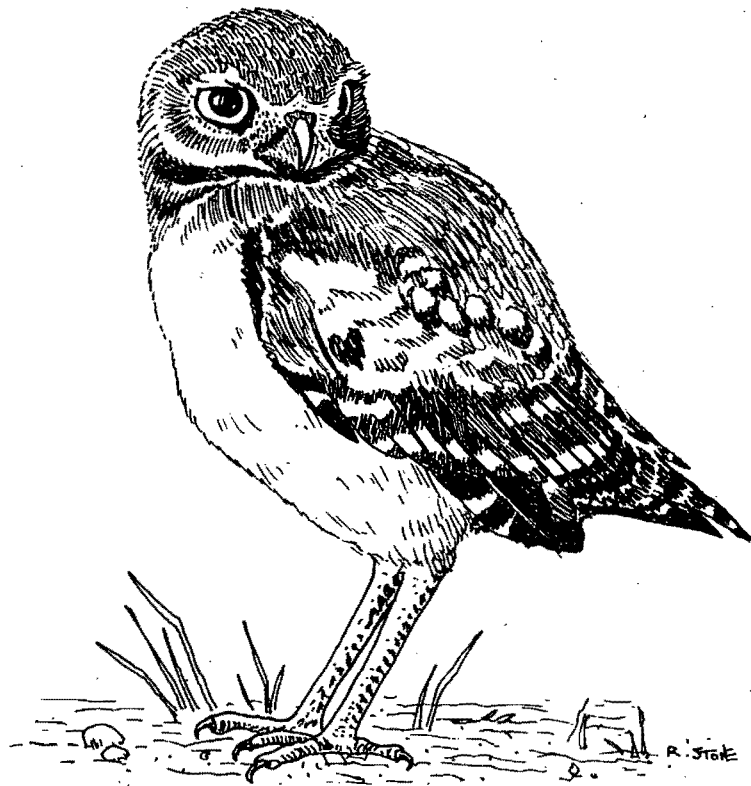


Canada Endangered Species Protection Act



A Summary



Environment
Canada

Environnement
Canada

Canada

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Minister's Foreword

The *Canada Endangered Species Protection Act* represents the fulfilment of an important commitment made to the Canadian people during the last federal election. In personal terms, it has been one of my own highest priorities since I became Minister of the Environment earlier this year. The protection of our endangered species is an emotional issue for Canadians. Our incredible richness and diversity of plants and wildlife provide us with one of the abiding symbols that define our sense of identity and bind us together, whatever our origins, from coast to coast to coast. Wilderness has been a major source of inspiration for Canadian artists and authors; it offers spiritual renewal to Aboriginal peoples and gives all Canadians a sense of pride and belonging.

We should also not forget about the economic benefits of wildlife-related activities. These are growing rapidly. In 1991, nearly 19 million Canadians spent \$5.6 billion on wildlife-related activities. Bird-watching is now one of Canada's fastest growing forms of recreation. Much of our tourism is built on the desire of people from all over the world to experience and share the grandeur of our natural environment.



Although we have much to be proud of in our record of protecting our wildlife, the reality is that this is still not enough. Since the late 17th century, at least 10 of our animal species have become extinct. A much larger number of species are threatened. The clock of extinction is ticking and we have to take action now before the problems go beyond the point of no return.

It is against this background that I am pleased to introduce the federal government's first legislation dedicated entirely to the protection of endangered species. The purpose of the legislation is to prevent the extinction of wildlife species in Canada. This is not a task that we can do alone. Provinces and territories have important roles to play, as do all Canadians. For example, the efforts of the Hellman family in Manitoba, who are almost solely responsible for the survival of the threatened Western Spiderwort plant, or the coming together of community groups and various levels of government in the Magdalen Islands to successfully increase the numbers of endangered Piping Plovers, provide inspiring illustrations of what can be achieved if we are all prepared to work in partnership.

Many groups drawn from a broad cross-section of Canadian society have come together to assist in the development of the concepts embodied in this legislation. It will take all of us working together to ensure that our children inherit a world rich in biological diversity.

A handwritten signature in cursive script that reads "Sergio Marchi". The ink is dark and the signature is fluid and legible.

Sergio Marchi
Minister of the Environment

The Canada Endangered Species Protection Act at a Glance

The purpose of this Act is to prevent wildlife species from becoming extinct or lost from the wild and to secure their recovery.

What it Covers:

~ **which species:** migratory birds; marine mammals, fish and other aquatic species; species that range across international boundaries; and all species on federal lands.

~ **where it applies:** all federal lands including the two territories, the oceans out to the 200 mile limit; this represents approximately 60% of Canada.

Who is Responsible:

~ Minister of the Environment for the overall administration of the Act, plus migratory birds and other wildlife species on federal lands and cross-border species.

~ Minister of Fisheries and Oceans for aquatic species.

~ Minister of Heritage for species in National Parks.

Species Listing Process:

~ COSEWIC is granted legal status to assess and designate species at risk.

~ COSEWIC will operate independently of government.

~ COSEWIC will base its decisions on the best available information from the scientific community and traditional sources.

~ COSEWIC designations will be the basis for the official list of wildlife species at risk.

Immediate Species Protection:

Automatic Prohibitions:

~ prohibit killing, harming, harassing, capturing or taking of an individual of a threatened or endangered species; prohibit possessing, collecting, buying, selling or trading of such species; prohibit the destruction of their residence.

~ limited exemptions where activity is necessary for national security, safety or human, animal or plant health reasons.

Emergency Orders:

~ when COSEWIC determines there is an imminent threat to the survival of a species it may immediately provide an emergency designation.

~ the Minister may then issue an emergency order to provide protection for the species by prohibiting activities that could adversely impact a species or its critical habitat.

Recovery and Management Plans:

~ mandatory recovery planning and action to save endangered species in partnership with the provinces, territories, universities, environmental groups, Aboriginal communities, industry and landowners.

~ Recovery Plans will specify the measures necessary to restore the species, including restoration of habitat; the Plan must be produced within one year of listing for endangered species and two years of listing for threatened and extirpated species.

~ Recovery Plans will be implemented and monitored.

~ Recovery Plans will be evaluated every five years.

"Prohibits killing, harming, harassing, capturing or taking of an individual of a listed species."

The Act at a Glance (cont.)

Penalties:

In the event of contraventions, the Act provides for fines of up to \$500,000 for corporations, and up to \$250,000 and/or imprisonment for up to five years for an individual. Fines of up to \$1,000,000 are possible for repeat offenders.

Enforcement:

~ compliance through inspections, monitoring, investigation of violations and prosecutions.
~ to be done in close cooperation with provinces and other enforcement agencies.

Public Involvement & Citizen Action:

~ an open and transparent process.
~ access through a Public Registry for information including: COSEWIC's criteria for the designation of wildlife species; Status Reports; decisions about the designation; the national List of

Wildlife Species at Risk; the List of Species determined to be not at risk; Recovery Plans; and Regulations.

~ citizens have a right to:
~ apply to have a species considered for designation.
~ comment on Recovery Plans prior to their publication.
~ apply for an investigation into an alleged offence under the Act.
~ take civil actions to protect endangered species, under certain circumstances.

Partnership:

~ establishes the Canadian Endangered Species Conservation Council made up of federal, provincial and territorial ministers responsible for wildlife.
~ Species will be protected everywhere in Canada with this Act and through complementary provincial and territorial legislation and programs agreed to in principle under the National Accord for the Protection of Species at Risk.

Key Features

Habitat protection:

~ threat to habitat is defined upon listing
~ prohibit activities that damage or destroy the nest or residence of a threatened or endangered species
~ Recovery Plans must include measures to protect and restore necessary habitat
~ emergency orders can be issued to protect critical habitat of an endangered species or threatened species.

International cross-border species:

~ covers migratory birds and all aquatic species
~ provides federal authority to develop regulations, in consultation with provinces, to prohibit willful killing, harming, harassing, capturing or taking of individuals or damaging the residences of a threatened or endangered wild animal species.

"An open and transparent process that encourages public involvement."

Introduction

This Act is the result of more than two years of hard work by governments, environmental groups, the private sector, Aboriginal peoples and individual Canadians. It is based on consultations held throughout Canada and advice from the Task Force on Endangered Species Conservation, made up of representatives from industry, agriculture, academia and environmental groups. The Act can be expected to be approved by Parliament in this session.

The purpose of this document is to provide Canadians with a summary of the proposed *Canada Endangered Species Protection Act (CESPA)*.

Situation

To date, 276 species of wildlife have been designated as being at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). Of these, ten are extinct and lost forever and eleven others are no longer found in the wild in Canada (extirpated).

The experience of some other countries provides additional warning signals to us in Canada. While approximately four per cent of our mammal species are threatened, about twenty-five percent are threatened globally.

Just under three per cent of our bird species are threatened compared with eleven per cent globally. While Canada's record on species protection is good compared with some countries, there is no room for complacency. Canada must take measures for the protection of endangered species now, before the problem advances beyond hope of recovery.

COSEWIC STATUS DESIGNATIONS AS OF SEPTEMBER 1996

Category	Birds	Mammals	Fish	Amphibians & Reptiles	Marine Mollusc	Plants	Lichens	Total
Extinct	3	2	4	0	1	0	0	10
Extirpated	1	5	2	1	0	2	0	11
Endangered	16	12	4	4	0	27	1	65
Threatened	6	9	12	3	0	35	0	65
Vulnerable	20	25	38	8	0	31	3	125
Total	46	53	60	16	1	95	4	276

"Everyone has a role in the conservation of species at risk."

Goals and Objectives of the Act

The goal of the Act is to prevent wild species in Canada from becoming extinct or lost from the wild and to secure their recovery.

What Species will be Covered?

- ~ any species covered under the *Migratory Birds Convention Act*.
- ~ any species covered under the *Fisheries Act*.
- ~ all species on federal lands.
- ~ all threatened and endangered animal species that cross an international boundary of Canada.

Who Administers the Act?

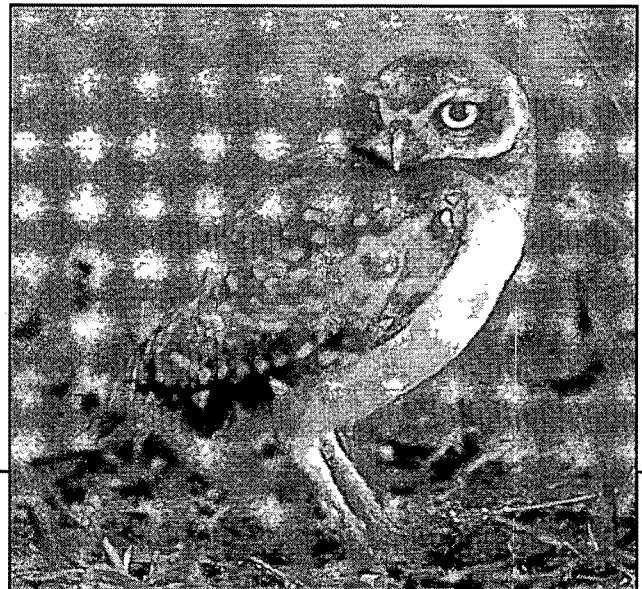
The Act will be administered by the Minister of the Environment in cooperation with the Minister of Fisheries and Oceans and the Minister of Canadian Heritage.

Where Does it Apply?

to all species occurring:

- ~ in both Territories.
- ~ in the oceans out to the 200 mile limit.
- ~ on all federal lands including national parks and all other property managed and administered by the federal government — in all adding up to some 60% of the territory of Canada.

Under the National Accord for the Protection of Species at Risk, provinces and territories will put in place complementary legislation and programs to cover the wildlife in their jurisdiction.



CANADIAN WILDLIFE SERVICE

Building Boxes for Burrowing Owls

The fortunes of the endangered Burrowing Owl are improved by Operation Burrowing Owl, a program that enlists the help of farmers, ranchers and other rural landowners to protect nest sites on agricultural lands. In recent years, several youth groups have become involved in building and installing Burrowing Owl nesting boxes. The owls normally nest in the burrows created by other species such as the prairie dog. But rural development and the decline in numbers of these burrowing mammals have steadily reduced the number of burrows. A Regina Girl Guide troop made a number of boxes that were used in a Burrowing Owl recovery project on the Regina Plain. And the Weyburn Junior High School Special Education class built 15 nesting boxes under a grant from Nature Saskatchewan. Nine of the boxes were installed in the spring of 1995, and the other boxes are being used in a study of Burrowing Owls in 1996.

"Protecting all threatened and endangered animals that cross an international boundary of Canada."

How Canada has Protected its Endangered Species

Traditionally, Canada's endangered species protection efforts have relied on cooperation and partnership and have benefited from volunteers from across the country. There have been two organizations established by federal-provincial agreements that have been operating at the national level. They have been instrumental in the identification of endangered species and in efforts to secure their recovery.

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) is comprised of experts in the field operating at arm's length from government, drawing upon the efforts of volunteers across the country. It was established in 1978 to determine the status of wildlife species at risk in Canada and the nature of problems facing their survival.

The Recovery of Nationally Endangered Wildlife (RENEW) program was created in 1988 to develop, in partnership, recovery plans for land-based animals listed by COSEWIC as no longer existing in

the wild in Canada (extirpated), endangered, and threatened. RENEW is another impressive effort of volunteers who have contributed to recovery plans that have resulted in the survival of species that were on the brink of extinction.

Under the RENEW program, recovery plans have been completed for 16 species and more are under development.

As admirable and productive as these organizations have been, they have suffered from a number of fundamental limitations.

Once a species was listed as endangered, there was no immediate protection that was automatically available. It was therefore possible to kill an endangered species or destroy the habitat critical to its survival. Also, there was no requirement, in law or otherwise, to develop a recovery plan that would lay out the measures necessary for restoring the species to natural self-sufficiency.

Existing Legislative Tools

The *Canada Wildlife Act*, the *Migratory Birds Convention Act*, the *Fisheries Act*, the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*, the *National Parks Act*, the *Canadian Environmental Protection Act*, and the *Canadian Environmental Assessment Act* are important federal laws which provide protection to wildlife at risk. These Acts include provisions for pesticide use, hunting control, land use management, water use, and trade.

Four provinces — New Brunswick, Quebec, Ontario and Manitoba — currently have stand-alone endangered species legislation, but all provinces have provisions in other legislation providing for some level of protection for endangered species.

"Canada's endangered species protection efforts have relied on cooperation and partnership."

Working in Partnership

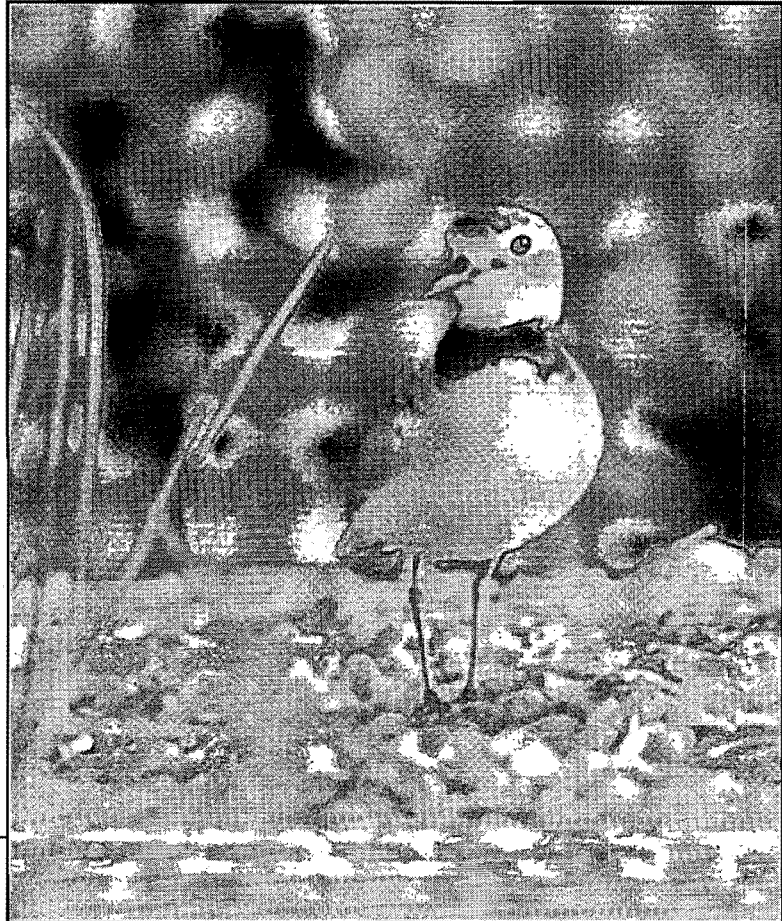
In developing the legislation, the federal government has preserved and built upon the roles that have traditionally been played not only by governments but by Canadians from all walks of life.

No single jurisdiction can meet all the needs of an endangered species. We will be able to protect species at risk only through a partnership with provinces and territories, municipalities, private landowners, farmers, the environmental and scientific communities, Aboriginal peoples and individual Canadians.

Intergovernmental agreements are a necessary precondition if these partnerships are to reach their full potential.

In Charlottetown, on October 2, 1996, agreement-in-principle was reached committing all governments to develop complementary legislation and programs to ensure that endangered species are protected throughout Canada. The Accord establishes a Ministerial-level Council for the

conservation of Canadian endangered species. This Council will provide the political direction and energy to make the Accord a success. The wording of the National Accord is on page 8.



CANADIAN WILDLIFE SERVICE

Piping Plover Gains Ground

Protection for the endangered Piping Plover has been greatly enhanced on the Magdalen Islands, the sole habitat of the Piping Plover in Quebec. After years of negotiations with municipalities, ministries, All Terrain Vehicle clubs and tourism agencies, municipal rules were established to control motorized vehicles in dunes, beaches, and along wetlands on the islands. These areas provide key nesting habitat for Piping Plovers, which deposit their eggs directly on the beach where they are highly vulnerable to disturbance. Attention Frag-Îles, the organization advocating protection of endangered species on the islands, continues to promote stewardship and public awareness of the Piping Plover's plight.

"Working together to put the needs of nature first."

National Accord for the Protection of Species at Risk

Federal, provincial and territorial Ministers responsible for wildlife commit to a national approach for the protection of species at risk. The goal is to prevent species in Canada from becoming extinct as a consequence of human activity.

We recognize that:

- i) species do not recognize jurisdictional boundaries and cooperation is crucial to the conservation and protection of species at risk;
- ii) the conservation of species at risk is a key component of the Canadian Biodiversity Strategy, which aims to conserve biological diversity in Canada;
- iii) Governments have a leadership role in providing sound information and appropriate measures for the conservation and protection of species at risk, and the effective involvement of all Canadians is essential;
- iv) species conservation initiatives will be met through complementary federal and provincial/ territorial legislation, regulations, policies, and programs; and
- v) lack of full scientific certainty must not be used as a reason to delay measures to avoid or minimize threats to species at risk.

We agree to:

- i) participate in the Canadian Endangered Species Conservation Council in order to coordinate our activities and resolve issues for the protection of species at risk in Canada;

- ii) recognize the Committee on the Status of Endangered Wildlife in Canada as a source of independent advice on the status of species at risk nationally; and,

- iii) establish complementary legislation and programs that provide for effective protection of species at risk throughout Canada, and that will:

- a. address all non-domestic species;
- b. provide an independent process for assessing the status of species at risk;
- c. legally designate species as threatened or endangered;
- d. provide immediate legal protection for threatened or endangered species;
- e. provide protection for the habitat of threatened or endangered species;
- f. provide for the development of recovery plans within one year for endangered species and two years for threatened species that address the identified threats to the species and its habitat;
- g. ensure multi-jurisdictional cooperation for the protection of species that cross borders through the development and implementation of recovery plans;
- h. consider the needs of species at risk as part of environmental assessment processes;
- i. implement recovery plans in a timely fashion;
- j. monitor, assess and report regularly on the status of all wild species;
- k. emphasize preventive measures to keep species from becoming at risk;
- l. improve awareness of the needs of species at risk;
- m. encourage citizens to participate in conservation and protection actions; and,
- n. provide for effective enforcement.

- iv) refer any disputes that may arise under this Accord to the Canadian Endangered Species Conservation Council for resolution.

Additional guidance on the implementation of this approach is provided in the evolving national framework for the conservation of species at risk.

"A national framework, not a national patchwork."

Species Listing Process

The Act will provide a legal basis for the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The Committee will be composed of experts and will take advantage of information from scientific, traditional and community sources of knowledge.

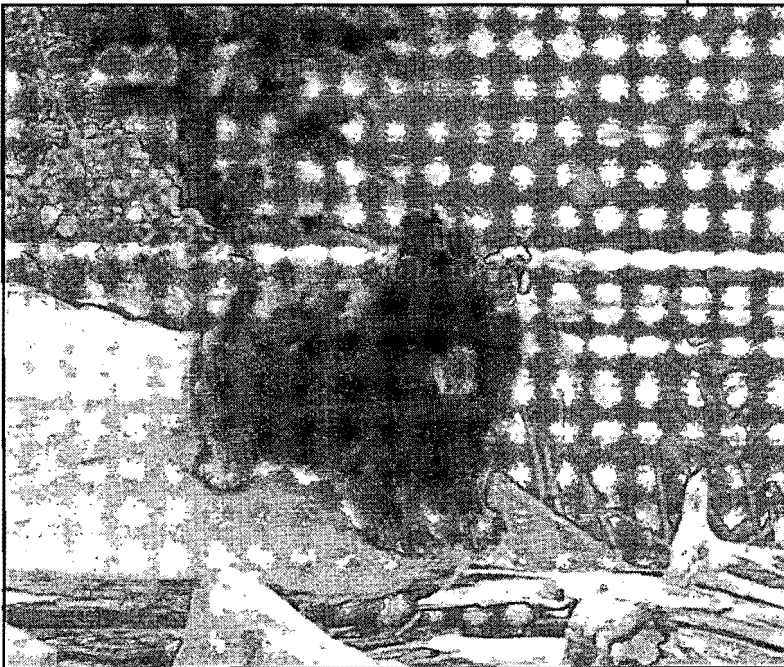
Before COSEWIC identifies a species at risk, it will provide a status report that will indicate the past and present distribution of the species concerned, the threats it faces, and its habitat requirements. Based on these status reports, COSEWIC will determine whether a species is at risk and, if appropriate, designate species as extinct, extirpated, endangered, threatened or vulnerable.

COSEWIC may issue an "emergency designation" if it has information indicating that there is an imminent threat to the survival of a species.

COSEWIC designations will be the basis for the legal "list of wildlife species at risk". This will trigger action in the following two areas: immediate species protection and recovery planning.

Moving the Endangered Marmot

The Vancouver Island marmot is gaining a new view of life atop a mountain shared by two forestry companies in the Nitinat watershed of British Columbia. TimberWest Forest and MacMillan Bloedel worked with the provincial government in 1996 to expand the marmot's range. Their biologists helped researchers transplant marmots from the Nanaimo watershed, where a handful of marmots constitute the entire world population, to the Nitinat alpine tundra. The marmot's range is historically thought to have been much wider, and the relocation project is an effort to restore the species to an area it may have once occupied.



DAVE LINDSAY

"COSEWIC will be composed of experts independent of government."

Immediate Species Protection

Automatic Prohibitions

Once a species is listed as endangered or threatened, certain activities detrimental to the species will automatically be prohibited. These include killing, harming, harassing, capturing, taking, possessing, collecting, buying, selling or trading individuals of these species. Specific habitat protection is provided because no one will be permitted to destroy the residence of an endangered or threatened species anywhere in Canada, including dens and nests or other similar areas habitually occupied by the individual during all or part of its life cycle.

The prohibitions will not apply to activities permitted by the federal government that ensure national security, safety or health, including animal and plant health, or activities allowed under a treaty or other agreements with Aboriginal Canadians.

Emergency Orders

When COSEWIC determines that there is an imminent threat to the survival of a species, it may provide an emergency designation.

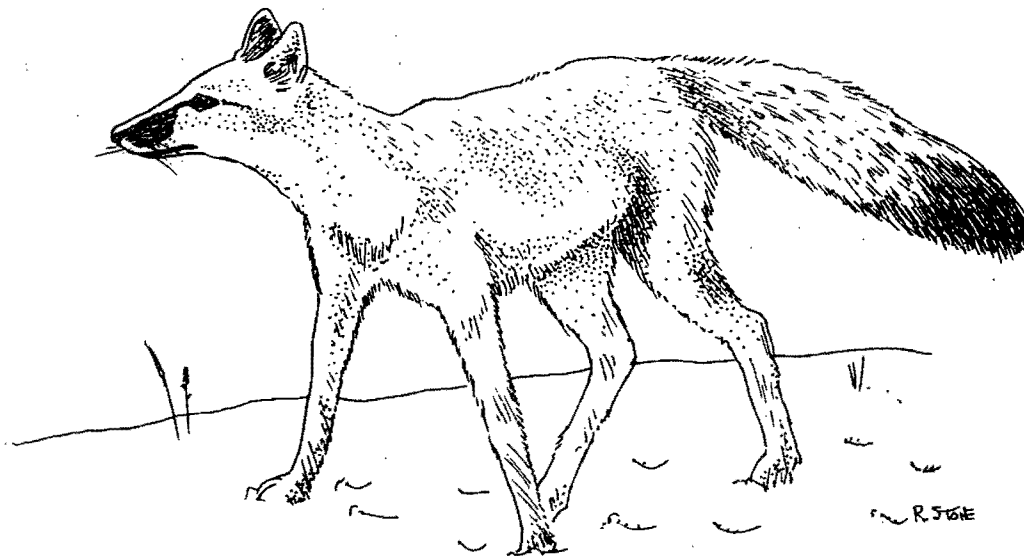
The Minister may then issue an emergency order to provide immediate protection for the species by prohibiting activities that could damage the species or its residence. There is also the capacity to prohibit activities that adversely affect the critical habitat of the species when COSEWIC has identified that there is an imminent threat to that habitat.

Penalties

The Act provides for fines of up to \$500,000 for corporations, and up to \$250,000 and/or imprisonment for up to five years for an individual. Fines of up to \$1,000,000 are possible for repeat offenders and may apply to violations of recovery plans.

Enforcement

Enforcement will be done in close cooperation with federal, provincial and local enforcement agencies. Officials will ensure compliance with the Act through inspections, monitoring, investigations, and prosecutions.



"The extirpated Swift Fox has historically roamed the Canadian Prairie."

"Enforcement in close cooperation with federal, provincial and local agencies."

Recovery and Management Plans

Once a species has been listed as threatened, endangered or extirpated, there is a requirement to produce recovery plans. Recovery plans must be produced within one year for endangered species and within two years for threatened or extirpated species.

Recovery plans will include measures to address the threats to the survival of the species, including loss of habitat. Other stresses that wildlife are subject to include pollution, pesticides, hunting, overharvesting, trading, and actions outside of Canada for migratory species. The recovery plans will also outline actions required to achieve a naturally self-sustaining population.

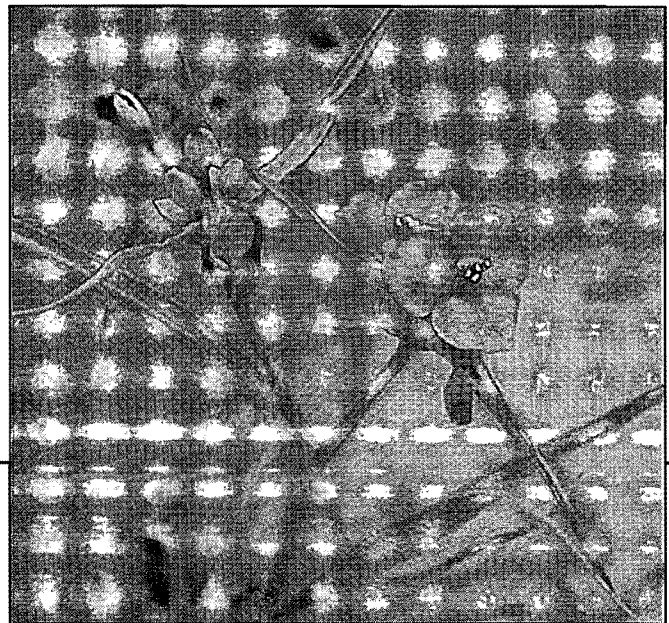
The federal government will prepare plans for those wildlife species under its authority, and coordinate the preparation of recovery plans with the provinces and territories for those species occurring in more than one jurisdiction in Canada.

The recovery planning process is based upon science but must include consideration of the needs of the people affected by the plan.

The federal government may also prepare a plan in collaboration with another country that shares a species with Canada.

Within 150 days of the completion of a recovery plan, the government must specify how and when it intends to implement the measures contained in the plan.

Management plans will be prepared for those species designated as vulnerable within three years of listing. These plans could apply to one or more wildlife species and should indicate what action the government considers appropriate for the conservation of the species.



DEPT. OF NATURAL RESOURCES,
GOVT. OF MANITOBA

Family Preserves Threatened Plant

The fate of the threatened Western Spiderwort in Manitoba rests largely with a single family. The Hellman family purchased property in southwestern Manitoba some fifty years ago that boasts a diverse sand dune community of mixed grass prairie, including the Spiderwort. The land possesses over 8,000 Spiderworts, nearly the entire provincial population. The property is classified as an Ecologically Significant Area under the province's Ecological Reserve program.

"Recovery plans will address threats to the species, including habitat loss."

Public Involvement & Citizen Action

Maintaining an open and transparent process in the recovery of endangered species, and as broad a public involvement as possible, is critical to its success. All Canadians should be informed about the value and importance of wild species. They should have opportunities to share knowledge and participate in efforts to protect and recover species at risk.

Under the Act, the public will have full access through a Public Registry to:

- COSEWIC's criteria for the designation of wildlife species;
- Status Reports on wildlife species;
- COSEWIC's decisions about the designation of wildlife species;
- the List of Wildlife Species at Risk;
- Recovery Plans; and
- Regulations.

Citizen Action

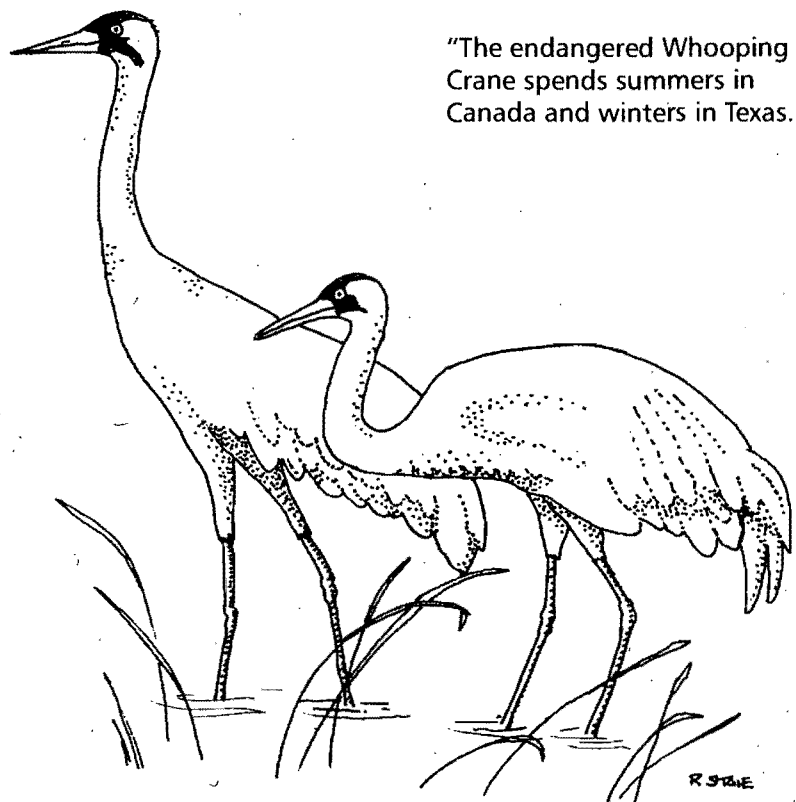
Any person will be allowed to apply to have a species considered for designation and will be able to comment on Recovery Plans prior to their publication. As well, individuals can apply for an investigation into an alleged offence under the Act and will have the right, under certain circumstances, to take civil enforcement actions to protect endangered species.

Environmental Assessment

All projects and undertakings of the Government of Canada, subject to the terms of the *Canadian Environmental Assessment Act*, will now have to take into account their effect on wildlife at risk. The government will be required to take measures to lessen adverse effects and to monitor the results. These measures must be taken in a way that is consistent with the Recovery Plan for the species.

Review of the Act

The Act will be reviewed three years after it comes into force and thereafter at five-year intervals.



"The endangered Whooping Crane spends summers in Canada and winters in Texas."

"Endangered species is a cause that cuts to our national soul."

Glossary of terms

Canadian Endangered Species Conservation Council: comprised of federal, provincial and territorial Ministers responsible for the protection of endangered species.

COSEWIC: the Committee on the Status of Endangered Wildlife in Canada. It is comprised of wildlife experts from across the country.

Critical habitat: habitat that is identified as critical to the survival of a wildlife species.

Endangered species: a wildlife species that is facing imminent extirpation or extinction.

Extinct species: a wildlife species that no longer exists anywhere in the world.

Extirpated species: a wildlife species that no longer exists in the wild in Canada, but exists elsewhere.

Federal lands: land and water that belongs to the federal government.

Individual: an individual of a wildlife species, whether living or dead, at any development stage and includes eggs, sperm, pollen, seeds and spores.

Management plan: a document that describes the measures the federal government intends to take to protect a species listed as vulnerable on the COSEWIC Species at Risk list.

Recovery plan: a document that outlines the approach the federal government intends to take for a species listed as extirpated, endangered or threatened on the COSEWIC Species at Risk list.

Residence: the specific dwelling place, such as a den, nest, or other similar area habitually occupied by the individual during all or part of its life-cycle.

Species at risk: any wildlife species that has been placed by COSEWIC in the extirpated, endangered, threatened or vulnerable categories.

Status report: a report containing a summary of the best available scientific information and traditional or community knowledge on the status of a wildlife species.

Threatened species: a wildlife species that is likely to become endangered if the factors leading to its endangerment are not reversed.

Vulnerable species: a wildlife species that is of special concern because it is particularly sensitive to human activities or natural events, but is not endangered or threatened.

Wildlife species: a species, subspecies or geographically distinct population of animal, plant or other organism that is wild by nature and is native to Canada or extended its range into Canada without human intervention and has been present in Canada for at least 50 years.

"Species at risk: any wildlife species in the extirpated, endangered, threatened or vulnerable categories."

Please note:

This document is intended as a summary of key provisions of the proposed *Canada Endangered Species Protection Act*. It is not a legal document, and those who need detailed information are encouraged to refer to the actual Bill, which is available on Environment Canada's Green Lane.

For More Information

Endangered Species Conservation
Canadian Wildlife Service
Environment Canada
(819) 953-4389

Environment Canada Inquiry Centre
1-800-668-6767

The Green Lane, Environment Canada's
Internet site: <http://www.ec.gc.ca>