

Species at Risk Act



Loi sur les espèces en péril SARA & the Fishing Industry

The *Species at Risk Act* (SARA) is one of three elements of the overall Government of Canada's **Strategy for the Protection of Species at Risk**. The other two are **Partnering with Canadians** through complementary stewardship and incentive programs, and **Partnering with the Provinces and Territories** through the Federal-Provincial/Territorial Accord for the Protection of Species at Risk (1996).

SARA's objective is to prevent wildlife species from becoming extinct, to provide for recovery of species which are at risk as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. The Act covers all wildlife species at risk nationally, their critical habitats, and applies to all lands in Canada.

More specifically, the provisions of the Act set out:

- prohibitions against the killing or harming of a listed species and the destruction of their residences and critical habitat;
- the requirement for other federal departments to consider the impact on species' critical habitat before issuing authorizations for certain activities; and
- provisions for effective enforcement measures and significant penalties where needed to serve as a deterrent.

Under SARA, the Minister of Fisheries and Oceans will be responsible for aquatic species and, as such, DFO will be a key player, using its best science and on-the-ground management capabilities to respond effectively to the needs of aquatic species at risk.

Although SARA prohibits certain actions and activities, it is clear that species at risk will only get the protection they need if Canadians work together to reduce threats.

The SARA process for protecting species at risk:

- **Assessment:** Wildlife species' status is assessed under a rigorous scientific process by the independent Committee on Status of Endangered Wildlife in Canada (COSEWIC)
- **Legal Listing:** COSEWIC-listed species are added to the legal list of protected species by the federal government — or compelling reasons are provided for not adding them
- For species legally listed as Extirpated, Endangered or Threatened:
 - **Automatic Prohibitions:** killing or harming individuals, or harming their residences, on areas under federal jurisdiction, including the oceans, will be prohibited, (although limited harm might be permitted under certain conditions, as long as the activities do not jeopardize species survival or recovery);
 - **Mandatory Recovery Strategies:** development of recovery strategies and action plans in consultation with stakeholders for species will be mandatory within specified timelines; and to the extent possible critical habitat will be identified in a recovery strategy or action plan, and will be protected.
- For species listed as Special Concern, a management plan will be required within specified timelines.

SARA was expressly designed to take a cooperative approach to species at risk protection, and specifically refers to the need for governments and stakeholders to work together, for consultation at key stages, and for a stewardship approach to species at risk protection.

Key to its success will be the involvement of stakeholders every step of the way – whether its to protect habitat through voluntary conservation efforts, working with federal personnel on recovery strategies and actions plans, or in putting those plans into motion.

Implications For The Fishing Industry

Assessment Stage

Scientific information, Aboriginal traditional knowledge, and local community knowledge are essential to make accurate species' assessments, and COSEWIC assessments are based on the best information possible. DFO works closely with COSEWIC to provide information held by the Department that is needed at the assessment stage. As assessments are done, fish managers and science staff will consult with the fishing industry about potential species to be listed to determine the extent to which fishing activity does impact these species and is a threat to their survival and recovery.

Recovery Stage

DFO will act proactively to implement management measures for a legally listed species as soon as possible. Fish managers will work with the industry to develop and implement management measures to avoid the mortality of a listed species. This could include closed areas, closed times, gear modification, catch restrictions, or other measures developed by DFO in cooperation with the fishing industry. The management measures developed will form part of the SARA recovery strategies and will meet the legal requirements of SARA.

Prohibitions

For species listed as Extirpated, Endangered or Threatened under SARA, Schedule 1, prohibitions against killing, harming or harassing will be brought into force in June, 2004 -one year after Proclamation. Depending on the category of endangerment, some level of incidental harm to a species may be allowed under permit. If fishing activity is assessed to be a threat to the survival and recovery of a non-target species at risk, management measures will have to be undertaken to ensure its protection. DFO will build on the cooperative approach of SARA and work with the fishing industry to ensure the legal obligations and goals of SARA are met.

Working Together

The existing advisory process for the management of fisheries will be used as much as possible to ensure SARA-compliant fisheries. Management objectives, strategies and reference points will be used as part of the management of a fishery all contributing to the recovery process required under SARA. SARA complements the DFO vision of safe, healthy, productive waters and ecosystems, for the benefit of present and future generations.