



UNDERSTANDING SARA

How aquatic species are listed under Canada's *Species at Risk Act*



WE NEED TO ACT

Hundreds of Canadian wildlife species today face the risk of extinction. Some are vital characters in our diverse cultures and histories; some are the last of their kind in the world—and all of them have an essential role to play in the environments where they live. In the aquatic world, these species are astoundingly diverse—ranging from tiny freshwater molluscs to roving giants of the oceans like the North Atlantic right whale and the famous blue whale. The question is not *if* we should try to protect them from vanishing forever. The question is *how* to go about it. Canada's *Species at Risk Act* (SARA) is an important part of the answer. ■



Photo: Fiona Cuthbert

SARA AT A GLANCE

The *Species at Risk Act* (SARA) became law in 2003 to protect wildlife species by:

- Working to protect and recover species that are listed under SARA; and
- Using sound management to make sure that species of special concern don't become endangered or threatened.

SARA includes prohibitions against harming or interfering with species at risk—from killing and capturing to buying, selling and collecting. It prohibits destroying the critical habitats of protected species. And it also prohibits damaging or destroying the residences of those species. ■

WHAT'S PROTECTED?

The incredible array of aquatic species protected under SARA includes fish and reptiles, mammals and molluscs—from the wolffish, Atlantic whitefish and pugnose shiner to the Inner Bay of Fundy Atlantic salmon, leatherback sea turtle, sea otter, northern abalone and more. You can find the complete list at:

www.dfo-mpo.gc.ca/species-especies/permits/Species37_e.asp



Photo: Ari S. Friedlaender



Photo: Andrew J. Martinez

WHO'S WHO

Protecting Canada's species at risk is too great a responsibility for any one department or agency alone. Fisheries and Oceans Canada is one of three federal departments with a key role in seeing that the *Species at Risk Act* is upheld. All departments work closely together, but each has its own special area of focus.

FISHERIES AND OCEANS CANADA

The job of Fisheries and Oceans Canada is to protect and recover aquatic species at risk except those found in Parks Canada waters. Fisheries and Oceans Canada implements conservation and protection measures for aquatic species, including leatherback seaturtles, killer whales, Atlantic salmon, mudpuppy mussels, Aurora trout, and more. www.aquaticspeciesatrisk.gc.ca

MORE ABOUT SARA

Learn more about the Act in general by visiting the SARA Public Registry.

www.SARAreistry.gc.ca

ENVIRONMENT CANADA

Environment Canada coordinates the federal species-at-risk strategy. It implements federal activities that support SARA and works directly to protect and recover migratory birds as per the *Migratory Bird Convention Act*. Environment Canada is also responsible for species that live or grow on federal lands. These include everything from the whooping crane to the prothonotary warbler to plants and mammals such as the swift fox and spotted bat. www.speciesatrisk.gc.ca

PARKS CANADA AGENCY

Parks Canada is responsible for the protection and recovery of SARA-listed species that are found in national parks of Canada and other federal lands administered by Parks Canada. This includes a wide range of species such as molluscs, butterflies, lichens, plants, amphibians, reptiles, fish, birds and mammals.

www.pc.gc.ca/nature/eep-sar ■

WHAT'S COSEWIC?

COSEWIC is the Committee on the Status of Endangered Wildlife in Canada—an independent body of scientific experts from across the country with the job of identifying species at risk. COSEWIC experts come from all fields: federal, provincial, and territorial governments; wildlife management boards; Aboriginal groups; universities; museums; national non-governmental organizations; and other bodies with expertise in the conservation of wildlife species in Canada.

HOW DOES COSEWIC ASSESS SPECIES?

COSEWIC uses scientific processes and data to determine whether species are at risk. It meets once a year to review status reports on species that are considered to be at risk. Prepared by independent experts, these reports are informed by the best available information on the biological status of a species, including scientific, community and Aboriginal traditional knowledge.

COSEWIC ON THE WEB:

www.cosewic.gc.ca

It is important to understand—as the following sections explain—that COSEWIC does not make the decisions about listing species under SARA: that responsibility belongs to government, with input from Canadians.

SPECIES TALK: THE TERMINOLOGY

Not all species are equally at risk. To be clear about the different degrees of risk, COSEWIC uses the following terms:

- *Extinct*: no longer existing
- *Extirpated*: no longer existing in the wild in Canada but still existing in other places
- *Endangered*: facing imminent extirpation or extinction
- *Threatened*: likely to become Endangered if threats are not reversed
- *Special Concern*: at risk of becoming Threatened or Endangered because of a combination of biological characteristics and identified threats ■

HOW SPECIES GET LISTED

The SARA listing process has a number of steps, starting with the COSEWIC assessments and ending with a final decision on whether a species will be listed under SARA. This decision is ultimately made by the Governor in Council: the Governor General acting on the advice of the federal cabinet.

COSEWIC assesses a species as being at risk

COSEWIC's assessment is based on everything from the species' overall abundance or scarcity to the rate and extent of its decline. If COSEWIC determines that a species is at risk, it sends its species assessment to the Minister of the Environment.

The Minister of the Environment issues a response statement

The Minister of the Environment takes COSEWIC's assessments as *recommendations*, and has 90 days to issue a response statement indicating how he or she intends to respond to the assessment—and to provide timelines for action. This information is published in the *Response Statements* that appear in the SARA Public Registry.

The listing process begins

The standard SARA listing process lasts nine months. It begins when the Governor in Council acknowledges receipt of COSEWIC species assessments on the recommendation of the Minister of the Environment. In some cases, the Minister may delay forwarding a COSEWIC assessment to provide adequate time for additional consultations and an analysis of the biological, social and economic impacts of listing species under SARA. Once the consultations and analysis are complete, the Minister forwards the assessment to the Governor in Council and the standard process is followed.

THE CASE OF THE NORTH ATLANTIC RIGHT WHALE

The 'right' whale got its name from whalers because it was a slow and easy catch. Today only 350 of these animals remain in the entire world. This is the story of how the North Atlantic right whale came to be protected under SARA—giving a real-life glimpse into how the process works.

May 2003

COSEWIC designates the North Atlantic right whale as Endangered. The population of whales is dangerously small and animals continue to be killed by ship strikes and entanglements in fishing gear.

April 2004

The federal government issues its response statement on the North Atlantic right whale, announcing plans to carry out consultations.

April 2004

The official nine-month listing process for the North Atlantic right whale begins when the Governor in Council acknowledges receipt of the COSEWIC species assessment on the recommendation of the Minister of the Environment.

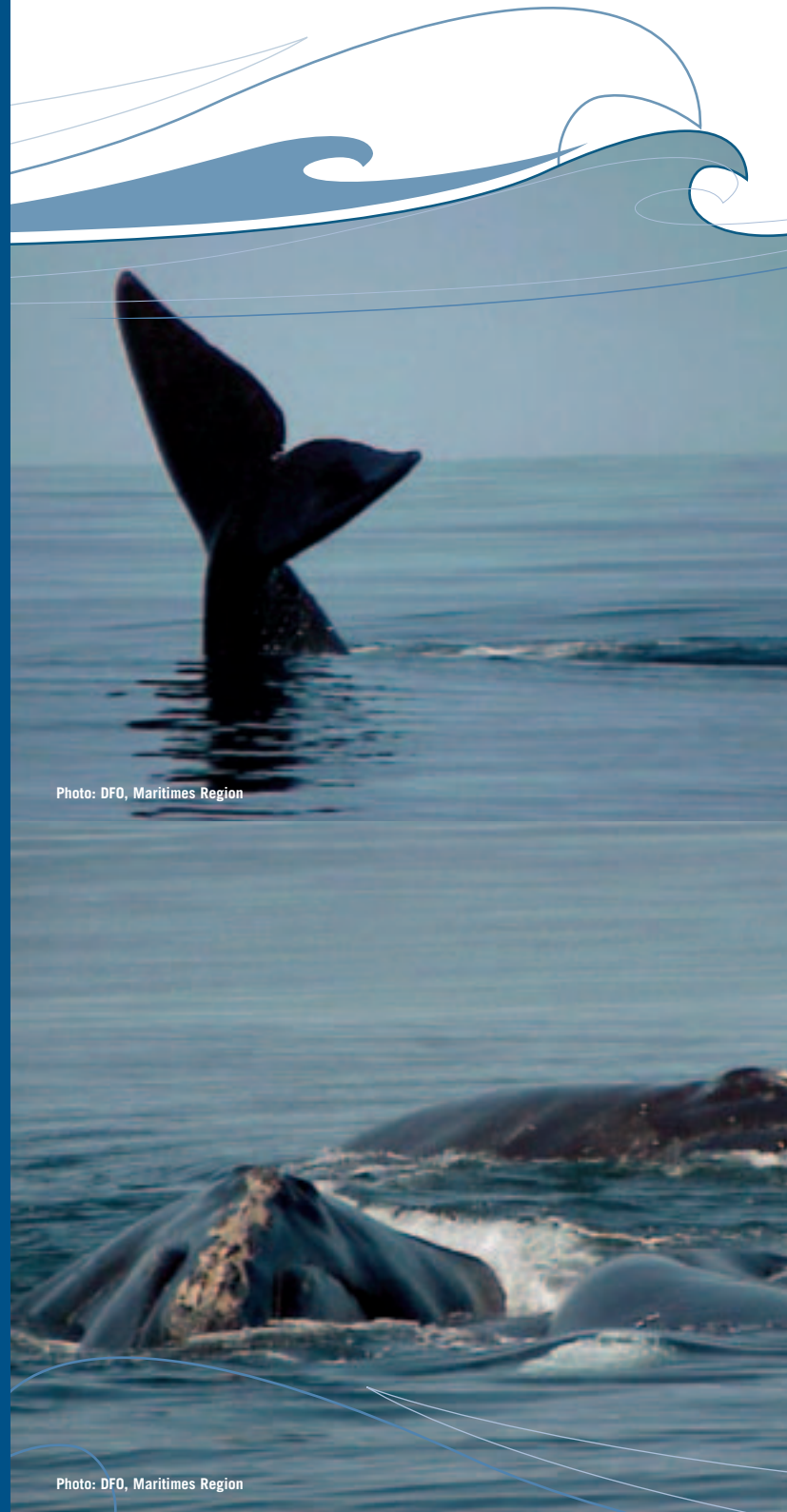


Photo: DFO, Maritimes Region

Photo: DFO, Maritimes Region

HOW SPECIES GET LISTED

PART TWO...

The government consults with Canadians

Before any firm decision is made about listing a species, the government seeks input from Canadians in the regions where a SARA listing would affect people's lives and livelihoods. If a species is being considered for protection under SARA and *your* business or community will feel the impact, be sure to communicate your point of view. When you participate in the process, you help shape the ultimate solution.

The Minister of Fisheries and Oceans provides advice

For aquatic species that fall under his or her responsibility, the Minister of Fisheries and Oceans considers reports from the consultations as well as all available scientific information, social and economic impact studies and other key documents. The Minister of Fisheries and Oceans then provides advice on whether these species should be listed under SARA to the Minister of the Environment.

The Minister of the Environment's recommendations are published in the *Canada Gazette*

The Minister of the Environment's proposed recommendations on whether these species should be listed under SARA are published for public comment in the *Canada Gazette* (the official newspaper of Canada's government). This usually occurs four to five months after the listing process begins but before a final decision is made, providing a further opportunity for Canadians to have input.

The Governor in Council makes the final listing decision

After all the information has been weighed—and after Canadians' opinions have been heard—the Governor in Council may decide to: accept COSEWIC's assessment and list the species under SARA; not list the species; or return the species assessment to COSEWIC for further information or consideration. Once an aquatic species is added to the SARA list, the SARA prohibitions automatically apply and specific actions must be taken within a clearly defined period of time to help ensure protection and recovery of the species.

If the Governor in Council does not make a decision within nine months after receiving the COSEWIC assessments, the species must be listed.

THE CASE OF THE NORTH ATLANTIC RIGHT WHALE CONTINUED...

Summer of 2004

Fisheries and Oceans Canada consults with interested stakeholders and the public, receiving strong support for listing the North Atlantic right whale under SARA.

Post-consultations 2004

The Minister of Fisheries and Oceans reviews the existing protection measures for the North Atlantic right whale, the reports from the consultations and the available scientific information. He then advises that the North Atlantic right whale be listed under SARA.

October 2004

The recommendations published on the North Atlantic right whale in the *Canada Gazette* receive no further comment during the period between October and November.

January 2005

The North Atlantic right whale is added to the List of Wildlife Species at Risk for protection under SARA. Fisheries and Oceans Canada begins updating the recovery strategy for this species and launches studies to better understand and reduce the threats to the North Atlantic right whale.

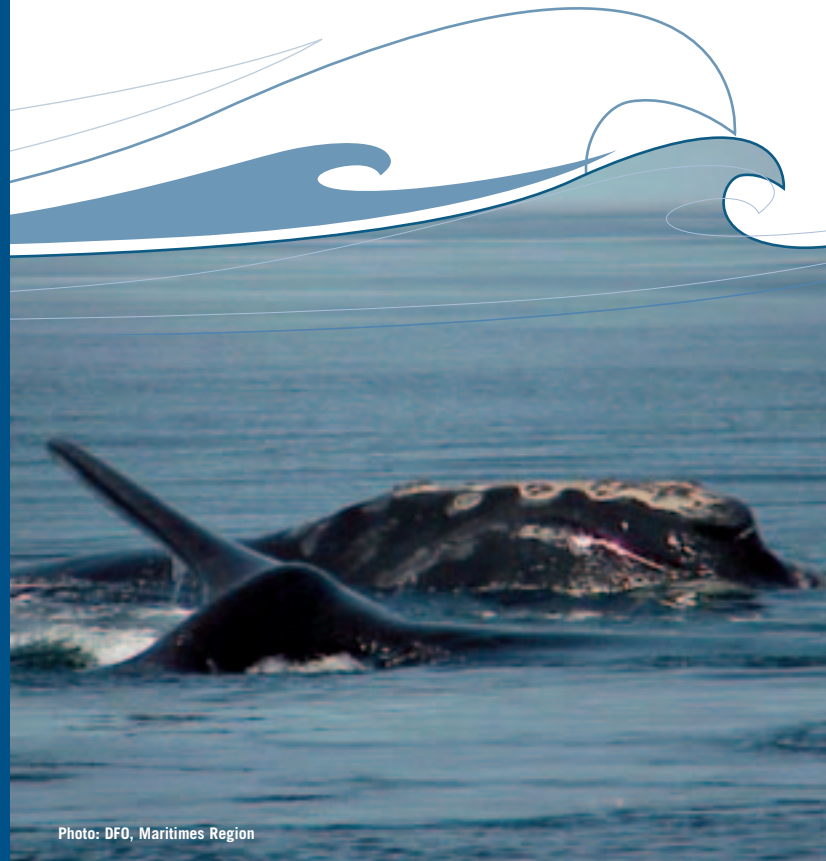


Photo: DFO, Maritimes Region



Photo: DFO, Maritimes Region

THE TRUTH UNTANGLED

Interpreting a new law is always a challenging process. Sometimes it can lead to confusion. The following are some common misconceptions about SARA.

MISCONCEPTION #1

COSEWIC is a government body

This is *not* true. To make sure the assessment process is unbiased, COSEWIC was deliberately created as an arm's-length organization independent of government. Its processes are transparent to the public to make sure that it operates as impartially as possible.

MISCONCEPTION #2

Once COSEWIC assesses a species as being 'at risk', that species is automatically protected

As explained in the previous section (*How species get listed*), the COSEWIC assessment is only the start of a careful process that involves discussion and consultation. The government weighs all the information to make a final decision about whether a species needs protection under SARA.

MISCONCEPTION #3

When a species is listed under SARA, it is automatically 100 percent off-limits

Again, this is *not* true. Protective measures are specific to the needs and circumstances of *that*



Photo: Bob Semple

species. In some cases it may be that fishing gear needs to be changed, or that fishing seasons must be adjusted. SARA may allow for some flexibility so long as the recovery of the species is not jeopardized.

MISCONCEPTION #4

The general public has no role in SARA

Nothing could be further from the truth. It's no exaggeration to say that everyone has a potential role to play in SARA: governments, enforcement agencies, industry members, fishers, Aboriginal groups, wildlife management boards, private operators, and the general public. The first role is one of speaking out, participating in the consultations to make sure that all relevant perspectives are shared. There are also opportunities for members of the public to actively involve themselves in protecting species at risk, such as through the *Habitat Stewardship Program*.

www.cws-scf.ec.gc.ca/hsp-pih ■



Photo: ©iStockphoto.com/Joeybrooke80

GET THE FACTS

Visit our web site at:

www.aquaticspeciesatrisk.gc.ca

GET INVOLVED

Learn more about the

Habitat Stewardship Program at:

www.cws-scf.ec.gc.ca/hsp-pih

WHAT SARA PROTECTION REALLY MEANS

The *Species at Risk Act* has the potential to touch the lives of millions of Canadians—from commercial fishers, aquaculturists, recreational fishers and boaters to scientists and members of maritime industries. If you own property on or near water, a farm or business, your activities could have an impact on the habitat of a species at risk. How does SARA change things? For commercial fishers, for example, there may be restrictions on the bycatch of listed species. Gear may have to be modified, areas may become off-limits, and fishing seasons might change. It is even possible that traditional fisheries may be closed or reduced.

WHO DECIDES HOW TO PROTECT LISTED SPECIES?

For some species listed under SARA, some SARA prohibitions apply automatically to protect the species itself and the residences where its members live. Protective measures are also defined through recovery strategies and action plans, which are developed in close collaboration with affected Canadians.

The Government of Canada recognizes that it has to protect species at risk while maintaining economic stability and sustainable industries. Every effort is made to work with Canadians to meet the objectives of SARA while minimizing the impact on individuals, communities and businesses. If businesses have to change how they operate, those changes will be communicated clearly by Fisheries and Oceans Canada to prevent confusion or uncertainty.

RECOVERY STRATEGIES, ACTION PLANS AND MANAGEMENT PLANS

There is more to SARA, of course, than prohibitions. SARA requires that recovery strategies, action plans and management plans be developed for species on the list. All of these work in their own ways to protect and recover species at risk, outlining goals, plans, projects and activities—and all of them are created with input from a wide range of Canadians including members of affected industries, academics, Aboriginals, environmental groups and others. ■

GETTING INVOLVED

We can all do our part to help protect species at risk: from keeping species' habitats clean or participating in consultations to joining Recovery Teams—every contribution makes a difference. Fortunately, people are eager to get involved. The following examples describe how groups of Canadians have come together—in very different ways—to make a positive difference and protect species at risk.

PROJECT RESCOUSSE

Working with RJ Brewers, the members of Project Rescouisse and the Fondation de la faune du Québec created a beer specifically to help protect species at risk in Quebec, with the endangered Copper Redhorse fish as its icon. Found in just a few rivers in southwestern Quebec, the Copper Redhorse is featured on the labels of Rescouisse red wheat ale—sales of which helped fund a \$2.4 million fishway that allows the fish to bypass a dam and reach its upstream spawning grounds.

Photo: Margaret Butschler,
Courtesy of the Vancouver Aquarium Marine Science Centre

B.C. CETACEAN SIGHTINGS NETWORK

This group of more than 600 mariners and citizens watches B.C.'s coastal waters for leatherback seaturtles and seven species of at-risk whales, gathering data that helps experts understand how to protect the animals. Sponsored by the Habitat Stewardship Program, the BCCSN also alerts rescue personnel when whales or turtles become stranded or entangled in nets—helping increase their odds of survival.

RESTORING INNER BAY OF FUNDY ATLANTIC SALMON

For the last five years, members of the Fort Folly First Nation, an Aboriginal community of just 100 people in New Brunswick, have been actively involved in restoring Inner Bay of Fundy Atlantic salmon to local rivers. In collaboration with Fisheries and Oceans Canada and Parks Canada (in Fundy National Park of Canada), members of Fort Folly First Nation have released thousands of young salmon—spawned from wild salmon—into the Pointe Wolfe and Big Salmon rivers. ■

Photo: ©iStockphoto.com/lfreytag



Photo: S. Staton, National Water Research Institute, Environment Canada



Photo: ©iStockphoto.com/brytta

MORE QUESTIONS?

If you're looking for more information about SARA and aquatic species, please visit our website at:
www.aquaticspeciesatrisk.gc.ca

You can also contact Fisheries and Oceans Canada by phone at **1-866-266-6603** or by email at info@dfo-mpo.gc.ca

For general information, you can visit the SARA Public Registry, an online service that provides information and documents including status reports, species assessments, response statements, recovery strategies, and action and management plans. The registry even provides you with opportunities to comment on SARA-related documents, and gives notice of public consultations. Visit it online at:
www.SARAreistry.gc.ca

And if you want to get involved in helping protect species at risk, learn more about the Habitat Stewardship Program:
www.cws-scf.ec.gc.ca/hsp-pih

Photo/Cover: ©iStockphoto.com/smileyjoanne

Published by:

Communications Branch
Fisheries and Oceans Canada
Ottawa, Ontario
K1A 0E6

©Her Majesty the Queen in Right of Canada 2006
Cat. No. Fs23-498/2006
ISBN 0-662-49070-3 paper
ISBN 0-662-42977-X PDF

DFO/2005-484

Printed on recycled paper