



Environment
Canada

Environnement
Canada

Canada

Canada's Approach to Species at Risk Conservation



Piping Plover melodus Subspecies

14 May, 2014

**Great Northern Landscape Conservation
Cooperative**

Blair Hammond

Canadian Wildlife Service

Outline

- The Accord for the Protection of Species at Risk
- The federal *Species at Risk Act* (SARA)
 - Overview of the Act
 - Assessment
 - Listing
 - Recovery Planning
 - Implementation
 - Emergency measures
- Governance
- Challenges and opportunities for international cooperation

The Accord

- 1996 National commitment in *Accord for the Protection of Species at Risk*
 - *Federal-Provincial agreement to collaborate on the recovery of species at risk*
- *Clarified roles and responsibilities along traditional lines:*
 - Federal government is responsible for migratory birds, aquatic species and species on federal lands
 - Provinces/territories responsible for most terrestrial species and non-migratory birds on provincial Crown lands and private lands
- *Commits Canada, Provinces and Territories to:*
 - *Coordinate*
 - *Recognize the Committee on the Status of Endangered Wildlife in Canada*
 - *Establish complimentary legislation and programs*

The *Species at Risk Act*

- 1992 - International commitment in United Nations Convention on Biological Diversity
- 1996 – Accord for the Protection of Species at Risk
- 2002 - the *Species at Risk Act* receives Royal Assent.
 - Fully in force 2003-04.
- The *Species at Risk Act* is part of the federal government's international and national commitments to protect biodiversity.
 - The Act was designed to deliver results for species at risk while respecting provincial/territorial jurisdiction and the role and rights of aboriginal peoples.

Governance

- **Environment Canada:**
 - General administration of the Act and program
 - Minister makes recommendations to the Governor in Council (GIC) for listing, emergency orders, and “safety net” orders
 - Carries out recovery planning and protection assessments for most terrestrial species and all migratory birds under the *Migratory Birds Convention Act, 1994*
- **Parks Canada (PCA):**
 - Responsible for all species that occur primarily on lands they administer
- **Fisheries and Oceans Canada (DFO):**
 - Responsible for aquatic species
- **Provinces and Territories:** all (except for Alberta and BC) have species at risk legislation. Provinces have ‘first line’ responsibilities for terrestrial species and protection on their lands and private lands.

Overview of the Act

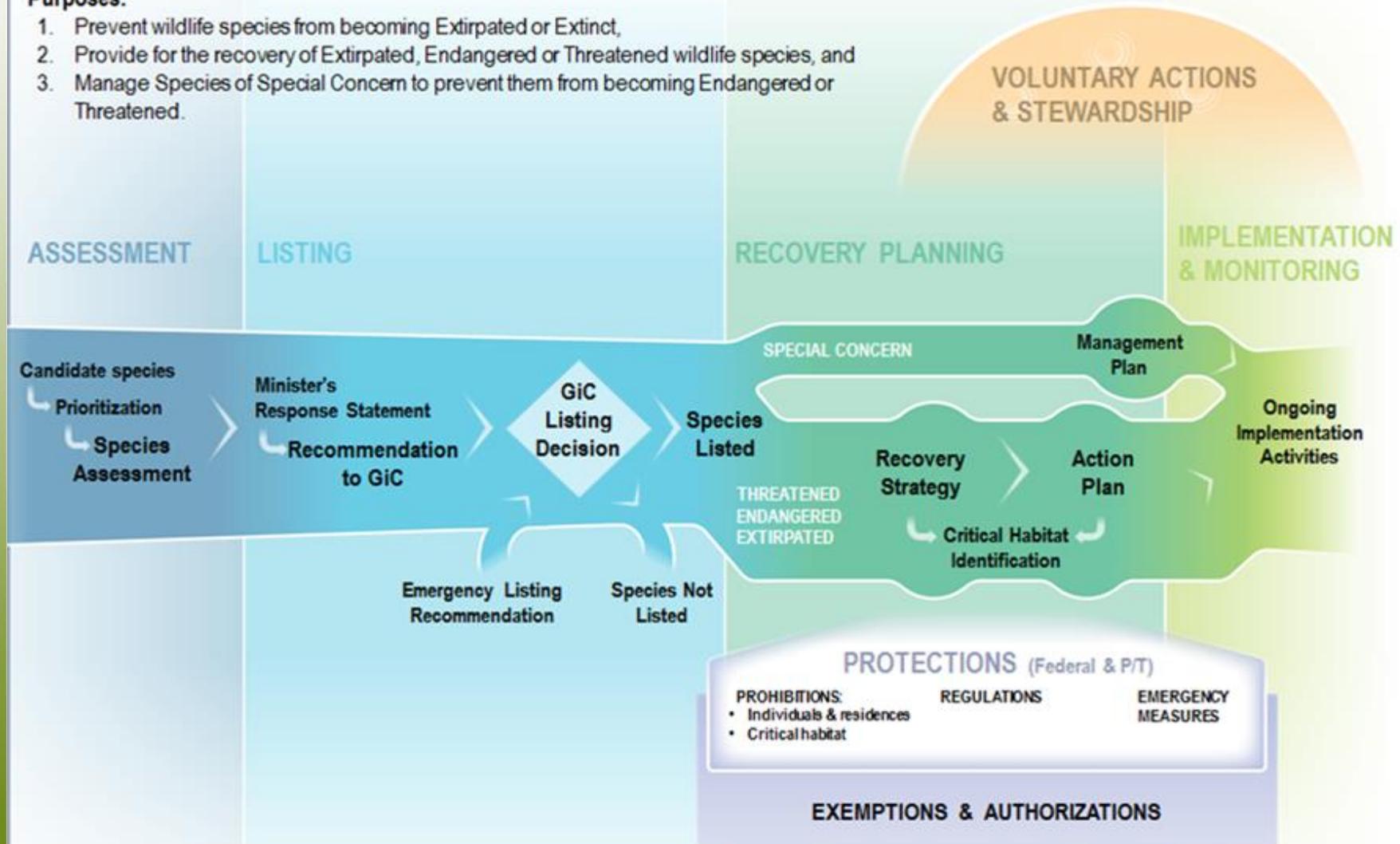
- The Act provides for:
 - national species status **assessment**
 - national species **listing**
 - **planning** for survival/recovery of listed species
 - providing **protection** of species at risk and the habitat necessary for their survival/recovery
 - public **reporting**, including on progress toward survival/recovery for these listed species
- The Act has several prescriptive elements and requires cooperation and consultation provinces/territories, Aboriginal organizations and others.

SARA Program Process

Species at Risk Act : EXECUTIVE SUMMARY

Purposes:

1. Prevent wildlife species from becoming Extirpated or Extinct,
2. Provide for the recovery of Extirpated, Endangered or Threatened wildlife species, and
3. Manage Species of Special Concern to prevent them from becoming Endangered or Threatened.



Assessment

- Assessment is conducted by the Committee on the Status of Endangered Wildlife in Canada
 - independent committee of experts appointed by the Minister of Environment
 - membership includes: government, academia, Aboriginal organizations, non-government organizations and the private sector
- Committee assessments based on:
 - status of wildlife in Canada, not globally
 - quantitative criteria adapted from the World Conservation Union
 - scientific knowledge, Aboriginal Traditional Knowledge and community knowledge
 - Socio-economic considerations are NOT factored into COSEWIC's assessment



COSEWIC
Committee on the
Status of Endangered
Wildlife in Canada

Consultation and Cooperation

- Canada has legal obligations to consult with Aboriginal communities on matters that may affect rights, title or treaties
- Listing consultation occurs by policy directive
- Under SARA, recovery planning requires consultation or cooperation with:
 - Provinces and territories
 - Aboriginal organizations
 - Other ‘persons’ the Minister considers directly affected by recovery strategies, actions plan or management plans.
- Consultation with provinces/territories may also be required for other SARA measures

Listing

- Minister receives the assessment of risk status reports from the Committee on the Status of Endangered Wildlife in Canada
- Typically Governor in Council has nine months from receipt of the reports to consider whether or not to list a species
 - However, an “extended process” may be followed for species requiring more extensive consultation/analysis.
- >500 species are currently listed under the Act.

Protection of individuals and ‘residences’

- Listing triggers “general prohibitions” that apply to species listed as extirpated, endangered, or threatened (*not special concern*). No person shall:
 - kill, harm, harass, capture or take an individual
 - possess, collect, buy, sell or trade an individual, or any part or derivative
 - damage or destroy the “residence” of one or more individuals
- General Prohibitions apply:
 - On all federal lands
 - To aquatic species anywhere they occur
 - To migratory birds protected under the MBCA 1994 anywhere they occur
- The Act’s prohibitions do not apply on private or P/T lands for terrestrial species without a Governor in Council decision to make an order.

Recovery Planning

- Listing also triggers recovery planning requirements:
 - **Recovery Strategies** and **Action Plans** for extirpated, endangered and threatened species
 - For extirpated species, only required if reintroduction is deemed feasible
 - **Management Plans** for species of special concern
- Legislated timelines for posting recovery strategies and management plans
 - Timelines for Action Plans are stated in Recovery Strategies

Recovery Strategies

- Science*-based strategic documents that must include:
 - Description of species' needs
 - Identification of threats to survival
 - **Identification of critical habitat** (to extent possible)
 - Schedule of studies to identify critical habitat
 - **Statement of population and distribution objectives**
 - Statement of matters prescribed by regulation
 - Statement about additional information requirements
 - Statement of when one or more action plans will be completed

*Must also make use of Aboriginal Traditional Knowledge whenever possible

Action Plans

- More ‘tactical’ documents intend to guide on-the-ground recovery activities. Must include:
 - **Identification of critical habitat**
 - Statement of proposed measures to be taken
 - Identification of any unprotected critical habitat
 - Methods that will be used to monitor the species’ recovery
 - **Evaluation of the socio-economic costs of the action plan and the benefits to be derived from implementation**
 - Other measures prescribed by regulation



Prothonotary Warbler

Critical Habitat Protection Requirements

- Once critical habitat is identified in a final recovery strategy or action plan, it must be protected from destruction:
 - On federal protected areas
 - Automatic prohibitions once gazetted
 - On federal lands and for aquatic species:
 - Legal protection using federal legislation, regulations or orders
 - On non-federal (provincial, territorial, private) lands:
 - ‘Effective’ protection relying first on provincial or territorial measures
 - Stewardship agreements may also contribute
 - Federal orders or regulations can be applied

Management Plans

- Do not include:
 - Critical habitat identification or protection
- Must include:
 - Measures for the conservation of the species that the Minister considers appropriate
 - May apply in respect of more than one wildlife species

Summary of Recovery planning and Critical habitat protection requirements

Listing and Critical habitat identification are the triggers for various legislative timelines

Species Status on Schedule 1	Recovery Planning Document	Timeline for Document	Timeline for Action Plan	Timeline for Critical habitat Protection (starts with critical habitat identification)
Endangered	Recovery strategy	1 year to post	Defined in each strategy	<ul style="list-style-type: none"> • 90 days if in federal protected area, or • 180 days if it's critical habitat on federal lands, or
Threatened or Extirpated	Recovery Strategy	2 years to post	Defined in each strategy	<ul style="list-style-type: none"> • No timeline if it's on private or P/T lands; must report every 180 days on unprotected CH and steps taken to protect
Special Concern	Management Plan	3 years to post	Not applicable	Not applicable

Emergency Measures

- **Emergency Listing:**
 - Governor in Council may make an emergency order to list a species under the Act if the Minister forms the opinion that its survival is imminently threatened
 - E.g. COSEWIC has recently proposed to the Minister that three bat species be recommended for emergency listing
- **Emergency Protection Order**
 - Minister must recommend an order to the Governor in Council if he or she is of the opinion that the species faces imminent threats to its survival or recovery.

Committees supporting SARA Implementation

- Canadian Endangered Species Conservation Council
 - Federal, Provincial and territorial Ministers responsible for conservation and management of wildlife .
- National Aboriginal Council on Species at Risk
 - Committee of aboriginal representatives required by SARA
- Canadian Wildlife Directors Committee
 - Coordination and cooperation with provincial and territorial governments at the officials level
- Species at Risk Coordinating Committees
 - Specific to each province/territory that has a bilateral agreement with the federal government to help joint work planning on endangered species
- Species at Risk Advisory Council
 - Committee established to facilitate collective consultation with industry and environmental groups



Principle Challenges

- Unresolved Aboriginal land claims and issues of rights and title over much of Canada complicates consultation and cooperation with directly affected Aboriginal organizations
- Jurisdiction over wildlife and natural resources in Canada is complex and almost always shared.
- The large number of species and the complexity of implementing 'new' legislation
- SAR rich landscapes are in high demand for other uses

Opportunities for (further) Collaboration

- The majority of Canadian SAR are trans-boundary species
 - Migratory, wide-ranging or ‘peripheral’
- ‘Schedule of studies’
 - Collaboration to address knowledge gaps
- Cooperative monitoring of trans-boundary populations
- Coordinated habitat protection
 - Contiguous habitats, corridors, ‘rescue effect’
- Information sharing