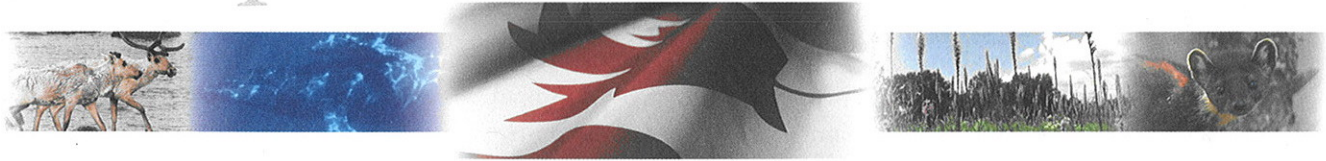


Species at Risk Act

SCF-155-7E



Loi sur les espèces en péril

SARA is one of several federal laws protecting wildlife

The *Species at Risk Act* (SARA) is the newest of several Canadian federal laws in place to preserve and protect Canada's precious natural heritage. Here is information about how these laws work together.

Migratory Birds Convention Act, 1994

As far back as 1916, the Canadian and American governments recognized the need for an agreement to ensure that birds travelling through both countries as part of their life cycle would be saved from over-harvesting and destruction. The *Migratory Birds Convention Act, 1994* defines three categories of birds to which protection is extended: Migratory Game Birds, Migratory Insectivorous Birds and Other Migratory Nongame Birds.

The effect of the *Migratory Birds Convention Act, 1994* is to implement the Convention in Canada by protecting all migratory birds and their nests. Under the authority of the Convention, hunting of Migratory Game Birds is limited to a specified open season and, through regulations, is further restricted in time and daily bag limit as is necessary to conserve healthy migratory bird populations. SARA further prohibits anyone from doing anything at any time of the year that would harm a migratory bird that is listed as extirpated, endangered or threatened on the List of Wildlife Species at Risk in SARA. So, for example, a hunter could be charged with killing a Common Moorhen (*Gallinula chloropus*) out of season under the *Migratory Birds Convention Act, 1994* but could not be charged under SARA because a Common Moorhen is not a SARA-listed species. Killing a Marbled Murrelet (*Brachyramphus marmoratus*) at any time of year would be an offence both under the *Migratory Bird Convention Act 1994* and also under SARA

(unless otherwise authorized by agreement, permit or exception), because the Marbled Murrelet is listed as a Migratory Nongame Bird under the *Migratory Bird Convention Act 1994* and is listed in SARA on the List of Wildlife Species at Risk as a threatened species.

Migratory Birds Convention Act, 1994 –
<http://laws.justice.gc.ca/en/M-7.01/>

Fisheries Act

For over 135 years, the *Fisheries Act* has been in place to conserve and protect fish and fish habitat in Canadian freshwater and marine commercial and recreational fisheries. The law restricts when and how fish may be caught and prohibits actions that are destructive to fish or fish habitat. Fish management plans that set out strategies for conserving fish species and their habitats are made under the authority of the *Department of Fisheries and Oceans Act* and the *Fisheries Act*.

A few fish species are listed in SARA on the List of Wildlife Species at Risk. For example, the Atlantic salmon population in the Inner the Bay of Fundy (*Salmo salar*) is an endangered species. So is the Atlantic Whitefish (*Coregonus huntsman*). SARA prohibits the killing, harming, harassing, capturing, taking, possessing, collecting, buying, selling or trading of individuals of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species, and requires recovery strategies to be developed for these species. The *Fisheries Act* provides a more general protection of fish and fish habitat.

Fisheries Act –
<http://laws.justice.gc.ca/en/F-14/58697.html#rid-58717>

Canada National Parks Act

National Parks have existed in Canada for over 100 years. They protect natural areas of Canadian significance for the benefit, education and enjoyment of the public, today and for future generations. The first priority in national park management is to maintain and restore ecological integrity. All species are protected under the *Canada National Parks Act*, and activities such as hunting and plant harvesting generally are not allowed in National Parks.

Individuals of almost half of the species listed in SARA on the List of Wildlife Species at Risk are found in Canada's National Parks and National Historic Sites (some of which are administered under the *Canada National Parks Act*). The *Canada National Parks Act* will continue to protect these species at risk, and SARA will provide additional tools to ensure their well being.

Canada National Parks Act—

<http://laws.justice.gc.ca/en/N-14.01/index.html>

Canada Wildlife Act

This law gives the federal Minister of the Environment the authority to acquire land for wildlife research, conservation and interpretation, and to establish National Wildlife Areas and marine protected areas. It could be used as a way for the government to protect the critical habitat of a SARA-listed species or respond in an emergency situation.

Canada Wildlife Act —

<http://laws.justice.gc.ca/en/W-9>

Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA)

The Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) entered into force in 1996. It is the legislative vehicle by which Canada meets its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The purpose of WAPPRIITA is to protect certain species of animals and plants, particularly by implementing CITES and regulating international and interprovincial trade in animals and plants.

It accomplishes these objectives by controlling the international trade and interprovincial transport of wild animals and plants, as well as their parts and derivatives, and by making it an offence to transport illegally obtained wildlife between provinces or territories or between Canada and other countries. Both WAPPRIITA and SARA also cover the parts and derivatives of protected animals and plants. When a SARA-listed species is taken and moved within Canada or exported, both SARA and WAPPRIITA could be used to respond to the offence for species that are covered by both Acts.

WAPPRIITA —

<http://laws.justice.gc.ca/en/W-8.5/105129.html>

Canadian Environmental Assessment Act

The Canadian Environmental Assessment Act and its regulations are the legislative basis for the federal environmental assessment process. The Act, which came into force in January 1995, sets out the responsibilities and procedures for carrying out the environmental assessments of projects that involve the federal government. The goal of the law is promote sustainable development, and to find ways to avoid federal projects causing adverse environmental effects. The legislation ensures that the environmental effects of projects involving the federal government are carefully considered early in the project's planning stages. Many assessments are conducted jointly with the provinces. SARA amends the definition of "environmental effect" in the *Canadian Environmental Assessment Act* to include any change that the project may cause to a listed species, its critical habitat or the residences of individuals of that species as those terms are defined in SARA.

Canadian Environmental Assessment Act —

<http://laws.justice.gc.ca/en/C-15.2/27492.html>