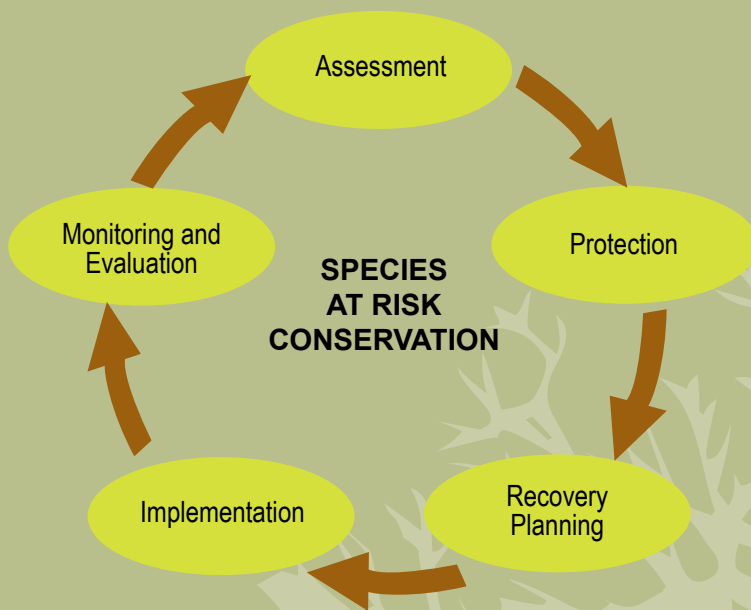




# *Species at Risk Act Policies*

## Overarching Policy Framework



Note: The material presented here is not to be interpreted as legal advice. If there is a discrepancy between the information presented in the policy and SARA, the Act prevails.

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## 1.0 INTRODUCTION

### 1.1 Background

The *Species at Risk Act (SARA)* is a key federal government commitment to prevent wildlife species from becoming extinct and to secure the necessary actions for their recovery. It provides for the legal protection of wildlife species and the conservation of their biological diversity. The Act recognizes that the protection of wildlife species is a joint responsibility and that all Canadians have a role to play in the protection of wildlife.

SARA is one part of a three-part Government of Canada strategy for the protection of wildlife species at risk. This three-part strategy also includes commitments under the Accord for the Protection of Species at Risk and activities under the Habitat Stewardship Program for Species at Risk.

The Accord for the Protection of Species at Risk outlines commitments by federal, provincial and territorial ministers to designate species at risk, protect their habitats and develop recovery plans as well as complementary legislation, regulations, policies and programs, including stewardship. To support the implementation of the Accord, the National Framework for Species at Risk Conservation was developed jointly by federal, provincial and territorial governments and provides a set of common principles, objectives and overarching approaches for species at risk conservation that all participants can share and work toward in a collaborative way. The Framework describes the approach to species at risk conservation shared by all jurisdictions in Canada as a process based on assessment, protection, recovery planning, implementation, and monitoring and evaluation, as illustrated in the diagram below. It is premised on an adaptive management approach, where progress on protection, recovery planning and implementation is monitored on an ongoing basis and adjustments are made as required within each of the different components.



### 1.2 Overview of the SARA Policies

The SARA policies provide the overarching policy framework and, together with other guidelines and departmental operational procedures, etc., enable the effective implementation of SARA. It is anticipated that over time, as more experience is gained, SARA policies and guidelines will be updated.

The purpose of the SARA policy suite is to explain the federal government's policy intentions for meeting its obligations under the *Species at Risk Act*. The policy suite has three primary objectives:

- to clarify the intent of authorities and provisions under SARA;
- to establish guiding principles for implementation of the Act; and



- to clarify our understanding of roles and responsibilities for various jurisdictions involved in species at risk protection and recovery.

The policy suite includes a total of five related policies, one for each of the five components of species at risk conservation, as follows:

- Assessment
- Protection
- Recovery Planning
- Implementation
- Monitoring and Evaluation

Each policy is structured in a similar fashion and includes the following sections:

- definitions
- context
- guiding principles
- roles and responsibilities
- specific policy content

While the policy suite sets out the broad intentions of the federal government with respect to the roles and responsibilities of the provinces and territories in conserving species at risk, details on the sharing of administrative matters such as cost sharing, collaboration in preparing recovery strategies or action plans, and implementing recovery or management actions will be dealt with in bilateral agreements.

### 1.3 Definitions

Throughout the policies, the terms “**competent ministers**” or “**competent departments**” are used to refer to the ministers or departments responsible for SARA:

- The Minister of Fisheries and Oceans is responsible for aquatic species at risk.
- The Minister responsible for Parks Canada Agency is responsible for individuals of species at risk found in national parks, national historic sites or other protected heritage areas.<sup>1</sup>
- The Minister of the Environment is responsible for all other species at risk, and is also responsible for the administration of the Act.

The following terms are also used throughout the policies:

**Affected parties:** Those persons or organizations that the competent ministers consider will be directly affected by foreseeable protection measures and/or recovery and management actions.

**Interested parties:** Those persons or organizations that the federal government expects to be directly involved in undertaking of protection, recovery and/or management actions.

**Non-federal lands:** Any land not included in the definition of federal land in SARA, e.g., private lands, lands under the jurisdiction of a province or territory, or lands the title of which has been transferred as a result of a comprehensive land claims agreement.

<sup>1</sup> Note that the Minister of the Environment is responsible for Parks Canada Agency.

## 2.0 ASSESSMENT

The purpose of this policy is to describe the role of the federal government in the assessment process and the nature of its interaction with the [Committee on the Status of Endangered Wildlife in Canada \(COSEWIC\)](#), which is formally recognized by SARA as the authority for assessing the conservation status of species that may be at risk in Canada.

### 2.1 Definitions

As defined in SARA, “‘wildlife species’ means a species, subspecies, variety or geographically or genetically distinct population of animal, plant or other organism, other than a bacterium or virus, that is wild by nature and

- (a) is native to Canada; or
- (b) has extended its range into Canada without human intervention and has been present in Canada for at least 50 years.”<sup>2</sup>

COSEWIC is developing a policy on manipulated populations which will address issues surrounding the consideration of hybrids, individuals in captivity, and other types of manipulated populations in the assessment of wildlife species. With respect to the definition of a wildlife species under SARA, Environment Canada, Fisheries and Oceans Canada, and the Parks Canada Agency will adhere to the COSEWIC policy to provide clarity on the inclusion or exclusion of manipulated populations in the definition.

### 2.2 Context

Assessment is a first and critical step in species at risk protection and recovery. The results of species assessment determine whether or not a species is considered for listing and what level of protection or recovery effort will be afforded the species if it is added to the List of Wildlife Species at Risk. Under SARA, assessment is the process by which COSEWIC, an independent body of experts, evaluates the conservation status of a wildlife species based on the best available scientific knowledge, community knowledge and Aboriginal traditional knowledge. The assessment results in the assignment of a classification of either: extinct, extirpated, endangered, threatened or of special concern. Alternatively, it can be determined that the species is not currently at risk or is data deficient.

#### Assessment by COSEWIC

Under SARA, COSEWIC is responsible for determining when species are to be assessed, with priority given to those more likely to become extinct, and for conducting assessments of those species. COSEWIC must also review the classification of each species at risk at least once every 10 years. The Canadian Endangered Species Conservation Council provides general direction on the activities of COSEWIC (s. 7(2) of SARA).

The [COSEWIC Assessment Process and Criteria](#) are described in detail on the COSEWIC website. COSEWIC regularly updates its process and criteria to reflect new thinking and experience based on internationally accepted approaches and to respond to new requirements and priorities.

<sup>2</sup> *Species at Risk Act*, Statutes of Canada 2002, s. 2.



When COSEWIC completes an assessment of the status of a wildlife species, it provides the Minister of the Environment and the Canadian Endangered Species Conservation Council with a copy of the status report, and the assessment and the reasons for it. The policy and process for consideration of a species for addition to or removal from Schedule 1, or for a change in status of a species on Schedule 1 of SARA, by the Governor in Council is described in Chapter 3: Protection.

## 2.3 Guiding Principles

The contribution of the federal government to the assessment process will be guided by a set of overarching principles. Specifically, in contributing to the assessment of the status of wildlife species in Canada, Environment Canada, Fisheries and Oceans Canada, and Parks Canada will work to foster a process based on:

- **Information sharing:** The federal government will work to ensure that the best available information is provided for the purpose of preparing the General Status Report, and to COSEWIC for preparing its assessments.
- **Respect for the independence of COSEWIC:** The federal government will respect the independence of COSEWIC members and the arms-length status of COSEWIC to fulfill its duties under the Act.
- **Effectiveness and timeliness:** The federal government will promote the use of the most appropriate approach for achieving effective and timely assessment, including the use of a multi-species approach to increase efficiency in the assessment process where appropriate.
- **Collaboration:** The federal government will encourage provincial and territorial governments, Aboriginal communities and organizations, and knowledgeable public groups in contributing to sound assessments of species.

## 2.4 Federal Interaction with COSEWIC

The Minister of the Environment will provide COSEWIC with the professional, technical, secretarial, clerical and other assistance, and any facilities and supplies that, in the opinion of the Minister, are necessary to carry out its functions. The federal government will engage with COSEWIC collaboratively and as necessary to:

- share information and ensure that COSEWIC is aware of any relevant information obtained in any other part of the conservation cycle that would affect the need for assessment or reassessment of a species;
- promote compatible COSEWIC and federal government policies and practices; and
- facilitate the collection of Aboriginal traditional knowledge and community knowledge.

### 2.4.1 Best Available Information

COSEWIC must carry out its functions on the basis of the best available information on the biological status of a species, including scientific knowledge, community knowledge and Aboriginal traditional knowledge. COSEWIC must also take into account any applicable provisions of treaty and land claims agreements when carrying out its functions (s. 15(3) of SARA).

The process of obtaining information can be difficult, complex and costly. To support COSEWIC in the assessment of species, the federal government will:



- undertake all reasonable efforts to compile, review, interpret and assess the best available information such that it can be considered in the preparation of the COSEWIC Status Report before COSEWIC conducts its assessment;
- monitor COSEWIC's Candidate List and take action to provide COSEWIC with relevant information on a timely basis;
- inform COSEWIC of significant research that is under way on a candidate species and the expected timing of results;
- identify and facilitate the acquisition of information from other sources, to the extent possible;
- engage in dialogue with Status Report authors, under the auspices of COSEWIC's status report preparation process, and COSEWIC regarding factual aspects of the data, analyses and their interpretation as early as possible in the status report review process;
- participate constructively in the assessment review process;
- work with COSEWIC to identify information gaps and develop a plan to acquire relevant data, consistent with its jurisdictional responsibilities and to the extent feasible, for species that have been assessed Data Deficient<sup>3</sup> by COSEWIC; and
- give priority to collecting and providing available information to COSEWIC when COSEWIC is conducting an emergency assessment.

#### **2.4.2 General Status Report**

Under s. 128 of SARA, a general report on the status of wildlife species in Canada must be prepared once every five years. The report is posted on the SARA Public Registry and tabled in each House of Parliament. The report is also provided to COSEWIC for its use in the prioritization of candidate species for assessment.

#### **2.4.3 Status Reports**

Many species in Canada have not yet been assessed by COSEWIC, but are suspected of being at some risk of extinction or extirpation. The COSEWIC [Candidate List](#) provides a compilation of such species, indicating those that have priority for assessment. The federal government will share information regarding species it deems of priority for assessment with COSEWIC such that the species may be considered for inclusion on the Candidate List.

COSEWIC will commission status reports for priority candidate species so that an assessment can be undertaken. This is done through an open bidding process. These status reports form the primary source of information that COSEWIC uses to assess and classify the conservation status of a species. In addition, any interested party or person may submit a species status report for consideration by COSEWIC. The federal government will submit unsolicited status reports only when warranted by exceptional circumstances such as conservation emergencies that require immediate action.

#### **2.4.4 Referral Back to COSEWIC**

If the federal government is unclear about aspects of a COSEWIC assessment, it will contact COSEWIC for clarification prior to posting a minister's response statement and initiating consultations.

<sup>3</sup> A category used by COSEWIC when available information is insufficient (a) to resolve a wildlife species eligibility for assessment or (b) to permit an assessment of the wildlife species' risk of extinction.

The Minister of the Environment will only recommend to the Governor in Council that a species assessment be referred back to COSEWIC for further information or consideration when there is significant, credible information (including Aboriginal traditional knowledge) that was not available to or not considered by COSEWIC at the time of the assessment, and that could lead to a change in the conclusion that COSEWIC has reached regarding the status of the species.

When the Governor in Council decides to refer the matter back to COSEWIC, the federal government will communicate the decision to COSEWIC in a timely manner, along with the underlying rationale and all related information to facilitate reconsideration.

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## 3.0 PROTECTION

The purpose of this policy is to establish principles and directions the federal government will use to guide its efforts to protect wildlife species at risk, their residences and their critical habitat under SARA through:

- the listing process;
- emergency listings and orders;
- the protection of species at risk, their residences and critical habitat;
- compliance promotion and enforcement; and
- authorizations.

This policy chapter provides direction and guiding principles related to the responsibilities of the federal government associated with listing species under SARA and the resulting protection of individuals, residences and critical habitat. Federal policy related to the identification of critical habitat is addressed in the Recovery Planning policy chapter. The issue of compensation (SARA s. 64) is not discussed in this policy chapter, but will be addressed in future regulations and any associated guidance documents.

### 3.1 Definitions

**Authorization:** A permit, agreement, licence, order or other similar document, referred to in ss. 73, 74, 77 and 78 of SARA, authorizing a prohibited activity affecting a listed wildlife species, any part of its critical habitat, or the residences of its individuals. Authorization also refers to the act of issuing such a document.

**Regulatory Impact Analysis Statement (RIAS):** A document describing the impact of any proposed federal regulation (including an order amending Schedule 1 of SARA), what the government is going to deliver, how Canadians have been consulted, and a summary of views in order to provide Canadians and affected parties with a final chance to have input to the regulation-making process. The RIAS must demonstrate that the proposed regulation is preferred over other policy tools to achieve the objectives, analyze the benefits and costs of regulating, and explain the strategy to ensure compliance with and enforcement of SARA.<sup>4</sup>

**Species protection:** For the purposes of this policy, species protection shall mean the protection of species listed as extirpated, endangered, or threatened (or any part or derivative of an individual), their residences, or the protection of the critical habitat of the species.

### 3.2 Context

SARA provides a specific role for the federal government in species protection and includes a number of protection provisions. This policy provides direction on how the competent ministers intend to use these and other provisions in SARA to prevent wildlife species from being extirpated or becoming extinct, to provide for the recovery of wildlife species known to be at risk as a result of human activity, and to ensure that species identified as species of special concern do not become further at risk. Species protection can take a number of forms, for example, encouraging stewardship by persons and organizations, applying a range of mechanisms (e.g., prohibitions) enabled through federal, provincial or territorial legislation including but not limited to SARA, authorizing and controlling uses

<sup>4</sup> This is a requirement of the *Cabinet Directive on Streamlining Regulation* and is not a specific requirement of SARA.



on the critical habitat of the species or the residences of its individual through permits, or engaging in compliance promotion and enforcement activities.

Species protection under SARA begins when the Governor in Council, upon the recommendation of the Minister of the Environment, adds a species to the List of Wildlife Species at Risk set out in Schedule 1 of SARA.

SARA establishes legal protection for individuals of listed threatened, endangered or extirpated species and their residences:

- on federal lands in the provinces;
- on lands under the authority of the Minister of the Environment or the Parks Canada Agency in the territories;
- for migratory birds covered under the *Migratory Birds Convention Act, 1994* wherever they occur; and
- for aquatic species as defined in SARA wherever they occur.

In addition, subject to the consultation requirements set out in SARA, critical habitat on federal lands or critical habitat for any listed aquatic species must be afforded legal protection, either through an order under SARA or by other means, as specified in SARA, within 180 days of the publication on the SARA Public Registry of the final version of the recovery strategy or action plan which identifies critical habitat. If the critical habitat or a portion of the critical habitat is in a national park, marine protected area, migratory bird sanctuary, or national wildlife area, the competent minister must, within 90 days after the recovery strategy or action plan that identified the critical habitat is included in the public registry, publish in the *Canada Gazette* a description of the critical habitat or portion that is in that park, area or sanctuary.

With respect to wildlife species listed as extirpated, endangered or threatened, other than migratory birds protected by the *Migratory Birds Convention Act, 1994* and aquatic species, there is no automatic protection provided by SARA where the species, its residence or its critical habitat occurs on non-federal lands. Instead, SARA requires the Minister of the Environment to form an opinion as to whether effective protection is in place. This policy outlines the approach of the competent ministers regarding the interpretation of effective protection on non-federal lands.

Where a SARA prohibition is in place, either on federal or non-federal lands (for example, for a listed migratory bird or a listed aquatic species), SARA contains provisions for authorizing some activities.

### 3.3 Guiding Principles

In contributing to the protection of wildlife species in Canada, Environment Canada, Fisheries and Oceans Canada, and Parks Canada Agency will work to foster a process that:

- **Is transparent:** The competent ministers will work to ensure that information underlying their decisions and recommendations regarding protection are available to the public.
- **Is knowledge-based:** The competent ministers will use the best available information including scientific knowledge, Aboriginal traditional knowledge and community knowledge that is assessed as relevant.

- **Adopts a precautionary approach:**<sup>5</sup> Consistent with SARA, if there are threats of serious or irreversible harm to a listed wildlife species, the competent ministers will not postpone cost-effective measures to prevent the reduction or loss of a species for a lack of full scientific certainty.
- **Respects jurisdictional roles and responsibilities:** The competent ministers are aware of concurrent provincial and territorial jurisdictions with respect to the protection of listed species at risk. In fulfilling its commitments under SARA, under the Accord for the Protection of Species at Risk and under any related agreements, the competent ministers will consult, to the extent possible, with the provinces and territories to complete recovery and management planning.
- **Encourages protection through existing measures and complementary legislation:** The competent ministers will support the use of a wide range of measures, including measures provided under legislation other than SARA, such that the protection provided by the measures is commensurate with the protection needed for the species.
- **Promotes stewardship:** The competent ministers will support a stewardship approach whereby persons and organizations voluntarily apply measures to contribute to species protection.

### 3.4 Listing of Species under SARA

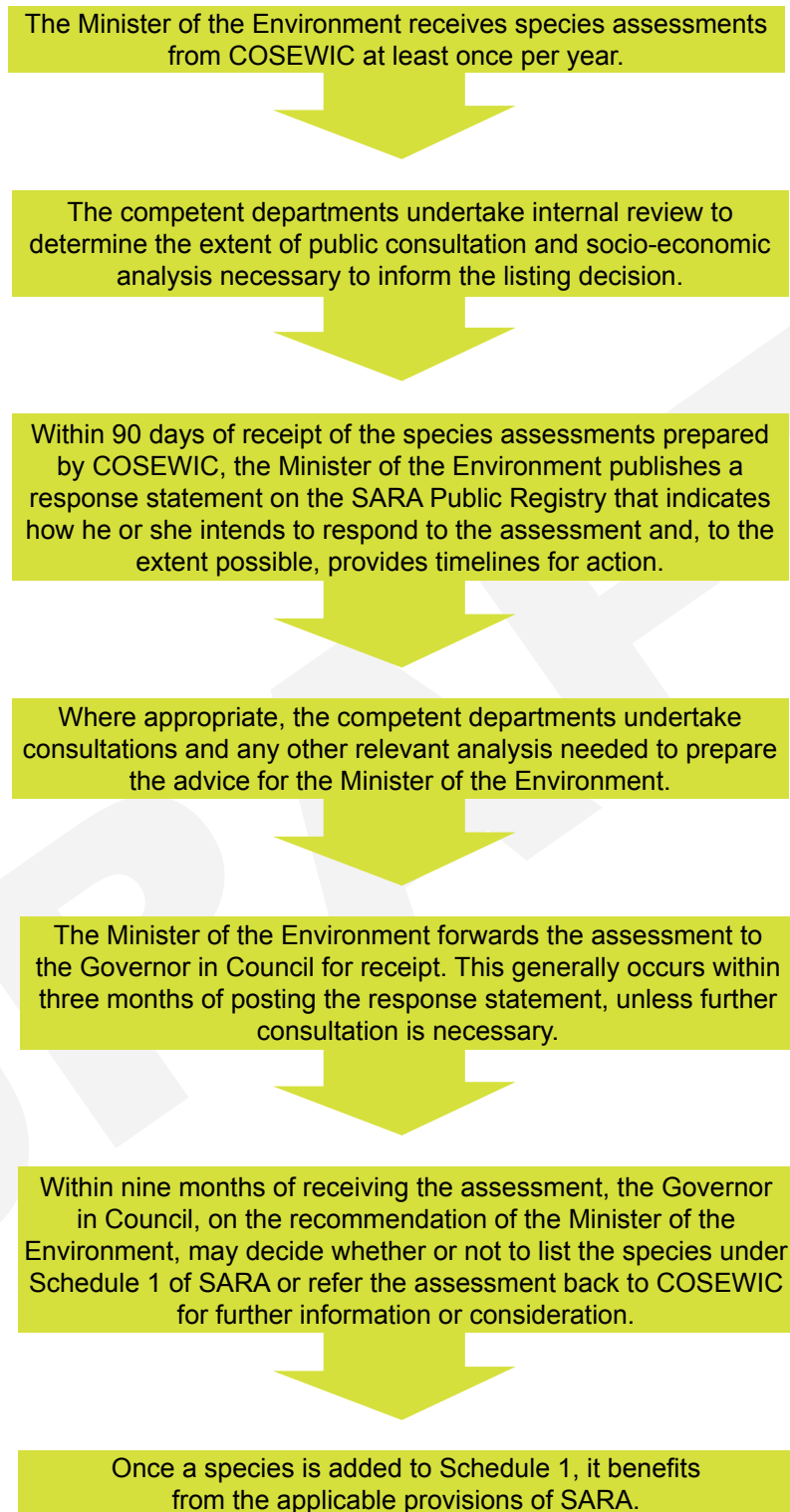
Adding a species to the List of Wildlife Species at Risk (Schedule 1) under SARA invokes responsibilities on the part of the federal government regarding species protection and recovery consistent with the purposes of the Act.

In summary, the process of listing a species begins with an assessment by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) which identifies a risk status for the species. COSEWIC sends its assessments to the Minister of the Environment (the Minister) at least once a year.<sup>6</sup> Following receipt of the status assessments, the Minister posts response statements on the SARA Public Registry that indicate how the Minister intends to respond to each assessment. Following the posting of the responses the Minister prepares a recommendation to the Governor in Council on whether or not to add the species to Schedule 1 of SARA. When making a recommendation to the Governor in Council, the Minister of the Environment cannot vary the status of a species as assessed by COSEWIC. As required by the Cabinet Directive on Streamlining Regulation, the Minister will conduct public consultations and socio-economic analysis and consider the results prior to making a recommendation. Under s. 27 of SARA, the Governor in Council has the authority, on the recommendation of the Minister of the Environment and consistent with the status assessment by COSEWIC, to add or not add a species to Schedule 1 of SARA, to remove a species from Schedule 1 of SARA, or to change the status designation of a species already on Schedule 1. The Governor in Council also has the authority to refer the assessment back to COSEWIC.

<sup>5</sup> Application of the precautionary approach will be consistent with the Government of Canada guidance document: A framework for the application of precaution in science-based decision making about risk, 2003, available at: [www.pco.gc.ca/docs/information/publications/precaution/precaution-eng.pdf](http://www.pco.gc.ca/docs/information/publications/precaution/precaution-eng.pdf)

<sup>6</sup> For further details on COSEWIC's responsibilities under SARA please refer to Chapter 2: Assessment.

The following chart provides an overview of the species listing process.



### 3.4.1 Ministerial Receipt of COSEWIC Species Assessments

Receipt of the COSEWIC assessment by the Minister of the Environment triggers the need to publish a response statement on the SARA Public Registry and to initiate the SARA listing process.

### 3.4.2 Preparation of Response Statements

Upon receipt of a COSEWIC assessment the Minister must within 90 days include a report on the SARA Public Registry indicating how he or she intends to respond to the assessment and, to the extent possible, timelines for action. In addition, the Minister of the Environment will indicate the scope of any consultations. This is known as the response statement.

During this 90-day period, the competent minister carries out an internal review to determine the level of public consultation and socio-economic analysis necessary to inform the listing decision. Timelines for action posted in the response statement are based on the results of this initial review.

### 3.4.3 Preparation of Advice to Minister on Species Proposed for Listing

Following the posting of the response statements, the Minister must prepare a recommendation to the Governor in Council regarding each of the species proposed for listing, de-listing, for a change in risk status or for referral back to COSEWIC for further information or consideration. When making a recommendation to the Governor in Council regarding the listing of a species (excluding emergency listing), the Minister will consider the following, as appropriate:

- the purpose of SARA;
- the COSEWIC status assessment;
- other available information regarding the status and threats to the species;
- the results of public consultations held after posting the response statements;
- the results of consultations with provinces and territories;
- the results of consultations with appropriate Aboriginal organizations;
- the results of consultation with any other person or organization that the competent minister considers appropriate;
- the results of consultations with the appropriate wildlife management board;
- the social and economic impacts (costs and benefits) from listing the species; and
- the advice of any other competent minister.

### Consultations

To gain an understanding of the benefits and impacts of listing, the competent ministers will carry out public consultations in accordance with SARA requirements. Consultations will be undertaken within a reasonable timeline and in a manner that conforms to the requirements of the Cabinet Directive on Streamlining Regulation. In addition, the ministers will fulfill commitments in agreements with other jurisdictions, such as provinces or territories or foreign governments, and requirements under land claims agreements regarding consultation and the listing of species.

In general, the extent of consultation will be proportional to the expected social and economic impact of a listing decision, and will address specific legal or policy requirements regarding

Aboriginal peoples and organizations or wildlife management boards, as well as requirements in relation to international treaties. The level and type of effort will therefore vary and could range, for example, from consultations through the SARA Public Registry to more extensive consultations such as regional or community meetings. Where appropriate, the ministers will consider a more targeted approach for affected parties.

When undertaking consultations with regard to listing decisions, the ministers will endeavour to:

- co-ordinate consultation efforts with other activities, under SARA as well as between federal departments and other levels of government;
- collect information on the costs and benefits of listing the species, to the extent possible, to fulfill regulation-making requirements in the Cabinet Directive on Streamlining Regulation.

The results of consultation including the socio-economic impacts of listing will be used to inform the listing decision and be summarized in the RIAS for species proposed for addition to Schedule 1 of SARA.

### **Socio-economic Analysis**

The requirement to identify and assess the potential positive and negative economic and social impacts is part of the federal regulation-making process. In conducting socio-economic analysis, the ministers must follow relevant Treasury Board guidelines and the Cabinet Directive on Streamlining Regulation. In many cases, socio-economic impacts (costs and benefits) will be difficult to gauge at the listing stage given that recovery measures and critical habitat have not been identified and the impacts of any measures or efforts to protect critical habitat may not be completely known. The competent ministers will take into account the best available biological information for the species and use both qualitative and quantitative methods to support the analysis.

The competent ministers may consider factors such as:

- the level of protection already afforded the species;
- effects on the administration and control of federal lands and industrial or private activities on federal lands;
- effects on interested or affected parties;
- effects on Aboriginal peoples or governments; and
- social and economic benefits of recovering the species.

In conducting socio-economic analysis, the competent ministers will:

- focus the analysis on the effects of the SARA provisions that flow directly from the listing decision;
- apply the analysis in a manner that is proportional to the anticipated magnitude of benefits and costs;
- use the best available information on the species; and
- where appropriate, undertake peer and/or stakeholder review of any analysis.



### 3.4.4 Receipt of Assessments by the Governor in Council

After posting the response statements and initiating public consultations and socio-economic analyses, the next step in the listing process is for the Minister to provide the COSEWIC assessments to the Governor in Council and for the Governor in Council to officially acknowledge receipt of the assessments by publishing an order acknowledging receipt in the *Canada Gazette*.

Receipt of the assessments by the Governor in Council initiates the nine-month timeline for a final listing decision by the Governor in Council. During this nine-month period, the Minister must finalize any consultations and socio-economic analyses, prepare a RIAS for species proposed for addition to or removal from Schedule 1, and provide advice to the Governor in Council regarding the implications of any decision to add or remove a species from Schedule 1 or change the status of a species on Schedule 1 of SARA.

The Minister will provide the COSEWIC assessments to the Governor in Council in a timely manner after posting the response statement. Receipt of the assessments by the Governor in Council will generally occur within three months of posting the response statements. Delivery by the Minister of the Environment and receipt by the Governor in Council may be delayed in certain circumstances.

For example:

- A species is found in a land claim area in respect of which a wildlife management board is authorized by a land claims agreement to perform functions in respect of wildlife species;
- An affected party or parties cannot be consulted appropriately within the regular consultation period allowed for by the listing process; or
- The extent and complexity of potential socio-economic costs and benefits warrants socio-economic analysis that cannot be completed within the normal timelines.

In weighing the need for extended consultations, the potential impacts of the delay in protecting the species will be considered. Where the Minister decides to use an extended process, he or she will consider the use of cost-effective measures to promote the conservation and stewardship of the species during the extended consultation period.

### 3.4.5 Governor in Council Listing Decision

Under SARA, the Governor in Council, within nine months after receiving an assessment of the status of a species by COSEWIC may, on the recommendation of the Minister,

1. accept the assessment and add the species to the List;
2. decide not to add the species to the List; or
3. refer the matter back to COSEWIC for further information or consideration

Where the Governor in Council has not made a decision within nine months of receiving an assessment by COSEWIC, the Minister shall, by order, amend the List in accordance with COSEWIC's assessment.

### 3.5 Emergency Listing

Under s. 29 of SARA, if the Minister of the Environment, after consultation with every other competent minister, is of the opinion that there is an imminent threat to the survival of a wildlife species, he or she must recommend to the Governor in Council that the species be added to the List of Wildlife Species at Risk as an endangered species on an emergency basis. The emergency listing process differs from the normal listing process in a number of ways:

1. The Minister must form an opinion that there is an imminent threat to the survival of a wildlife species;
2. A species does not have to have been assessed by COSEWIC for the Minister to form an opinion as to whether there is an imminent threat; and
3. Once the Minister has formed an opinion, he or she will initiate the regulatory process for listing a species on an emergency basis.

To determine whether or not there is an imminent threat to the survival of a species, the Minister may consider such factors as:

- A serious, sudden decline in the number of mature individuals of a species and/or its habitat is in progress that jeopardises the future survival of the species and is anticipated to continue unless immediate corrective action is taken; or
- A strong indication of impending danger or harm to the species exists, with inadequate or no mitigation measures in place to address the threat, such that the survival of the species is at risk.

The Minister where appropriate will take into account the following when considering whether to make a recommendation to the Governor in Council to list a species as endangered on an emergency basis:

- where it is available, the advice of COSEWIC including but not limited to an emergency assessment; or
- relevant information from any other source indicating that the survival of the species is imminently threatened and meets the COSEWIC criteria for an endangered species.

The competent minister will gather the information required to make a decision from relevant sources as necessary, including from relevant provincial and territorial governments.

Where the Governor in Council determines that the species does not warrant listing on an emergency basis, the decision and the reasons for it will be reported through the SARA Public Registry.

### 3.6 Prohibitions and Orders to Protect

SARA includes prohibitions and the authority to make orders imposing prohibitions that:

- protect the individuals of a species at risk from being killed, harmed, harassed, captured, taken, possessed, collected, bought, sold or traded;
- prevent their residences from being damaged or destroyed; and
- protect the species' critical habitat from being destroyed.

Protection under prohibitions may be applied to individuals of any species listed as extirpated, endangered or threatened on Schedule 1 of SARA. The approach to protection under SARA varies depending on the species, where it is found, and where its critical habitat is found. The provisions for protection of critical habitat on federal and non-federal lands are summarized in Appendix 1 to this policy.

### 3.6.1 Application to Species on Federal Lands, Aquatic Species and Migratory Birds

#### Protection of Individuals and Their Residences

The prohibitions for individuals of extirpated, endangered and threatened species apply immediately upon listing to aquatic species (as defined in SARA), and migratory birds protected by the *Migratory Birds Convention Act, 1994* wherever they are found, and to individuals of other wildlife species where they occur on federal lands in the provinces or on lands in the territories under the authority of the Minister of the Environment or the Parks Canada Agency. The prohibitions may be extended to other federal lands in the territories through an order under s. 35 of SARA. In a similar fashion, prohibitions apply to the residences of endangered and threatened species, and of extirpated species if a recovery strategy has recommended reintroducing the species into the wild in Canada.

#### Protection of Critical Habitat

For species listed as threatened or endangered, or for extirpated species for which the recovery strategy recommends reintroduction, critical habitat identified in a recovery strategy or action plan must be protected against destruction on federal lands in the exclusive economic zone or on the continental shelf. Within 180 days, the competent minister must determine whether the critical habitat in these areas is legally protected by provisions in or measures under SARA or any other Act of Parliament, including agreements under s. 11 of SARA.

In determining whether critical habitat is legally protected, the competent minister would consider, among other things, whether measures prevent activities, such as those identified in the recovery strategy or action plan, that are likely to destroy critical habitat.

An effort will be made to establish legal protection first using existing provisions in, or measures or authorities under, other Acts of Parliament, as appropriate. Where no such measures exist, protection will be established through agreements under s. 11 of SARA, through an order under ss. 58(4) and (5) applying the prohibition against the destruction of critical habitat, or by developing a regulation under s. 59 of SARA in collaboration with other competent ministers.

For critical habitat that is in a national park, a marine protected area, a migratory bird sanctuary, or a national wildlife area, the protection measures in SARA differ from other federal lands. In these cases, the competent minister must, within 90 days after the recovery strategy or action plan that identified the critical habitat is included in the public registry, publish in the *Canada Gazette* a description of the portion of the critical habitat that is in that park, area or sanctuary.

#### Protection of Species Not Listed Under SARA but Listed by a Province or Territory

With respect to wildlife species not listed under SARA but listed as endangered or threatened by a province or territory, prohibitions can be triggered to protect the individuals, residences and habitat essential to the survival or recovery of these species on portions of federal land through an order by the Governor in Council, on recommendation by the competent minister, as set out in ss. 36 and 60 of SARA.<sup>7</sup> Bilateral agreements and consultations with provincial/territorial coordinating committees will guide the implementation of this provision.

<sup>7</sup> This section does not apply to aquatic species as defined in SARA because aquatic species on federal lands falls under federal jurisdiction exclusively.

### 3.6.2 Application to Species on Non-federal Lands<sup>8</sup>

The provinces and territories have jurisdiction over species at risk on non-federal lands and implement protection measures through their respective legislation and programs. The prohibitions set out in ss. 32, 33, and 61 of SARA only apply to non-federal lands when the Governor in Council makes an order, commonly referred to as a safety net order. The Minister will only recommend the use of a safety net order to the Governor in Council if he or she is of the opinion that the laws of the province or territory do not effectively protect a species, its residences or a portion of its critical habitat.

To determine whether there is effective protection on non-federal lands, the Minister will support a tiered approach on non-federal lands:

1. The Minister will actively consult with provincial and territorial governments, in accordance with the terms of any bilateral agreement that may be in place, in order to understand the authorities, mechanisms and tools available to the province or territory to provide effective protection for the species, the residences of its individuals or any part of its critical habitat.
2. The Minister will consider the use of an agreement with the provincial or territorial government under the authority of s. 11 of SARA to achieve effective protection of a species, the residences of its individuals or its critical habitat, or the use of other Acts of Parliament to achieve effective protection of critical habitat.
3. Where existing authorities or mechanisms are not able to provide effective protection for a species at risk, its residences or its critical habitat on non-federal lands, the Minister will form an opinion and make a recommendation to the Governor in Council regarding the use of a safety net order.

The Minister will consider that the laws of the province or territory effectively protect a species, its residences, or its critical habitat when:

1. An instrument of a binding nature, such as a legislative provision, a regulatory provision, a licence or other instrument issued under an Act or a regulation, or a contractually binding agreement, is in place; and
2. In the opinion of the Minister, the instrument is effective at producing the intended results under SARA.

In forming an opinion as to whether or not the instrument is effective, where appropriate, the Minister will consider:

- whether the instrument prevents activities that would result in an offence being committed against the species, the residences of its individuals or its critical habitat; and
- whether the instrument is achieving protection objectives for the species as evaluated through SARA reporting mechanisms or expert review.

Having worked through this process, if the province or territory does not provide effective protection to the species, its residences or any portion of its critical habitat on non-federal lands, under ss. 34, 35, or 61 of SARA, the Governor in Council may, on the recommendation of the Minister, order that a prohibition be applied to protect the species, its residences or any portion of its critical habitat in a province or territory. In such situations, the Minister will recommend to the Governor in Council that the order be repealed once the province or territory has developed an instrument that provides effective protection.

<sup>8</sup> This section does not apply to aquatic species as defined in SARA.

### 3.6.3 Emergency Orders for the Protection of a Listed Wildlife Species

Under s. 80 of SARA, the Governor in Council may, on the recommendation of the competent minister, make an emergency order to provide for the protection of a listed wildlife species or its habitat on federal lands or on non-federal lands. The minister will consider recommending an emergency order in cases where protection under other SARA provisions will not be put in place in a sufficiently timely manner to ensure the survival or recovery of the species. The competent minister must make the recommendation if he or she is of the opinion that the species faces imminent threats to its survival or recovery and that equivalent measures have not been taken under another Act of Parliament to protect the species.

The emergency order may identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates and include provisions prohibiting activities that may adversely affect the species and the identified habitat. For aquatic species, for migratory birds protected by the *Migratory Birds Convention Act, 1994* that are on federal land, in the exclusive economic zone of Canada or in other areas, and for other species on federal land or federal land found in the exclusive economic zone or on the continental shelf of Canada, the emergency order may also include provisions requiring the doing of things that protect the species and the identified habitat.

To determine whether or not there is an imminent threat to the survival or recovery of a species, the competent minister will consider whether:

- A serious, sudden decline in the species' population and/or habitat that jeopardizes the survival or recovery of the species is in progress and is anticipated to continue unless immediate protective actions are taken; or
- There is a strong indication of impending danger or harm to the species or its habitat, with inadequate or no mitigation measures in place to address the threat, such that the survival or recovery of the species is at risk; or
- One or more gaps have been identified in the existing suite of protection measures for the species that will jeopardize its survival or recovery, and it is not possible to achieve protection by other means in a timely fashion.

Before the competent minister makes a recommendation to Governor in Council regarding an emergency order, he or she must consult with the other competent ministers, may discuss the matter with the provinces and territories in accordance with the terms of existing bilateral agreements, and consult with Aboriginal peoples or governments, as appropriate.

## 3.7 Compliance Promotion and Enforcement

The competent departments will conduct compliance promotion and enforcement activities consistent with their role in achieving species protection. Enforcement can only occur where there are prohibitions in place. While public education, voluntary actions and stewardship measures are important to species and critical habitat protection, this section focuses on compliance promotion and enforcement of the SARA prohibitions. In this section, enforcement of the Act refers to the application of powers granted under SARA.

When conducting compliance promotion or enforcing any prohibitions in SARA, the competent departments will, as appropriate:

- base compliance promotion activities on the best available information, including research on how affected and interested parties understand the Act;
- enforce the Act in a manner that is fair, predictable, and consistent with rules, sanctions and processes securely founded in law; and
- encourage the public to report suspected violations related to species at risk.

Compliance promotion initiatives are proactive measures that encourage voluntary compliance with the law through education and outreach activities that raise awareness of any prohibitions, by offering plain-language explanations of legal requirements and by addressing the barriers and motivators to compliance. The competent ministers recognize that applications for investigations of alleged offences under the Act (s. 93 of SARA), as well as stewardship activities that encourage and achieve species protection, are effective for encouraging and gaining compliance with the Act. The overall goals of compliance promotion efforts are to:

1. increase awareness of SARA among target audiences;
2. increase understanding of applicable provisions of SARA by target audiences;
3. successfully promote the adoption of behaviours by Canadians that help contribute to the overall conservation and protection of wildlife;
4. successfully promote compliance with SARA by Canadians; and
5. increase the core departments' knowledge of the target audiences.

As enforcement monitoring activities are undertaken, the competent ministers will ensure that monitored activities, both regulated and permitted, are in compliance with the Act. Inspections may lead to an investigation of a violation of one or more of the prohibitions of the Act. Violations of the Act will be addressed through a range of actions meant to discourage current and future non-compliance with the law, including warnings, penalties or fines, and imprisonment.

Designated enforcement officers carry out activities to enforce any prohibitions that may be in place (s. 85(1) of SARA). Designated enforcement officers have all the powers of a peace officer for the purposes of SARA, including the power to inspect private dwellings (requiring a warrant or consent) and non-dwellings, to seize things that are reasonably believed to be related to the commission of an offence under the Act, and to make an arrest and lay charges against those in violation of the Act. A competent minister may designate any person to act as an enforcement officer to ensure public compliance with the Act. Enforcement officers and their activities serve as a deterrent to non-compliance and as a means to inform the public on how to be compliant with the legislation.

Where critical habitat is protected not under SARA, but by other federal legislation, compliance promotion and enforcement will be the responsibility of the department or agency responsible for administering the legislation in question. The core departments may support other federal departments and agencies in promoting compliance with critical habitat protection provisions of their legislation, as appropriate, by:

- sharing approaches and best practices with respect to promoting compliance with environmental legislation;
- sharing knowledge of the target audiences with respect to their barriers and motivators to compliance with legislation protecting critical habitat and species at risk; and
- sharing compliance promotion and other educational materials with respect to SARA and species at risk.

### 3.7.1 Compliance Promotion for the Protection of Residences

Section 33 of SARA protects the residences of individuals of a species at risk that has been listed on Schedule 1 as endangered, threatened or extirpated where the residence occurs on federal lands in the provinces or on lands under the authority of the Minister of the Environment or the Parks Canada Agency in the territories, or anywhere the residence occurs in the case of migratory birds protected by the *Migratory Birds Convention Act, 1994*, or aquatic species. However, not all species have a residence and the concept of residence can be applied to different species in different ways. SARA provides a broad definition of residence that considers whether a dwelling-place, such as a den, nest or other similar area or place is occupied or habitually occupied by one or more individuals of a species at risk during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating.

There is no legal requirement under SARA to develop residence descriptions. However, to promote compliance with the prohibitions that protect the residences of species at risk, the competent ministers will cooperate with the provinces and territories to determine whether the concept of residence applies to each species and, when the concept applies, to develop residence descriptions. The residence descriptions will be posted on the SARA Public Registry.

## 3.8 Authorizations

In considering whether an activity is to be authorized under ss. 73, 74, 77 and 78 or 83(4), the competent ministers will ensure that criteria in s. 73(3) are met:

- All reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;
- All feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and
- The activity will not jeopardize the survival or recovery of the species.

### Agreements and Permits

Under ss. 73 and 74 of SARA, the competent minister may provide an authorization to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals, providing that the requirements under ss. 73(2) to (6) of SARA are met. In doing so, the competent ministers' intentions with regard to SARA authorizations are as follows:

- The issuance of an authorization for incidental effects will be dependent on understanding the implications of those effects, for example by conducting a scientific assessment of the ability of the species to withstand the impacts.
- Existing permitting and authorization systems will be used where possible.
- Consultations will be undertaken with wildlife management boards authorized by a land claim agreement to perform functions in respect of wildlife species and bands under the *Indian Act*, as required under SARA ss. 73(4) and (5), and with those potentially affected by authorizations where determined appropriate by a competent minister.
- In reviewing any subsequent application for an authorization, the competent minister will also take into account the compliance and performance of the applicant to date regarding a prior authorization.
- Where appropriate, the competent minister will take into consideration the cumulative effects of authorizations on the species and may review current authorizations and/or limit further authorizations based on this consideration.

An authorization may be amended or revoked to ensure the survival or recovery of the species. The competent minister will strive to provide reasonable notice to those authorized to conduct otherwise prohibited activities prior to revocation, unless he or she is of the opinion that the risk to survival or recovery is imminent.

### **Activities Permitted by Recovery Planning Documents**

According to s. 83(4) of SARA, any prohibitions that may be in force related to ss. 32, 33, 36, 58, 60 or 61 of SARA do not apply to a person who is engaging in activities that are permitted by a recovery strategy, an action plan or a management plan and who is also authorized under an Act of Parliament to engage in that activity, including a regulation made under ss. 53, 59 or 71.

It is the intention of the competent ministers to monitor any activities authorized by a recovery strategy. Exemptions under s. 83(4) may be altered if and when the minister posts an amended recovery strategy.

For example:

- in response to changing conditions and/or knowledge on the species which could affect its status; or
- where the considerations for authorizing the activity are no longer being met.

## **3.9 Environmental Assessment**

Environmental assessment is a key tool to support the protection of species at risk.

Subsection 79(1) of SARA requires that:

*Every person who is required by or under an Act of Parliament to ensure that an assessment of the environmental effects of a project is conducted must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.*

The notification requirement under s. 79(1) of SARA applies to all listed species on Schedule 1 of SARA or their critical habitats, regardless of whether they are found on lands managed by the federal, provincial or territorial governments. The requirement to notify is independent of whether the effect is large or small, or whether it is a positive or negative effect on the listed species or its critical habitat.<sup>9</sup>

Subsection 79(2) of SARA requires that:

*The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.*

<sup>9</sup> Detailed guidelines related to notifications will be made part of future guidelines on environmental assessment and species listed on Schedule 1 of SARA.



When a federal environmental assessment is required, such as by the *Canadian Environmental Assessment Act*, SARA requires that the adverse effects of a project on all listed wildlife species and their critical habitats be identified. When critical habitat has not yet been identified in a recovery strategy or action plan, the competent minister will consider the effects of the project on any habitat identified as high quality or of special importance.

Any cumulative effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out and the significance of the effects of the project on listed species at risk must be considered during an environmental assessment. Furthermore, in order to avoid or mitigate significant adverse effects on listed species at risk, mitigation measures that are technically and economically feasible must also be considered. Where there is uncertainty regarding the potential adverse effects of a project on a listed species at risk, or its likelihood, and on cumulative effects or possible significance, a precautionary approach will be adopted.

In the case where surrogate species are used to assess the significance of the effects of the project and/or the effectiveness of the mitigation measures, representatives of the competent departments will provide advice on their appropriate use, on a case by case basis.

As responsibility for some species may be shared with other jurisdictions, the competent minister may rely on the federal government and/or a province and/or territory to provide expert information needed to complete the environmental assessment. A bilateral agreement established under s. 10 of SARA may outline how such information sharing is to occur.

**Appendix 1: Summary of the Provisions for the Application of the Prohibition on the Destruction of Critical Habitat (CH)**

<b>1. Status of Species:</b>			
Species that are listed as endangered or threatened and species listed as extirpated and the recovery strategy under SARA has recommended the reintroduction of the extirpated species into the wild in Canada.			
Item	Location of CH	Approach for Applying SARA Prohibition	Publication Requirements Under SARA
a.	CH of species located in <ul style="list-style-type: none"> <li>• a national park (described in Schedule 1 to <i>Canada National Parks Act</i>),</li> <li>• a migratory bird sanctuary, or</li> <li>• a national wildlife area.</li> </ul>	Prohibition applies 90 days after publication of description of the CH in the <i>Canada Gazette</i> (ss. 58(2), (3))	Within 90 days of publishing the recovery strategy or action plan identifying CH in the SARA Public Registry, the competent minister must publish a description of the CH in the <i>Canada Gazette</i> (ss. 58(2), (3)).
b.	CH of species on <ul style="list-style-type: none"> <li>• federal lands, or</li> <li>• in the exclusive economic zone on the continental shelf and is not</li> <li>• CH located in 1.a. above.</li> </ul>	Order of competent minister required (ss. 58(4), (5)(a))  Within 180 days of publishing the recovery strategy or action plan identifying CH in the SARA Public Registry, the competent minister must, after consulting with every other competent minister with respect to CH, make an order if CH <ul style="list-style-type: none"> <li>• is not in a place already protected by 1.a. above,</li> <li>• is not legally protected by provisions in or measures under SARA including s. 11 agreements, or in any other Act of Parliament.</li> </ul>	Publication of the order in the SARA Public Registry (s. 123(a)).  If the competent minister does not make the order, he or she must publish a statement in the SARA Public Registry setting out how the CH is legally protected (s. 58(5)(b)).
c.	CH of migratory birds protected by the <i>MBCA, 1994</i> , that is not on/in <ul style="list-style-type: none"> <li>• federal lands,</li> <li>• in the exclusive economic zone,</li> <li>• the continental shelf,</li> <li>• a migratory bird sanctuary but is habitat to which the <i>Migratory Birds Convention Act, 1994</i> applies.</li> </ul>	Order of the Governor in Council is required. (ss. 58(5.1), (5.2)(a))  Within 180 days of publishing the recovery strategy or action plan in the SARA Public Registry, identifying CH to which the <i>Migratory Birds Convention Act, 1994</i> applies, the competent minister, after consulting with every other competent minister with respect to CH, must make a recommendation to the Governor in Council if CH <ul style="list-style-type: none"> <li>• is not legally protected by provisions in or measures under SARA including s. 11 agreements, or in any other Act of Parliament.</li> </ul> The competent minister makes a recommendation to the Governor in Council specifying the portion or portions of habitat to which prohibition order is to apply.	If the Governor in Council agrees with the recommendation and makes the order, publication of the order in the SARA Public Registry is required (s. 123(a)).  If the competent minister does not make the recommendation to the Governor in Council, he or she must publish a statement in the SARA Public Registry setting out how the CH is legally protected (s. 58(5.2)(b)).

**2. Status of Species:**

Species that are listed as endangered or threatened under SARA and found on provincial or territorial lands.

Item	Location of CH	Approach for Applying SARA Prohibition	Publication Requirements Under SARA
a.	CH of all species other than aquatic species that is in <ul style="list-style-type: none"> <li>• a province,</li> <li>• a territory</li> </ul> and is not <ul style="list-style-type: none"> <li>• on federal lands,</li> <li>• habitat to which the <i>Migratory Birds Convention Act, 1994</i> applies.</li> </ul>	Order of the Governor in Council is required (ss. 61(1), (1.1), (2), (3), (4)).  Referred to as safety net prohibition.  Minister may make a recommendation to the Governor in Council if <ul style="list-style-type: none"> <li>• a provincial or territorial minister has requested that the recommendation be made, or</li> <li>• the Canadian Endangered Species Conservation Council has recommended that the recommendation be made.</li> </ul> Minister must make a recommendation to the Governor in Council if he or she is of the opinion, after consultation with the appropriate provincial or territorial minister, that <ul style="list-style-type: none"> <li>• no provisions in or measures under SARA, including s. 11 agreements, or in any other Act, protect the particular portion of the CH, and</li> <li>• the laws of the province or territory do not effectively protect the critical habitat.</li> </ul>	Publication of order in SARA Public Registry (s. 123(a)).

**3. Status of Species:**

Species that are listed as endangered or threatened by a provincial or territorial minister.

Item	Location of Habitat Identified by the Provincial or Territorial Minister as Being Essential for the Survival or Recovery of the Species	Approach for Applying SARA Prohibition	Publication Requirements Under SARA
a.	Habitat of species that is on federal lands in <ul style="list-style-type: none"> <li>• a province,</li> <li>• a territory.</li> </ul>	Order of the Governor in Council is required (ss. 60(1), (2)).  The competent minister makes a recommendation to the Governor in Council specifying the portions of habitat to which the prohibition order applies.	If Governor in Council agrees with the recommendation and makes the order, publication of the order in the SARA Public Registry is required (s. 123(a)).

## 4.0 RECOVERY PLANNING

The purpose of this policy is to provide direction and guiding principles for recovery and management planning activities under SARA, specifically the development of recovery strategies, action plans and management plans. The requirement for recovery planning starts once a species is listed on Schedule 1 of SARA. A recovery strategy and one or more action plans are required for all extirpated, endangered or threatened species; a management plan is required for all species of special concern. These documents set the stage for implementation, which is covered in Chapter 5: Implementation.

### 4.1 Definitions

**Recovery planning:** a two-stage process that involves:

1. development of the recovery strategy, which identifies, among other things, threats to the species and establishes scientifically sound and credible population and distribution objectives, and approaches for the survival or recovery of listed species at risk including the identification of critical habitat to the extent possible; and
2. development of an action plan (or action plans), which identifies, among other things, appropriate measures to implement the recovery strategy, including measures that help to achieve the population and distribution objectives, identifies or completes the identification of critical habitat to the extent possible, and states the measures that are proposed to protect the species' critical habitat.

**Management planning:** The process of preparing a management plan to conserve a species of special concern and its habitat. A management plan identifies conservation measures needed to prevent a species of special concern from becoming threatened or endangered.

**Best available information:** Information, including scientific knowledge, Aboriginal traditional knowledge and community knowledge, that is available within the timeframe for preparing a recovery strategy and is determined by the competent ministers to be sufficient and reliable.

### 4.2 Context

The ministers responsible for Environment Canada, Fisheries and Oceans Canada, and the Parks Canada Agency (hereinafter referred to as the competent ministers) have responsibility for ensuring recovery strategies, action plans and management plans are completed under SARA and under the Accord for the Protection of Species at Risk. Given that provincial and territorial governments and wildlife management boards are also responsible for planning in support of recovery, either under the Accord or through their own legislation or under land claims agreements, recovery or management planning for any given species at risk in Canada will rarely involve just one jurisdiction.

The requirements of SARA for recovery or management planning are different depending on the species status as listed in Schedule 1 of SARA.

- For extirpated, endangered, and threatened species, where recovery is determined to be technically and biologically feasible as required by s. 40 of SARA, recovery planning is a two-stage process that involves the development of a recovery strategy, as required by s. 37 of SARA, and the development of one or more action plans, as required by s. 47 of SARA.
- For extirpated, endangered, and threatened species where recovery is determined not to be feasible, SARA requires the development of an abridged recovery strategy as set out in s. 41(2). An action plan will not be developed.



- For species of special concern, a management plan must be developed, which will identify conservation measures needed to ensure that a species of special concern does not become threatened or endangered, to address threats, and to ensure the long-term persistence of the species in the wild.

Both recovery and management planning involve, where possible, participants from different governments (federal, provincial, territorial), wildlife management boards, Aboriginal organizations and other directly affected parties. Recovery and management planning also considers relevant information and a range of potential conservation tools and approaches. The competent ministers recognize the value and importance of working cooperatively and, where possible, building on existing conservation and planning efforts. Responsibility for the conservation of wildlife is shared among the governments, and it is important for them to work cooperatively to pursue the establishment of complementary legislation and programs for the protection and recovery of species at risk in Canada.

### 4.3 Guiding Principles

The work of the competent departments in recovery or management planning will be guided by a set of overarching principles. Specifically, Environment Canada, Fisheries and Oceans Canada, and Parks Canada will work to foster a process that:

- **Respects jurisdictional roles and responsibilities:** The competent ministers are aware of concurrent provincial and territorial jurisdictional responsibilities and programs with respect to the protection and recovery of listed species at risk. In fulfilling their commitments under SARA, under the Accord for the Protection of Species at Risk and under any related agreements, the competent ministers will cooperate with the provinces and territories to complete recovery and management planning.
- **Is priority based:** In meeting the timelines set out in SARA for recovery and management planning, the competent ministers will manage departmental resources based on priorities, considering a number of factors such as the status of the species in Canada and globally, threats to the species and its habitat, and the likelihood of achieving recovery.
- **Takes an adaptive approach:** Recovery and management planning requires an iterative approach that considers the long-term population and distribution objectives for the species, that involves a periodical review of priority actions and approaches and that reflects on progress in achieving these objectives.
- **Adopts a precautionary approach:** Consistent with s. 38 of SARA, if there are threats of serious or irreversible damage to a listed wildlife species, the competent ministers will not postpone cost-effective measures to prevent the reduction or loss of a species for a lack of full scientific certainty.

### 4.4 Roles and Responsibilities

Under SARA, the competent minister is required to ensure that recovery strategies and action plans or management plans are prepared, as appropriate, for all species listed on Schedule 1 of SARA; however, the role of the competent departments in the preparation of these documents will differ depending on the species and where it is found. For all listed species at risk, the competent departments will ensure that SARA recovery and management planning documents are prepared and will work with a range of parties including provincial and territorial governments, other federal agencies, wildlife management boards and Aboriginal organizations, and any other affected or interested parties that the competent minister considers appropriate. In this regard, the competent departments

will coordinate relevant inter-governmental programs and processes<sup>10</sup> and maintain a suite of guidance materials related to recovery and management planning under SARA to promote a consistent approach.

The competent departments will lead the preparation of recovery and management planning documents for listed species at risk that are aquatic species, migratory birds protected by the Migratory Birds Convention Act, 1994 and species located primarily on federal lands. The competent departments will also lead in the preparation of recovery and management planning documents for listed inter-jurisdictional species (i.e. those that range across provincial and/or territorial boundaries or international boundaries.) In such cases, it is expected that provincial and territorial jurisdictions will provide the competent departments with all the information currently available to them in relation to the species and its habitat.

Provincial or territorial jurisdictions may take on a leadership role for species located primarily on provincial or territorial lands. Where these species are also found on federal lands, they may also take on a leadership role upon agreement with the competent ministers. In these situations, recovery and management planning documents developed by provincial and/or territorial jurisdictions will be considered as advice to the competent ministers. The competent ministers will review and adopt or amend these documents, as appropriate.

Consistent with the federal Cabinet Directive on the Environmental Assessment of Policy, Plan and Program Proposals, and in order to assess the possible environmental effects of recovery or management planning, the competent minister has a responsibility to conduct a strategic environmental assessment, which will be integrated into any recovery strategy, action plan, or management plan posted on the SARA Public Registry.

## 4.5 Approaches to Recovery Planning

### 4.5.1 Cooperation

Each competent minister under SARA will establish a process for meeting the recovery or management planning requirements of the Act within the prescribed timelines. In undertaking recovery and management planning, the competent minister will, to the extent possible:

- work cooperatively with provinces and territories to meet its recovery and management planning responsibilities outlined in SARA, the Accord for the Protection of Species at Risk, and any bilateral agreement between the Government of Canada and a provincial or territorial government;
- cooperate with every minister of the Government of Canada that has authority over federal lands or other areas where the species is found;
- cooperate with wildlife management boards created under land claims agreements that have authority over an area where the species is found and that are authorized to perform functions in respect of wildlife species;
- cooperate with Aboriginal organizations that the competent minister considers will be directly affected by the recovery planning process; and
- cooperate with any parties that the competent minister considers appropriate because of their ability to contribute to the success of the recovery planning process based, among others, on their knowledge, responsibilities, experience or expertise.

<sup>10</sup> For example, the Recovery of Nationally Endangered Wildlife program and working group and the Canadian Wildlife Directors Committee.

The competent minister may establish an expert advisory group, for example, a recovery team, to conduct recovery or management planning. Where an advisory group is established, it is the intention of the competent departments to work with the responsible authorities of other governments as appropriate to establish terms of reference for such groups, to set clear expectations regarding the role of the group, and to define any related roles and responsibilities of any participating individuals or experts.

#### 4.5.2 Consultation

Each competent minister under SARA will establish a process for meeting the recovery or management planning requirements of the Act within the prescribed timelines. The competent ministers will, to the extent possible, consult any landowners and other persons whom the competent ministers consider to be directly affected, including the government of any other country in which the species is found. The purpose of consultation will be to gather information about the species and its needs and to listen to views on proposed conservation and protection measures for the species. To the extent possible, consultation will be used to build support for any population and distribution objectives and the steps required to accomplish them.

In conducting consultations during recovery and management planning, the competent departments will clarify and communicate objectives for the consultation, which may vary throughout the process, and design a process that reflects the distribution of the species and the interests associated with the species. In undertaking consultations, it is the intention of the competent departments to:

- strive to ensure that consultation efforts are commensurate with the degree to which parties will be affected by a recovery strategy, action plan or management plan;
- solicit input from affected parties;
- provide interested parties with an opportunity to provide their input; and
- coordinate consultation efforts with other activities under SARA and between federal departments and other levels of government where possible, for example, through multi-species initiatives.

In addition to the above, the competent ministers recognize that they have a duty to consult and, if appropriate, to accommodate where they have real or constructive knowledge of potential Aboriginal rights or treaty rights, and they contemplate conduct, through a recovery strategy, action plan or management plan, that might adversely affect those rights.

#### 4.5.3 Multi-species Approaches

Where appropriate, the government may pursue a multi-species or ecosystem approach to recovery planning in order to increase effectiveness and/or efficiency of recovery actions. For example, such an approach may be used for species that co-occur in the same habitat, species that are affected by similar threats, and/or species that are taxonomically similar.

### 4.6 Assessing the Feasibility of Recovery

Section 40 of SARA states that: *“In preparing the recovery strategy, the competent minister must determine whether the recovery of the listed wildlife species is technically and biologically feasible. The determination must be based on the best available information, including information provided by COSEWIC.”*

The competent ministers will consider recovery of an endangered, threatened or extirpated species to

be technically and biologically feasible if all of the following four criteria are met:

1. Individuals of the wildlife species that are capable of reproduction are available now or in the foreseeable future to sustain the population or improve its abundance.
2. Sufficient suitable habitat is available to support the species or could be made available through habitat management or restoration.
3. The primary threats to the species or its habitat (including threats outside Canada) can be avoided or mitigated.
4. Recovery techniques exist to achieve the population and distribution objectives or can be expected to be developed within a reasonable timeframe.

In assessing feasibility, the competent minister will use the best available biological and technical information, including information provided by COSEWIC, but not social and economic information, consistent with s. 40 of SARA.

When recovery is not feasible, the competent minister must prepare a recovery strategy consistent with s. 41(2) of SARA, indicating that recovery is not feasible. The competent minister will reassess the feasibility of recovery when new information warrants.

## 4.7 Establishing Population and Distribution Objectives

Paragraph 41(1)(d) of SARA states that a recovery strategy must include “*a statement of the population and distribution objectives that will assist the recovery and survival of the species, and a general description of the research and management activities needed to meet those objectives.*”

In setting population and distribution objectives in a recovery strategy, the competent minister will consider COSEWIC’s assessment criteria, the best available information on the species, available or restorable habitat, population viability parameters of the species, the nature of the threats to the species and other scientific information as deemed relevant by the competent minister. To the extent possible with the information available, the populations and distribution objectives should set measurable outcomes including specific targets for the population size and geographic distribution of the species. Where meaningful quantitative statements are not possible, a clear qualitative statement against which progress can be evaluated can be used. Where indices of population status are considered relative rather than absolute, a population and distribution objective can still be specified on that relative scale.

## 4.8 Critical Habitat

SARA defines “habitat” (s. 2(1)) as:

- (a) in respect of aquatic species, spawning grounds and nursery, rearing, food supply, migration and any other areas on which aquatic species depend directly or indirectly in order to carry out their life processes, or areas where aquatic species formerly occurred and have the potential to be reintroduced; and
- (b) in respect of other wildlife species, the area or type of site where an individual or wildlife species naturally occurs or depends on directly or indirectly in order to carry out its life processes or formerly occurred and has the potential to be reintroduced.

SARA defines “critical habitat” (s. 2(1)) as “*the habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species’ critical habitat in the recovery strategy or in an action plan for the species.*”



## Identifying Critical Habitat

The purpose of identifying critical habitat is to ensure that it is protected from human activities that would result in its destruction. Critical habitat is only legally identified under SARA once it is included in a final recovery strategy or action plan that is posted on the SARA Public Registry.

The competent minister will identify critical habitat on both federal and non-federal lands to the extent possible and based on the best available information, within the timelines required for the completion of a recovery strategy or action plan. In cases where critical habitat may be identified on non-federal lands, the competent minister will, to the extent possible, cooperate with appropriate jurisdictions in the identification process.

The identification of critical habitat of a listed wildlife species in a recovery strategy or action plan will a) specify the geographical location of the critical habitat or describe the area within which critical habitat is found, and b) describe the known biophysical attributes of that critical habitat that are required by the listed wildlife species in order to carry out life processes necessary for its survival or recovery. The identification of critical habitat will be at a level of detail sufficient to allow a person to determine whether a particular location is part of critical habitat.

In cases where providing the location would not be in the best interests of the survival or recovery of the species, the competent minister may, on the advice of COSEWIC, not specify the geographical location of the critical habitat in the SARA Public Registry.

Critical habitat might be larger or smaller than the area currently occupied by a species. For example, where the currently occupied critical habitat is insufficient to achieve the population and distribution objectives, unoccupied sites may be identified as additional critical habitat or, as appropriate, for restoration which may lead to their identification as additional critical habitat. Further, as species' needs may vary over time and across the landscape, the location of critical habitat for a species may vary over time.

In identifying critical habitat, the amount, quality and locations of habitat needed to achieve the population and distribution objectives established in the recovery strategy will be taken into account. Information contained in the recovery strategies or action plans of other jurisdictions will also be considered. Socio-economic impacts may be considered in the identification of critical habitat in a recovery strategy or action plan in situations where there is more suitable habitat than is necessary to achieve the population and distribution objectives identified in the recovery strategy for a listed species and therefore, the identification of critical habitat can take different configurations.

In situations where there is insufficient critical habitat for the species to achieve the population and distribution objectives established in the recovery strategy, and it is possible to restore habitat where the species formerly occurred and has the potential to be reintroduced, socio-economic factors may be taken into account in selecting where habitat restoration would occur. Once restored, this habitat could be considered in its entirety or in part for future identification as critical habitat, provided it meets that definition in the Act.

Where complete identification of critical habitat is not possible due to inadequate information, as much critical habitat as possible will be identified within the timelines prescribed in SARA and based on the best available information. In such cases, the competent minister will include a schedule of studies outlining the activities required to obtain the information necessary to complete the identification of critical habitat.

There may also be cases where habitat necessary for the survival or recovery of a species is not located in areas under Canadian jurisdiction, and where protection and management activities required are beyond the authority of the federal government. In such cases, critical habitat, as well as activities likely to destroy it, will not be identified but may be discussed in the recovery strategy or action plan.

### **Destruction of Critical Habitat**

Destruction is determined on a case by case basis. Destruction would result if part of the critical habitat were degraded, either permanently or temporarily, such that it would not serve its function when needed by the species. Destruction may result from a single or multiple activities at one point in time or from the cumulative effects of one or more activities over time. When critical habitat is identified in a recovery strategy or an action plan, examples of activities that are likely to result in its destruction will be provided.

### **Modifying the Identified Critical Habitat**

Modifications to critical habitat already identified or the identification of additional critical habitat may be required over time. Such modifications may be required if, for example, new knowledge of the habitat needs arises, there is a need to accommodate changes in dynamic ecosystems over space and time, or it is necessary to make amendments to the recovery population and distribution objectives that in turn require modifications to the identification of critical habitat. Any modifications or additions to the critical habitat identification will be made in an amended recovery strategy or in one or more action plans and will be posted on the SARA Public Registry. The process of identifying critical habitat may therefore be iterative.

## **4.9 Socio-economic Considerations**

In preparing an action plan, which includes working cooperatively with affected parties as set out in this policy, socio-economic considerations will be integrated during the process in order to develop recovery actions that minimize significant adverse social and economic costs and maximize benefits, provided that such considerations are consistent with the population and distribution objectives as set out in the recovery strategy.

Consistent with SARA s. 49(1)(e), the competent departments will undertake an evaluation of the socio-economic costs and benefits of recovery measures proposed in an action plan, ensuring that the scale and scope of any socio-economic analysis conducted is proportionate to the magnitude and complexity of potential impacts. This effort will be supported by the results of any socio-economic analysis completed as part of the process of adding a species to Schedule 1 of SARA, as well as other relevant information such as cost-benefit analysis and the results of consultations.

The action plan containing the socio-economic analysis will be posted on the SARA Public Registry and will be used to facilitate reporting on the socio-economic impacts of the action plan, as required by SARA s. 55.

## 5.0 IMPLEMENTATION POLICY

The purpose of this policy is to provide direction and guiding principles for activities undertaken by federal departments to:

- implement recovery strategies, action plans and management plans for migratory birds protected under the *Migratory Birds Convention Act, 1994*, for aquatic species and for other species where they occur on federal lands; and
- encourage and facilitate appropriate implementation activities by other governments, organizations and persons.

### 5.1 Context

Following listing and the preparation of a recovery strategy, action plan, or management plan, as appropriate, it is through the implementation of the recovery and management actions that the status of species at risk will be improved and, where possible, that the species will recover. Actions to conserve and recover species at risk in Canada precede the coming into force of SARA and include activities supported through the Recovery of Nationally Endangered Wildlife program (RENEW), the Interdepartmental Recovery Fund, the Habitat Stewardship Program, the Endangered Species Recovery Fund, and the Aboriginal Funds for Species at Risk. Recovery actions are carried out by a wide cross-section of Canadian society, each with differing responsibilities, priorities and capabilities. A stewardship approach to species recovery is a keystone of the federal species at risk program. Education and engagement are important aspects of all stewardship programs and are essential for informing Canadian citizens about species at risk, promoting beneficial practices to protect and support the recovery of these species, and encouraging behaviours that support the recovery of these species. Implementation of recovery and management actions also requires the collaboration of the provincial and territorial governments and of wildlife management boards supported by bilateral agreements with the federal government.

### 5.2 Guiding Principles

The work of the competent departments in the implementation process will be guided by a set of overarching principles. Specifically, Environment Canada, Fisheries and Oceans Canada, and the Parks Canada Agency will act in a manner that:

- **Promotes collaboration:** Collaboration among responsible jurisdictions and the engagement of interested or affected parties is an important aspect of the implementation of recovery and management actions and is critical to achieving the objectives identified through the recovery or management planning process.
- **Is results based:** Implementation will prioritize recovery measures that are expected to make the most direct contribution to achieving recovery objectives. Where appropriate, priority will be given to actions that benefit more than one species through the use of a multi-species or ecosystem approach.
- **Promotes early action and is preventative:** If there are threats of serious or irreversible damage to a wildlife species, cost-effective measures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty. Early action will be encouraged, including any action necessary before a recovery strategy, action plan or management plan is finalized. Once recovery population and distribution objectives have been met, the competent departments, in cooperation with other governments, organizations and persons, will seek to continue beneficial conservation activities so as to prevent a deterioration of the species' status in the future.



### 5.3 Roles and Responsibilities

The role of the competent ministers in implementing recovery strategies, action plans and management plans will differ depending on the species that is involved. The competent ministers will assume a leadership role in the implementation of recovery strategies, action plans and management plans for species at risk that are aquatic species, migratory birds protected by the *Migratory Birds Convention Act, 1994*, or for species where they occur on federal lands. They will also work with responsible agencies to implement recovery and management actions for any species that ranges across provincial and/or territorial boundaries or international boundaries.

The competent departments have a key role to play in supporting and encouraging stewardship actions by a broad range of organizations, institutions and persons across Canada. At all stages in the implementation of recovery strategies, action plans and management plans, the competent departments will seek partnerships to carry out specific actions. The competent departments, where appropriate, will use funding mechanisms, such as the Habitat Stewardship Program, and develop education and engagement tools to support stewardship activities by Canadians.

The involvement of Aboriginal peoples is integral to the implementation of recovery strategies, action plans and management plans for many species at risk. Where appropriate, the competent ministers will work with Aboriginal peoples in the implementation of recovery strategies, action plans and management plans.

Generally, the National Framework for Species at Risk Conservation states that the provinces and territories are responsible for wildlife species in Canada and for the management of provincial and territorial lands upon which many species rely. However, the federal government is responsible for aquatic species and migratory birds and for other species found on federal lands. The roles and responsibilities of the federal, provincial and territorial governments in the delivery of species at risk programs are further clarified through bilateral agreements and other instruments. The federal government will support implementation by providing national frameworks and coordination, as appropriate, for provincial or territorial recovery and management actions.

### 5.4 Adaptive Management Approach to Implementation

Implementation will include activities that must be sustained over the long term. An adaptive management approach is essential to ensuring that recovery and management actions are improved and adapted to take into account any new information or changed circumstances in the environment or species population trends. Periodic review will be results-based and will be focused on evaluating the progress toward achieving the recovery objectives including population size, population distribution and threat abatement (see Chapter 6: Monitoring and Evaluation). The course of action set out in an action plan or management plan may, therefore, be adapted based on the results of monitoring and evaluation activities in consultation with interested or affected parties. Where modifications are made to an action plan or management plan as a result of monitoring and evaluation results, any revisions will be posted on the SARA Public Registry for a 60-day public comment period as required under ss. 52 and 70 of SARA.

### 5.5 Implementation Mechanisms

Implementation is the process by which actions are carried out to achieve the objectives set out in recovery strategies. Specific actions are identified in action plans and management plans and might include, for example, habitat protection (such as the development of conservation agreements or the administration of land acquisitions), direct threat abatement (such as pollution control, land use management, harvesting restrictions), habitat improvement (such as habitat creation, rehabilitation,

altered grazing or fire regimes, invasive species control), species interventions (such as captive breeding, vaccination, reintroduction, control of invasive species), research needed to support recovery (such as studies to inform the identification of critical habitat), and education and engagement (to increase awareness and build the capacity of Canadians to contribute to the recovery of species at risk).

The competent departments will use a variety of mechanisms to support the implementation of recovery strategies, action plans and management plans. Implementation will be carried out on a priority basis with federal actions focused on measures that are most needed to recover or manage the species. In many cases, implementation measures will fall under provincial or territorial jurisdiction, and the competent ministers will look to the provinces and territories to use their respective mechanisms to carry out identified actions as appropriate. This section outlines some of the types of mechanisms that could be used by the competent departments for the implementation of actions set out in recovery strategies, action plans or management plans.

### **Stewardship**

Stewardship refers to activities where persons, organizations and government departments take active responsibility for the recovery of species at risk and for actions that prevent species from becoming at risk. Stewardship is a key component of the federal strategy for the recovery and management of species at risk. The competent ministers will promote the adoption of a range of stewardship actions for conservation and recovery of species at risk. This includes working with partners to increase awareness and build capacity of Canadians so that they increasingly contribute to the recovery of species at risk.

### **Education and Engagement**

In addition to supporting public education and engagement efforts of partners through stewardship programs, the competent departments will also engage in similar efforts intended to raise awareness among Canadians and motivate them to take action to help conserve and recover species at risk. These activities may include:

- capacity building for recovery practitioners involved in the planning and delivery of public engagement activities; and
- educational resources for stakeholders, educators, youth and the general public on species at risk.

### **Funding Mechanisms**

The competent ministers provide funding for a variety of activities related to the implementation of action plans and management plans. Funding mechanisms directly related to species at risk include:<sup>11</sup>

- The Interdepartmental Recovery Fund, a source of funding to federal departments and agencies for implementing recovery activities for species at risk on federal lands and waters or under federal jurisdiction.
- The Aboriginal Funds for Species at Risk (the Aboriginal Capacity Building Fund and the Aboriginal Critical Habitat Protection Fund), which is intended to support the participation of Aboriginal peoples in the protection and recovery of species at risk, including efforts to protect critical habitat.

<sup>11</sup> These funding programs are targeted at all species designated as at risk by COSEWIC and, as a result, may fund actions for species that are not listed on Schedule 1 of SARA.

- The Habitat Stewardship Program for Species at Risk, a program aimed at encouraging stewards to support the recovery of species at risk by protecting important habitat, especially critical habitat, and by mitigating threats to species at risk caused by human activities.
- The Endangered Species Recovery Fund, which sponsors high-priority scientific research projects to assist the recovery and protection of species at risk and their habitats.

A variety of other federal programs may also benefit species at risk, such as the Invasive Alien Species Partnership Program.

### **Federal Protected Areas**

There are a number of federal mechanisms for protecting marine, freshwater and terrestrial areas. These areas include:

- National Wildlife Areas;
- Migratory Bird Sanctuaries;
- Marine Wildlife Areas;
- National Parks and National Marine Conservation Areas; and
- Marine Protected Areas.

### **Regulatory Mechanisms**

There are a variety of regulatory and legislative mechanisms stemming from a number of Acts of Parliament that may be used by the competent ministers to implement measures identified in action plans or management plans. These include, for example:

- regulations under SARA for Recovery Strategies, Action Plans, or Management Plans (ss. 53, 59, and 71);
- *National Parks General Regulations*;
- regulations under the *Migratory Birds Convention Act, 1994*;
- fisheries closure provisions, and protection and pollution prevention provisions under the *Fisheries Act*; and
- Marine Environmental Quality Regulations under the *Oceans Act*.

### **Environmental Assessment**

Environmental assessment is a tool that, where required, provides for an assessment of the potential environmental effects of a proposed project and an identification of possible mitigation to determine whether the project will result in significant adverse environmental effects. In this way, environmental assessment of projects will ensure that species at risk and their critical habitat are taken into consideration (see section 3.9 of Chapter 3: Protection for federal policy on the SARA and CEAA provisions for environmental assessment). When conducting a federal environmental assessment, the project review provisions of SARA require that the assessment identify the adverse effects of a project on listed wildlife species and their critical habitats. Furthermore, if the project is carried out, measures must be taken to avoid or lessen these adverse effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.

## 6.0 MONITORING AND EVALUATION

The purpose of this policy is to provide direction and guiding principles for monitoring and evaluation of the implementation of species protection, recovery and management activities.

### 6.1 Definitions

**Monitoring:** The action of collecting, organizing and tracking information pertaining to progress toward achieving the population and distribution objectives stated in the recovery strategy for a species, its habitat and its threats, or the objectives stated in the management plan for a species, or information pertaining to progress in implementing identified actions in a recovery strategy, action plan or management plan.

**Evaluation:** Assessing the significance of progress tracked through monitoring, in relation to goals, objectives and actions.

**Reporting:** The action of rendering public the results of monitoring and evaluation.

### 6.2 Context

Species at risk protection and recovery is built on a cycle of assessment, protection, recovery planning, implementation, and monitoring and evaluation. It is premised on an adaptive management approach whereby monitoring and evaluation of progress toward achieving the necessary level of protection and the stated recovery or management objectives is performed on an ongoing basis and the results are used to inform decisions and actions at each of the different stages in the cycle. Protection and recovery measures will be examined to determine whether they have contributed to abate threats and improve species status in order to identify where further action may be needed. As a result of monitoring and evaluation, recovery or management objectives or protection measures may be adjusted or adapted to reflect new or changed circumstances in the environment, new information on the species and its recovery, or changes in the anthropogenic threats to the species.

This policy focuses on the monitoring and evaluation activities of the federal government under SARA. The provinces and territories also have monitoring, evaluation and reporting activities stemming from their respective species at risk legislation which will contribute to evaluating progress toward the recovery of species at risk in Canada.

### 6.3 Guiding Principles

The work of the federal government in the monitoring and evaluation process for species at risk will be guided by a set of overarching principles. Specifically, Environment Canada, Fisheries and Oceans Canada, and the Parks Canada Agency will work to foster a process that:

- **Promotes long-term monitoring:** The federal government's commitment to monitoring and evaluation activities will reflect the need for high-quality, long-term data to assess responses of species to recovery actions and threat abatement.
- **Promotes results-based evaluation:** Evaluation will be based on performance measures that are specific, measurable, time-bound and clearly linked to recovery objectives.



- **Promotes collaboration and cooperation:** Collaboration and cooperation among responsible jurisdictions will be pursued to develop effective and efficient monitoring and evaluation programs and to foster a common understanding and coordination of activities.
- **Is transparent:** The federal government will work to ensure that monitoring information and resulting evaluations of protection and recovery efforts is available to the public.

## 6.4 Roles and Responsibilities

Under SARA, the competent minister is required to ensure that monitoring and evaluation is carried out and to report on the implementation of recovery strategies, action plans or management plans, as appropriate, for all species listed on Schedule 1 of SARA. The federal government will assume a leadership role for monitoring migratory birds protected by the *Migratory Birds Convention Act, 1994*, for aquatic species, and for other species where they occur on federal lands. The federal government will work cooperatively with the provinces, territories and wildlife management boards to facilitate monitoring and evaluation of species on non-federal lands. Existing monitoring tools and programs developed by provincial and territorial governments will be used to the greatest extent possible.

Monitoring also greatly benefits from the involvement of the Canadian public. Non-governmental organizations, Aboriginal organizations, public institutions (e.g., Conservation Data Centres), industry and individual citizens can play an important role by contributing to monitoring efforts for species at risk. Where appropriate, the federal government will support non-governmental monitoring efforts and will work to integrate data from all sources into monitoring and evaluation of species at risk.

## 6.5 Monitoring and Evaluation

The purpose of monitoring and evaluation of species at risk is to determine the effectiveness of protection and recovery measures, to measure progress toward achieving recovery or management objectives, and to detect changes in the status of a species. Provisions for monitoring and evaluation should be taken into account from the outset of species recovery and management efforts through their incorporation into management plans and action plans. To this end, the *Species at Risk Act* specifies that action plans must include the methods to be used to monitor the recovery of the species and its long-term viability and that the competent minister must monitor the implementation of action plans and the progress toward meeting its objectives.

### Species Recovery

Monitoring is an integral part of species at risk recovery activities. Monitoring programs for species at risk recovery will be results-based and will be focused on evaluating the progress toward achieving the recovery objectives, including population size and distribution and threat abatement. The level of monitoring effort and the design of recovery monitoring programs will be sufficient to allow for the evaluation of:

- progress toward achieving the recovery population and distribution objective;
- the effectiveness of recovery actions;
- the appropriateness of the recovery population and distribution objective; and
- the need for reassessment of the species by COSEWIC.

Recovery implementation is a long-term endeavour and improvements in species status will take time. Monitoring effort for any particular species will shift over time to reflect the data needs for the species and the current level of threat. Where recovery actions are undertaken at an ecosystem or



landscape scale, monitoring and evaluation will be done on a species-specific level in addition to any ecosystem/landscape monitoring undertaken.

Evaluation of the results of species at risk monitoring will be carried out with the understanding that improvements in the status of a species may result from factors other than recovery or management actions and that the specific recovery actions may not produce expected results due to external factors.

## 6.6 Reporting

Reporting on monitoring and evaluation of species at risk is integral to maintaining an open and transparent process and supporting an adaptive management approach to species at risk protection, recovery and management. Reporting activities provide a feedback from one stage of the species at risk program cycle to another. For example, the report on the implementation of recovery strategies may provide information that can be used to inform species assessment or protection activities. Under SARA, specific evaluation and reporting requirements exist as follows:

- **Review of species classifications** (s. 24). COSEWIC must review the classification of a species at least once every 10 years, or at any time if it has reasons to believe that the status of the species has changed significantly.
- **Report on the status of wildlife species**, the General Status Report (s. 128). Every five years, the Minister of the Environment must provide a general report to Parliament on the status of wildlife species.
- **Report on the steps taken to protect unprotected critical habitat** (s. 63). The Minister of the Environment must report on the steps taken to protect unprotected critical habitat with respect to every six-month period after it has been identified in a recovery strategy or action plan, until the critical habitat is protected or the area is no longer identified as critical habitat.
- **Report on the implementation of recovery strategies** (s. 46). The competent minister must report on the implementation of a recovery strategy and progress toward meeting its objectives every five years after posting of the final recovery strategy until recovery has been achieved or is no longer feasible.
- **Report on the implementation of action plans** (s. 55). The competent minister must assess and report on the implementation of an action plan and its ecological and socio-economic impacts five years after the plan comes into effect.
- **Report on the implementation of management plans** (s. 72). The competent minister must assess and report on the implementation of management plans for species of special concern every five years until planned objectives have been met.

### General Report on the Status of Wildlife Species

Under s. 128 of SARA, a general report on the status of wildlife species in Canada must be prepared once every five years. Similarly, under the Accord for the Protection of Species at Risk in Canada, federal, provincial and territorial governments made a commitment to “monitor, assess, and report regularly on the status of all wild species.” The federal government will produce one report to respond to the requirements for a general status report under both the Accord for the Protection of Species at Risk and the *Species at Risk Act*.

The report brings together a wide range of information sources, including the results of provincial, territorial and federal monitoring efforts, into a single review to provide a holistic perspective. The objective of the report is to identify those species for which more information is needed, or those for

which a status assessment by COSEWIC, or additional management attention, may be warranted. The federal government will work to address data gaps and promote the generation of new data to expand, improve or update the database of information on Canada's wild species.

### **Integrating Reporting for an Ecosystem Approach**

The federal government may coordinate recovery monitoring and evaluation timelines across multiple species in order to support the use of an ecosystem approach.

Recovery and management actions in a given area often will affect broad ecological processes, address threats affecting multiple species, and benefit biodiversity in general. This situation warrants adopting a system of monitoring, evaluation and reporting that would integrate results in space and time for several species and their habitats. This integrated reporting also may include coordination with other ecosystem initiatives or conservation planning programs.

### **Non-SARA Reporting**

Other monitoring, evaluation and reporting activities that may inform the federal species at risk program take place as part of non-SARA departmental reporting such as reports on the status of migratory game birds or the Canadian technical reports of fisheries and aquatic sciences. Where appropriate, information from non-SARA federal programs will be incorporated into the monitoring and evaluation of species at risk protection, recovery and management actions.



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