



The
SPECIES
AT
RISK ACT
and You

A GUIDE TO THE SPECIES AT RISK ACT (SARA): INFORMATION FOR FEDERAL LAND MANAGERS

Many federal properties are exceptionally rich in wildlife and undisturbed habitat. As such, federal land managers have an important role to play in protecting species at risk. The following sections will help you, as a federal land manager, to:

- identify your responsibilities under the *Species at Risk Act* (SARA);
- determine if species at risk are found on the property you manage;
- take action to comply with the Act; and
- protect species at risk and their habitat.

HOW IS FEDERAL LAND DEFINED UNDER SARA?

Under SARA, the definition of federal land includes, but is not limited to:

- Canada's oceans and waterways;
- national parks;
- military training areas;
- national wildlife areas;
- some migratory bird sanctuaries; and
- First Nations reserve lands.

HOW DOES SARA PROTECT SPECIES AT RISK ON FEDERAL LANDS?

What does "Schedule 1" of SARA mean?

Schedule 1 is the official federal list of wildlife species at risk, which receive legal protection under SARA.

The list is amended on a regular basis and can be found on the SARA Public Registry (www.sararegistry.gc.ca)

To ensure the protection of species at risk, SARA contains general prohibitions that make it an offence to:

- kill, harm, harass, capture, or take an individual of a species listed in Schedule 1 of SARA as endangered, threatened or extirpated;
- possess, collect, buy, sell or trade an individual of a species listed in Schedule 1 of SARA as endangered, threatened or extirpated;

- damage or destroy the residence (e.g. nest or den) of one or more individuals of a species listed in Schedule 1 of SARA as an endangered or threatened species, or as an extirpated species if a recovery strategy has recommended the reintroduction of the extirpated species into the wild in Canada.

These prohibitions apply on all federal lands in a province and all federal lands in a territory under the authority of the Minister of the Environment or the Parks Canada Agency.

Endangered species:
Species facing imminent extirpation or extinction.

Threatened species:
Species which are likely to become endangered if nothing is done to reverse the factors leading to their extirpation or extinction.

Special concern species:
Species which may become threatened or endangered because of a combination of biological characteristics and identified threats.

Extirpated species:
Species which no longer exist in the wild in Canada, but exist elsewhere in the wild.

In addition, provincial and territorial governments develop their own lists of species at risk that are separate from Schedule 1 of SARA. By way of an order, the SARA general prohibitions can protect a wildlife species not listed in Schedule 1 of SARA that occurs on federal lands if the species is designated endangered or threatened by a provincial or territorial government (consultations would first take place). These prohibitions would only apply to the species, residences and habitats targeted, as well as the lands or sections of lands designated in the order.

Please note that while Schedule 1 lists species that are endangered, threatened, extirpated and of special concern, the general prohibitions do not apply to species of special concern.

For more information, please contact us directly at:
Your Regional Office
Regional Office Address
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You can also visit the following web sites for more information:
SARA Public Registry (www.sararegistry.gc.ca)
Environment Canada Species at Risk web site (www.speciesatrisk.ec.gc.ca)

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Peregrine Falcon (*anatum* subspecies), Threatened
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WHAT IS CRITICAL HABITAT AND HOW IS IT PROTECTED ON FEDERAL LANDS?

Critical habitat is the habitat necessary for the survival or recovery of a listed endangered, threatened or extirpated species in Schedule 1 of SARA. Critical habitat will be identified in the recovery strategy or action plan for each listed species and posted on the SARA Public Registry (www.sararegistry.gc.ca).

A recovery strategy is a planning document that identifies what needs to be done to arrest or reverse the decline of a species.

The action plan outlines the projects or activities required to meet the goals and objectives outlined in the recovery strategy.

To the extent possible, these strategies and plans are developed in co-operation with various agencies and groups and, to the extent possible, in consultation with people who Environment Canada, Fisheries and Oceans Canada or the Parks Canada Agency consider directly affected by the strategy or plan.

SARA contains a prohibition against destroying any part of critical habitat of endangered or threatened species listed in Schedule 1 or any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada.

SARA requires that the critical habitat of all listed species, when found on federal lands, be legally protected within six months after it is identified in a finalized SARA recovery strategy or action plan.

To protect critical habitat located on federal land that is a national park, a marine protected area, a migratory bird sanctuary, or a national wildlife area, the SARA critical habitat prohibition applies automatically (without a ministerial order). In respect of other federal land, critical habitat must be protected by one of the following methods:

- application of the SARA critical habitat prohibition by ministerial order;
- other legal means under SARA such as a conservation agreement; or
- other federal legislation.

HOW ARE SPECIES AT RISK CONSIDERED IN THE ENVIRONMENTAL ASSESSMENT PROCESS?

SARA includes the following provisions that directly relate to the environmental assessment (EA) process:

1. All EAs conducted under federal legislation, such as the *Canadian Environmental Assessment Act*, must identify any species at risk listed under SARA, or critical habitat that is likely to be affected by the project.
2. If the project is likely to affect a listed species or its critical habitat, SARA requires that Environment Canada, Fisheries and Oceans Canada and/or the Parks Canada Agency be notified, in writing, without delay. For aquatic species, Fisheries and Oceans Canada must be notified. For species and their critical habitat found exclusively or partly in or on federal lands administered by the Parks Canada Agency, Parks Canada must be notified. For all other species, Environment Canada must be notified.

What is an Environmental Assessment ?

An Environmental assessment (EA) is a process to predict the environmental effects of proposed initiatives before they are carried out.

Two notifications might need to be sent if the affected species falls under the responsibility of two ministers. For example, for aquatic species found on lands you manage and on lands administered by the Parks Canada Agency, notification should be sent to the Parks Canada Agency as well as to Fisheries and Oceans Canada. There are regional EA contacts within each department and notification should be sent through them. The Canadian Environmental Assessment Agency regional offices can provide you with their contact information.

3. When an EA is being carried out on a project that may affect a listed species or its critical habitat, SARA requires that the potential adverse effects be identified. If the project is carried out, measures need to be taken to avoid or lessen and monitor those adverse effects. Such measures must be consistent with any applicable recovery strategies, action plans and management plans for those particular species.

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Environment Canada Species at Risk web site (www.speciesatrisk.ec.gc.ca)

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4. SARA also amends the definition of "environmental effect" under the *Canadian Environmental Assessment Act* to clarify, for greater certainty, that environmental effects include any change the project may cause to a SARA listed species, their residence or critical habitat.

Please note that while the SARA general prohibitions apply only to species listed as endangered, threatened or extirpated in Schedule 1 of SARA, the provisions related to EAs apply to all species listed in Schedule 1, including species of special concern.

In addition to identifying the adverse effects of your project on all species listed in Schedule 1, it is recommended that all other species at risk also be considered, including:

- species that are currently under consideration for addition to Schedule 1 (you can search for these species by using the "Advanced Search" tool on the SARA Public Registry);
- the Committee on the Status of Endangered Wildlife in Canada's (COSEWIC) candidate list of species that have not yet been assessed, but are suspected of being at some risk;
- species which have been assessed by COSEWIC as being at risk, but require reassessment according to new criteria, and may eventually be added to Schedule 1 (species listed in Schedule 2 and Schedule 3 of SARA); and
- provincially or territorially designated species at risk.

The *Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada* is an excellent resource for those conducting EAs. The Guide is available on the Environment Canada website (www.ec.gc.ca/wild_e.html).

For more information on the EA process, you can visit the Canadian Environmental Assessment Agency website (www.ceaa.gc.ca) or contact your Canadian Environmental Assessment Agency regional office.

ARE THERE ANY EXCEPTIONS TO THE PROHIBITIONS?

SARA includes a number of exceptions in a variety of circumstances. For example, activities related to public safety, health or national security may, under certain circumstances, be exempted.

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CAN I APPLY FOR A PERMIT UNDER SARA?

Yes. Under SARA, permits may be issued or agreements may be entered into to authorize certain activities that would otherwise contravene the general or critical habitat prohibitions, if certain conditions are met. These authorizations are sometimes called "Section 73 Permits", referring to the section of the Act that deals with authorizations. The SARA Public Registry has information on how to apply for a permit.

HOW CAN I FIND OUT IF THERE COULD BE SPECIES AT RISK ON LAND THAT I MANAGE?

There are a number of resources that may be able to assist you in finding out whether species at risk, their residences or critical habitat might be present on the land you manage:

- The SARA Public Registry has an "Advanced Search" tool which allows you to search for species listed under SARA; based on their distribution, taxonomic group and risk category;
- The Environment Canada Species at Risk website (www.speciesatrisk.gc.ca) offers general biological information about species at risk in Canada, including their distribution and habitat requirements;
- Environment Canada's Canadian Wildlife Service regional offices can access databanks on species at risk found on federal lands;
- *NatureServe Canada* provides links to Conservation Data Centers, which in some cases offer the possibility to search for the occurrence of species at risk in particular areas of a province or territory;
- The Parks Canada Agency maintains a national database of species found in the areas it administers. If the land you manage is near an area administered by Parks Canada, this park or other area may have information that could help you; and



Peregrine Falcon (*anatum* subspecies),
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- Fisheries and Oceans Canada maintains databases on aquatic species at risk and can also assist you in correctly interpreting information from other databases.

Keep in mind that while a species may be found within a certain geographical range, the species may not be present on the land you manage because the habitat may not be suitable.

If the land you manage has potential habitat or previous occurrences of species at risk, it is recommended that you perform an inventory on the property. However, taking stock of rare species is a complex task and should be conducted by specialists. You may be able to obtain funding through the Interdepartmental Recovery Fund (www.irf-fir.gc.ca).

Please notify your Canadian Wildlife Service regional office of any new information regarding species at risk on the land you manage. Any new record of a listed species is highly valuable to recovery teams.

WHAT STEPS CAN I TAKE TO COMPLY WITH SARA?

Once you have determined that species at risk may live on or pass through the land that you manage or if you are aware that residences or critical habitat exist, you should:

- ensure that any activities (including research, resource exploitation, and/or maintenance) carried out on these lands comply with SARA requirements;
- notify Environment Canada, Fisheries and Oceans Canada and/or the Parks Canada Agency if a project of yours requiring an EA is likely to affect a SARA listed species or its critical habitat;
- apply for a permit in advance if a proposed activity could contravene a SARA prohibition;
- take SARA requirements into account when you:
 - sign agreements with contractors or subcontractors working on federal lands;
 - fund activities affecting species at risk; and
 - grant permits or authorizations under legislation other than SARA.
- provide your partners with accurate and reliable information on SARA using official information available from the SARA Public Registry or from your Canadian Wildlife Service regional office; and

- consult the SARA Public Registry regularly for:
 - newly listed species and other changes to Schedule 1 of SARA;
 - newly identified critical habitats for species identified in recovery strategies or action plans; and
 - new orders affecting species, residences and critical habitat.

HOW ELSE CAN I HELP CONSERVE SPECIES AT RISK?

All Canadians share the challenge of protecting and recovering species at risk. As a federal land manager you can:

- apply for funding through the Interdepartmental Recovery Fund (www.irf-fir.gc.ca) to carry out recovery projects on the land you manage;
- promote recovery projects and inform your colleagues about SARA;
- promote SARA and the Habitat Stewardship Program (www.cws-scf.ec.gc.ca/hsp-pih) with your community; and
- participate in public consultations.

For additional information on SARA programs and activities and how you can help protect species at risk, please contact the following:

Environment Canada
Inquiry Centre
351 St. Joseph Boulevard
Gatineau, Quebec K1A 0H3
Tel : (819) 997-2800
Tel : (800) 668-6767
Fax : (819) 953-2225
E-mail: enviroinfo@ec.gc.ca

PLEASE NOTE: *This Guide has been prepared for information purposes and convenience of reference only, and has no official sanction. It is not a substitute for the Species at Risk Act or any regulation under this Act. In the event of an inconsistency between the information included here and the Act or its regulations, the latter would prevail. Official or more detailed information can be found in the legal text of the Species at Risk Act.*

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