- Most consultations completed within 9 months
- Extended process species may take an extra 6-12 months

## B LISTING

- *Endangered*
- *Threatened*

[Sections 27-31]



## B. Listing

### Emergency Listing [Sections 28-31]

- If MoE is of the opinion that there is an imminent threat to the survival of the species, MOE must, after consulting with MFO, make a recommendation to the GIC to add the species to the List as endangered.

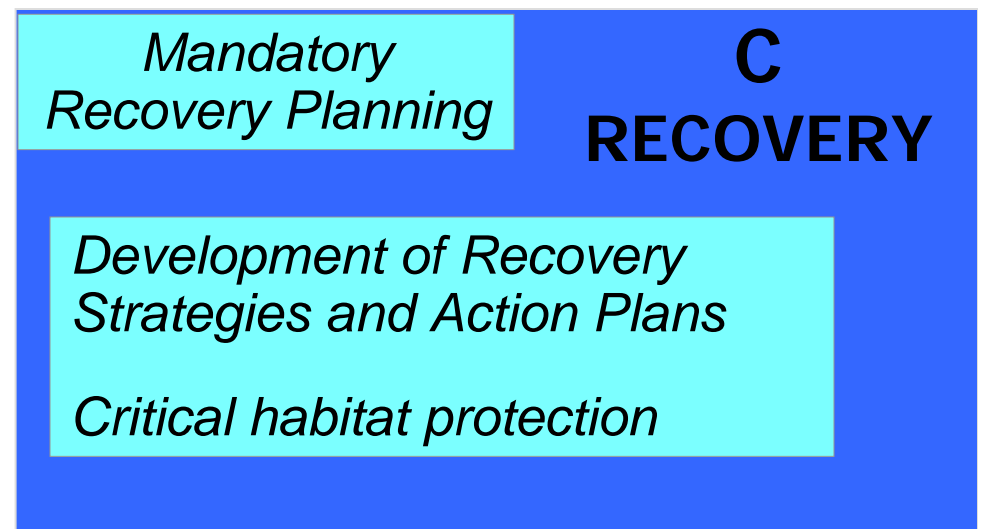
## C. Recovery

### Mandatory Recovery Planning:

[Sections 37-46]

**Mandatory preparation of a Recovery Strategy for extirpated, endangered and threatened species.**

- Include information about the species, threats and identify critical habitat, if possible
- Short and long term recovery goals and objectives



## C. Recovery

[Sections 47-55]

### Mandatory Recovery Planning:

#### **Mandatory preparation of an Action Plan for extirpated, endangered and threatened species.**

- Describe specific measures needed and timeline
- Identify critical habitat, to the extent possible
- Consider socio-economic impacts

*Mandatory  
Recovery Planning*

**C  
RECOVERY**

*Development of Recovery  
Strategies and Action Plans*

*Critical habitat protection*

# Timelines for Recovery

## Recovery Strategy:

### Schedule 1 species

Endangered - 3 years

Threatened/extirpated - 4 years

- Assuming 3-4 years for plan development, plans are due 2006-07

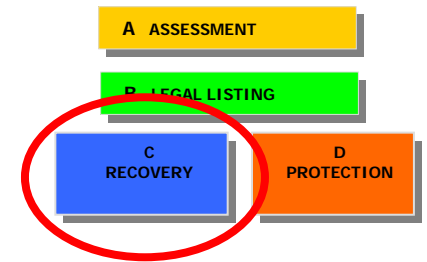
- **Newly listed species**

Endangered - 1 year

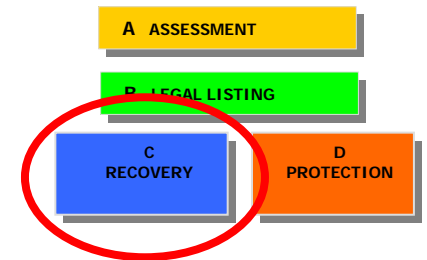
Threatened/extirpated - 2 years

- Assuming 9 months for Listing and 1-2 years for plan development, plans are due 2006-07

### Timeline for completion of Action Plan to be laid out in Recovery Strategy



# Recovery



## Dealing with existing Recovery Strategies

**Considerable work has been done on recovery strategies for key species prior to SARA**

**These will have to be brought up to SARA requirements within the timelines**

**Degree of SARA compliance varies but critical habitat, recovery objectives, allowable harm are likely to be key areas for additional work**

**Likely that existing team or approach to develop strategy will be used to ensure SARA compliance**

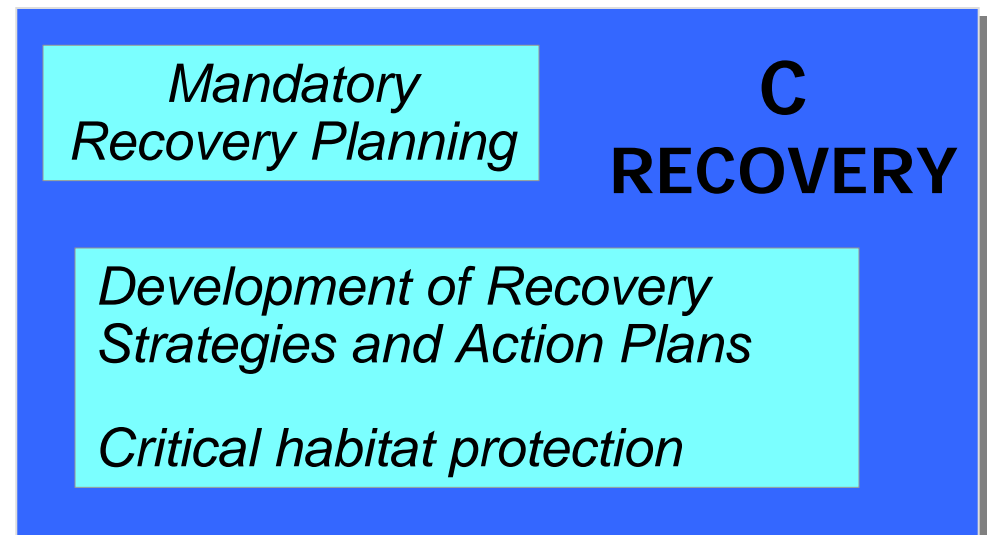
## C. Recovery

### Critical Habitat:

**“The habitat that is necessary for the survival and recovery of a listed wildlife species that is identified in a recovery strategy or action plan”. (SARA s.2)**

SARA states that critical habitat should be designated “to the extent possible” using the best available information.

SARA requires that when critical habitat is unknown, a schedule of studies to identify it must be prepared.



## C. Recovery

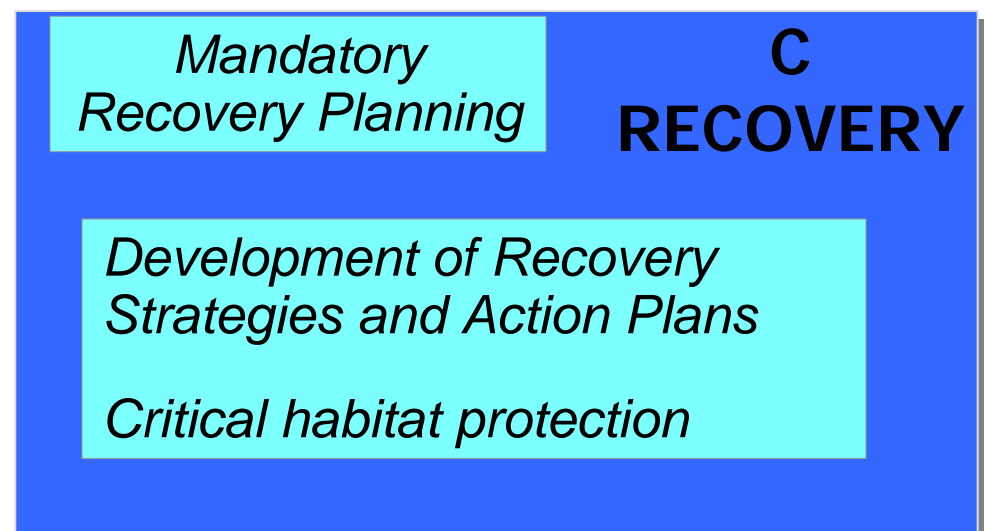
[Sections 65-72]

### Mandatory Recovery Planning:

#### **Mandatory preparation of Management Plans for species of special concern and its habitat.**

- The plan must include measures for the conservation of the species that the Competent Minister considers to be appropriate.

Existing plans may be adopted as SARA management plans.



## D. Protection

[Section 32]

### General Prohibition:

**Prohibition applies to extirpated, endangered or threatened aquatic species wherever they are located.**

**32.** (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated, endangered species or a threatened species.

(2) No person shall possess, collect, buy, sell or trade an individual of a wildlife species that is listed as an extirpated, endangered species or a threatened species...

**D  
PROTECTION**

*Automatic  
Prohibitions*

*Protection for EN / TH species  
and their residence*

## D. Protection

[Sections 33]

### General Prohibition:

**Prohibition applies to the residences of extirpated, endangered or threatened aquatic species wherever they are located.**

**33.** No person shall damage or destroy the residence of one or more individuals of a wildlife species that is listed as an extirpated, endangered or threatened species...

“residence” means a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating.

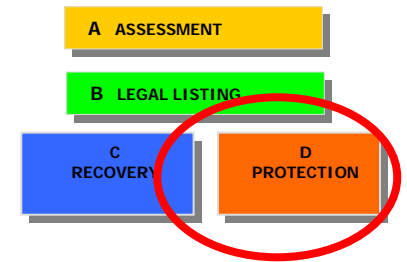
**D  
PROTECTION**

*Automatic  
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*Protection for EN / TH species  
and their residence*

# D. Protection

## Permits and Agreements



Sec 73 allows permits for scientific research, activities beneficial to species, activities which harm species incidentally

Must consider alternatives, mitigating measures, and harm must not jeopardize survival and recovery

Explanation for issuing permits must be published on the Public Registry

Applicable to species, residence, critical habitat