



The
SPECIES
AT
RISK ACT
and You

A GUIDE TO THE SPECIES AT RISK ACT (SARA): INFORMATION FOR PRIVATE LAND OWNERS:

Landowners have been stewards of the land for generations and are instrumental in preserving our natural heritage. The following information will help you, as a private landowner, to:

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

HOW DOES SARA PROTECT SPECIES AT RISK ON PRIVATE LAND?

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 endangered, threatened or extirpated (if a recovery strategy has recommended the reintroduction of that extirpated species into the wild in Canada).

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)

On private land, the general prohibitions apply only to:

- aquatic species listed as endangered, threatened or extirpated in Schedule 1 of SARA; and
- migratory birds listed in the *Migratory Birds Convention Act* and also listed as endangered, threatened or extirpated in Schedule 1 of SARA.

In some circumstances, the prohibitions could also be applied, through an order, to other species listed as endangered, threatened or extirpated in Schedule 1 of SARA when found on private land if provincial/territorial legislation or voluntary measures do not adequately protect the species and its residence. Public consultation would first be sought in accordance with normal federal government regulatory procedure.

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.

Species at risk in Canada may also be protected by provincial or territorial laws. You may wish to consult the appropriate authorities for information on the requirements in your province or territory.

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.

WHAT IS CRITICAL HABITAT?

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

The development of these strategies and plans is a collaborative process which, to the extent possible, will involve

For more information, please contact us directly at:
Your Regional Office
Regional Office Address
Regional Office Address
Regional Office Phone Number
Regional Office E-mail

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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consultations with people who Environment Canada, Fisheries and Oceans Canada and Parks Canada Agency consider to be directly affected by the strategy or plan.

SARA contains a prohibition against destroying any part of critical habitat of endangered, threatened or extirpated species (if a recovery strategy has recommended the reintroduction of that extirpated species into the wild in Canada), but also provides other options for protection.

SARA recognizes that protecting habitat of species at risk is key to their conservation. The intent of SARA is to protect critical habitat as much as possible through voluntary actions and stewardship measures. If these measures are unable to protect the critical habitat, SARA's critical habitat prohibition may come into play.

HOW IS CRITICAL HABITAT PROTECTED ON PRIVATE LAND?

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.

On private land, SARA requires that the critical habitat of aquatic species be protected within six months after it has been identified in a finalized SARA recovery strategy or action plan. The critical habitat of these species 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.

For other, non-aquatic species found on private land, SARA sets out a variety of ways critical habitat is to be protected. In most situations, provincial and territorial laws will provide protection for critical habitat. Alternatively, the critical habitat prohibition can be applied by way of an order from the Governor in Council (consultations would first take place). Other provisions in, or measures under federal legislation (including SARA) can also be used.

ARE THERE ANY EXCEPTIONS TO THE PROHIBITIONS?

SARA includes a number of exceptions in a variety of circumstances. For example, the prohibitions do not apply to persons who possess a species, or any part of a species, listed as endangered, threatened or extirpated if it was in their possession before the species was added to Schedule 1 of SARA.

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 MY LAND?

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 your land:

- The SARA Public Registry "Advanced Search" tool allows you to search for species listed under SARA based on their distribution, taxonomic group and risk category;
- Environment Canada's 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 (CWS) regional offices can access databanks of species at risk found on federal lands. If your land is near federal land, CWS may be able to assist you;



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- *NatureServe Canada* provides links to the 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;
- Parks Canada maintains a national database of species found in the areas it administers. If your land is near an area administered by Parks Canada, the park or other area may have information that could help you;
- 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 your particular property because the habitat may not be suitable.

If your land 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 work in partnership with a conservation organization in your area.

Please notify your CWS regional office of any new information regarding species at risk on your property. Any new record of a listed species is highly valuable to recovery teams.

WHAT STEPS CAN I TAKE TO COMPLY WITH THE ACT?

Once you have determined that species to which SARA prohibitions apply when found on private land may live on or pass through your land or if their residences or their critical habitat may exist on your property, you should:

- ensure that activities (including construction, renovations, and/or landscaping) carried out on your land do not contravene the prohibitions of SARA;
- apply for a permit in advance if you would like to undertake an activity that could contravene a SARA prohibition; and
- keep up-to-date by consulting 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 and action plans; and
- new orders affecting species, residences and habitats.

HOW ELSE CAN I HELP CONSERVE SPECIES AT RISK?

All Canadians share the challenge of protecting and recovering species at risk. If you have a species at risk on your land, your current land use practices may already be compatible with the species' needs. There may be additional steps you can take:

- continue to protect all wildlife species, their residences and habitats on your land;
- participate in habitat protection and management activities through the Habitat Stewardship Program (www.cws-scf.ec.gc.ca/hsp-pih);
- pass along information about SARA and the Habitat Stewardship Program to your family, friends and neighbors; 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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