



Operational Guide: Requesting an imminent threat assessment for terrestrial species under the *Species at Risk Act*



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Operational Guide: Requesting an imminent threat assessment for terrestrial species under the *Species at Risk Act*

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Purpose

This document describes the process for making a request to the Minister of the Environment (the Minister) to conduct an imminent threat assessment for terrestrial wildlife species under the *Species at Risk Act* (SARA or the Act) and the information required to initiate the request.

Authority under the *Species at Risk Act*

SARA provides a number of discretionary authorities that enable the Minister to take action on an emergency basis to protect wildlife species from imminent threats. These discretionary authorities enable the Minister to consider, on an exceptional basis, whether a wildlife species is facing an imminent threat to its recovery and survival.

Emergency listing: SARA provides that, if the Minister forms the opinion that a wildlife species is facing imminent threat(s) to its survival, they must, after consultation with every other competent minister, recommend to the Governor in Council that the wildlife species be added to Schedule 1 as endangered on an emergency basis.

Emergency order: SARA provides that if the competent minister is of the opinion that a listed wildlife species faces imminent threat(s) to its recovery or survival, they must, after consultation with all other competent minister(s), recommend to the Governor in Council the making of an emergency order to provide for the protection of the wildlife species; unless they are of the opinion that equivalent measures have been taken under another Act of Parliament.

SARA provides that if the competent minister is of the opinion that the wildlife species to which the emergency order relates would no longer face imminent threat(s) to its recovery or survival, even if the order were repealed, the competent minister must make a recommendation to the Governor in Council that the order be repealed.

Overview: Process for Requesting an Imminent Threat Assessment

Anyone may request an imminent threat assessment, including members of the public, an Indigenous community, a non-governmental organization, an industry association or another jurisdiction. Requests must be sent to the Minister at ministre-minister@ec.gc.ca. Please also send a copy of the request to the Department at dpeep-sarpd@ec.gc.ca.

The Department provides advice to the Minister to help inform their opinion on whether a species is facing imminent threats. Following receipt of a complete request to conduct an imminent threat assessment, the Department will acknowledge receipt of the request and will begin the supporting analysis required to make a recommendation to the Minister. The Department may contact the requester for additional information or clarification. The Department will then prepare a recommendation for the Minister.

The requester submits information to the Minister

All requests for imminent threat assessments must be made in relation to specific wildlife species and threats for which a sufficient level of detail is available to understand:

- The specific nature of the threat(s) the species is facing
- The likelihood and timing of those threats
- The impacts of those threat(s) on the species

Information to support the request can originate from a variety of credible sources, including but not limited to:

- A COSEWIC assessment, including an emergency assessment
- Recovery documents
- Peer-reviewed scientific publications
- Other scientific or technical research data or analysis (industry-led, citizen science)
- Indigenous knowledge, including information on traditional and cultural use
- Community knowledge
- Federal, provincial/territorial or municipal information related to relevant regulatory and authorization regimes

The Annex below sets out instructions for preparing a request, including necessary information. Information provided by any party is considered to be on the public record and may be posted to the Species at Risk Registry Internet site (the Registry)¹.

Detailed Process for Requesting an Imminent Threat Assessment

The Department determines whether the information is sufficient

Following receipt of a request to initiate an imminent threat assessment, the Department will acknowledge receipt of the request and provide the requester with this Operational Guide, highlighting the 'Annex: Necessary information for an imminent threat assessment request' for instructions on the information required to submit a request.

Upon receipt of the information from the requester, the Department will take up to 10 calendar days to determine whether information that is sufficient, relevant, and verifiable has been provided to commence the assessment request process. During this review, should the Department determine that the information in the initial request is insufficient and further information is required, the Department will contact the requester for additional information. The requester will have 30 calendar days to provide the Department with the required information. The Department may advise the requester on sources of information available to support the request. For example, supporting information could be found in provincial or territorial sources.

If the information is insufficient, the assessment request is declined

If the Department determines that the requester has provided insufficient information to support the undertaking of an imminent threat assessment, the requester will be notified that the request cannot proceed.

If additional information becomes available, the requester may submit a new request.

¹ Personal information received by the Department, such as home addresses and telephone numbers, are redacted before being posted to the Registry.

If the information is sufficient, the assessment request process begins

If the Department determines that sufficient information has been provided to commence the imminent threat assessment request process, it will notify the requester of the determination. The Department will also notify the relevant jurisdiction(s) of the request, and other parties as appropriate (e.g., potentially affected Indigenous communities, landowner).

The Department prepares a recommendation for the Minister

The Department will prepare advice and recommendations for the Minister. To inform the recommendation, the Department undertakes an imminent threat assessment according to the [Policy on Assessing Imminent Threats under Sections 29 and 80 of the Species at Risk Act – terrestrial species](#). The imminent threat assessment will be conducted in a timely manner that reflects the immediacy, severity, and complexity of the threat to the species, as well as the conservation status of the species and its habitat.

The exercise of authorities related to the emergency provisions of SARA will be guided by the *United Nations Declaration on the Rights of Indigenous Peoples Act*, the Honour of the Crown and Aboriginal and Treaty Rights, aiming to avoid, minimize, or otherwise accommodate potential impacts.

To inform the recommendation, the Department may seek information or further input from the following:

- Federal departments
- Other jurisdictions
- Potentially affected Indigenous communities (depending on the project-specific circumstances)
- The requester
- Any other person or entity

The Department will not undertake a formal public comment period.

The Minister forms an opinion in relation to the request

Once the Minister forms an opinion on whether a species is facing imminent threats, the Minister will provide a response, including reasons for the determination, to the requester. The Minister's opinion will be posted on the Registry.

Disclaimer

This document is for information purposes only. It is not intended to be binding on the Department or the Minister. It is not a substitute for the SARA or its regulations. In the event of an inconsistency between this document and the SARA or its regulations, the SARA or its regulations, as the case may be, would prevail.

Annex: Necessary information for an imminent threat assessment request

To ensure that the imminent threat assessment request process can commence and proceed efficiently, necessary information in a written request includes:

- The requester's contact details, including full name, address, email address, and telephone number
- A statement clearly requesting the Minister to initiate an imminent threat assessment under subsection 29(1) or 80(2) of SARA
- A description of the species that is the subject of the request, to the extent that the information below is not already found on the Species at Risk Public Registry, including:
 - Information on its biological and ecological needs, including its habitat requirements, and if applicable, information relevant to local occurrences or populations that are the subject of the request
 - The species' status and protections under federal legislation
 - The species' status and protections under provincial, territorial and municipal legislation, as applicable
- A description of the threats that are the subject of the request, including:
 - The specific nature of the threat(s) the species is facing
 - The likelihood and timing of those threats
 - The impacts of those threat(s) on the species
- A description of the impacts of the threats on the species' recovery and/or survival, including potential impacts to critical habitat
- Information on whether similar requests have been made to the relevant provincial, territorial or municipal jurisdiction
- A description of any potential review and authorization of the activity(ies) that is/are the basis of the threats by a provincial or territorial government, including:
 - Information as to whether the activities related to the threats are authorized by the appropriate regulator
 - Information on the timelines, scope, and status of any regulatory review/assessment by a provincial, territorial or municipal regulator associated with an activity related to the threats
 - Information on when the activity related to the threats under consideration in the regulatory review are likely to occur
- A description about how the requester became aware of the activities that are causing the threats (e.g., specify the newspaper article, public advertisement, public event, time and location of observation)
- Links to any relevant documentation, to the extent that this information is available

The Department acknowledges that, in certain circumstances, a project-specific context may not allow for the availability of all the information noted above.

For further information or guidance on the imminent threat assessment request process and how to submit a request, please contact the Department by email at dpeep-sarpd@ec.gc.ca.