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SARA AND CEAA

The Species at Risk Act: What are its purposes?

- u To prevent wildlife from becoming extinct
- u To provide for recovery of TH and EN species at risk
- u To encourage management of species, e.g Stewardship



**Loggerhead
Shrike**

Who Administers the Act?



1. DFO - Fisheries & Oceans



marine species and freshwater fish

2. PCA – Parks Canada



species in National Parks, etc

3. CWS - Environment Canada



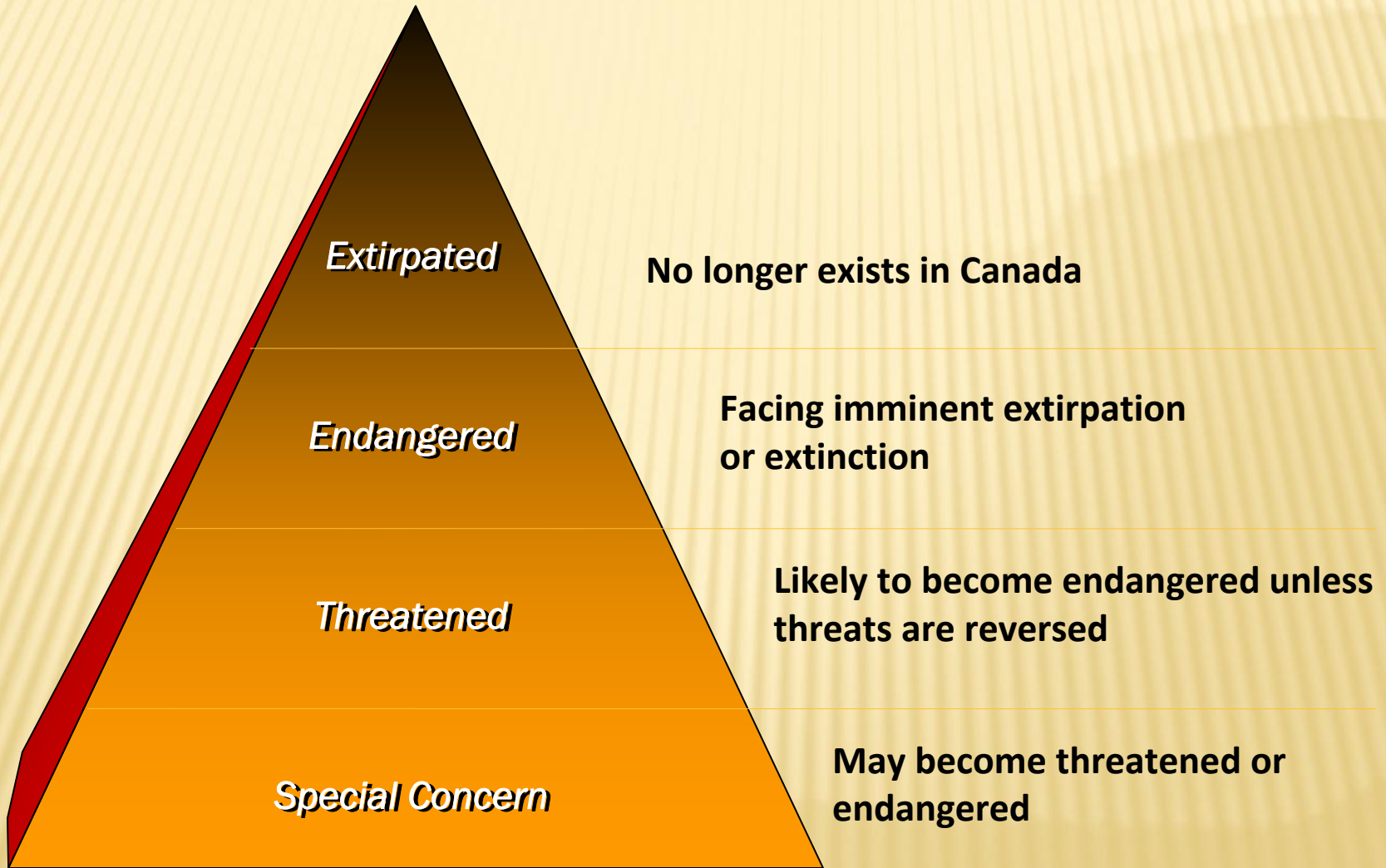
all other species, overall administration

How are species listed?



- *Committee on the Status of Endangered Wildlife in Canada (COSEWIC)*
- *independent group of government and non-government experts*
- *biological knowledge (scientific, community & traditional aboriginal)*
- *recommend to government*

Species Listings



How does the act protect these species?

As of June 1, 2004 listed (i.e. Schedule 1) **threatened, endangered and extirpated** species are protected and you cannot:

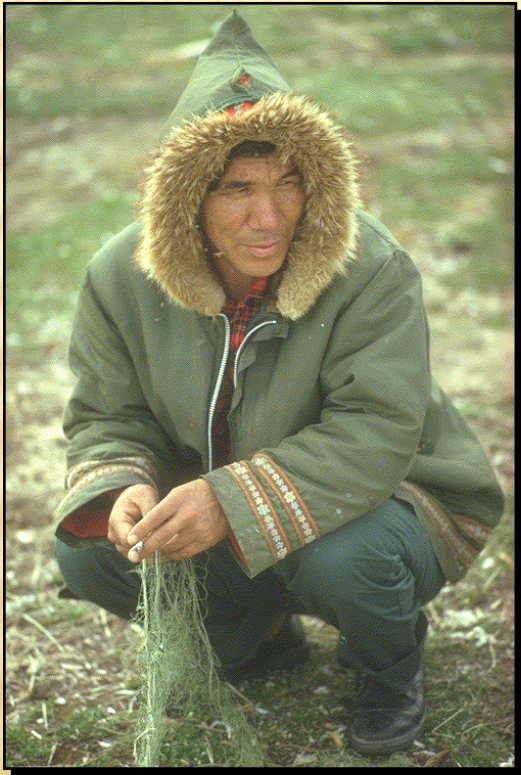
- u Kill, harm, harass or take
- u Possess, buy, sell or trade
- u Damage or destroy their residence
- u Destroy critical habitat



**NOTHING IN THE SPECIES AT RISK
ACT “ABROGATES OR DEROGATES”
(ABOLISHES/DETRACTS/DEGRADES)
ABORIGINAL AND TREATY RIGHTS.**



Working with Aboriginal Peoples



In SARA:

- *Traditional knowledge & experience recognized*
- *Consultation*
- *National Aboriginal Council on Species at Risk (NACOSAR):*

- *Mandated*
- *advises Minister*
- *recommends to federal-provincial-territorial committee*

The National Aboriginal Council on Species at Risk (**NACOSAR**)

Rick Simon, Regional Chief, NS/NF, representing the Assembly of First Nations

Allan Morin, representing the Metis National Council

Jose Kusugak, President, Inuit Tapiriit Kanatami

Beverly Jacobs, President, Native Women's Association of Canada

Fernand Chalifoux, representing Congress of Aboriginal Peoples

Bob Stevenson (member-at-large Working Group on Species at Risk)



The Act also protects critical habitat

- *Habitat necessary for survival or recovery of species*
- *Doesn't exist until experts identify and publish it in a Recovery Strategy*
- *Intent is to try to protect through stewardship*



Where do these prohibitions apply?

1. All species on federal lands
2. All Aquatic species everywhere
3. All Migratory birds in MBCA everywhere



Provincial/Terr./Private Lands only to Aquatic Species and Migratory Birds

CEAA AMENDMENT



Piping Plover

AMENDMENT TO CEAA

s137 of SARA amends the definition of "environmental effect" in CEAA.

by the following:

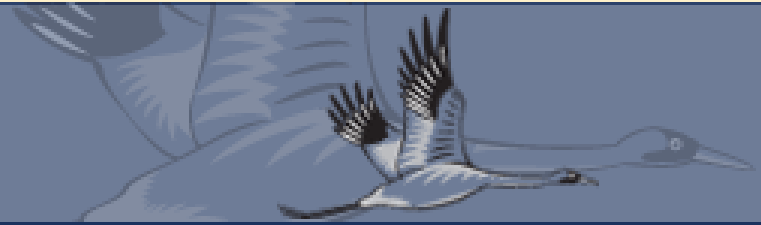
- ✘ "environmental effect" means, in respect of a project,
 - + (a) any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the Species at Risk Act,

CEAA

16.(1) Every screening or comprehensive study...or assessment by a review panel shall include a consideration of...;

- a. the **environmental effects** of a project...any cumulative **environmental effects**
- b. the significance of the **effects**...
- c. ...measures that would mitigate any...**environmental effects**...

SPECIES AT RISK



SARA NOTIFICATION



The responsibility for notification

79. (1) Every person who is required by or under an Act of Parliament to ensure that an *assessment of the environmental effects* of a project is conducted must, without delay, notify the competent minister or ministers in writing of the project if it is likely to affect a listed wildlife species or its critical habitat.



Western Spiderwort

79. (2)

79. (2) The person must identify the adverse effects of the project on the listed wildlife species and its critical habitat and, if the project is carried out, must ensure that measures are taken to avoid or lessen those effects and to monitor them. The measures must be taken in a way that is consistent with any applicable recovery strategy and action plans.



Woodland Caribou

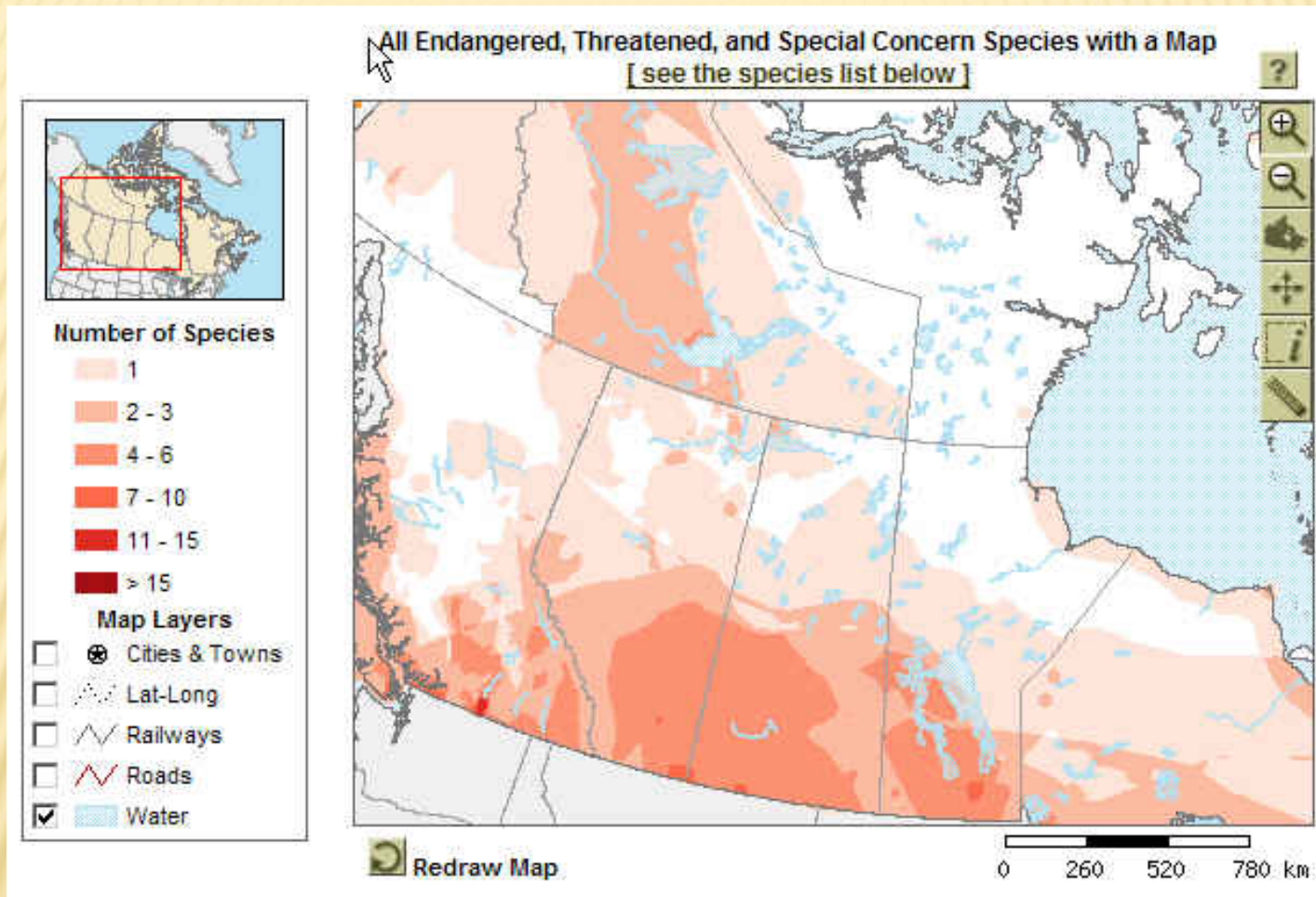
HOW DO I KNOW IF SPECIES ARE PRESENT?

HOW DO I KNOW IF THERE IS AN EFFECT?

HOW DO I MONITOR?

- × Small projects or not sensitive: consult staff biologist, or experts, F&W, CWS
- × Medium to large projects, or sensitive small projects: hire envir. consultant





www.speciesatrisk.gc.ca – map

www.sararegistry.gc.ca - “advanced search” spp. list by Prov.

What needs to be in a notification letter?

- The regional office of Environmental Protection Branch of EC

**letter addressed to AB/SK/Man/NWT district office of EP.*

- ✘ *Note all listed species that may be affected....may need to identify surveys*
 - ✘ *Identify effects (negative/positive)*
 - ✘ *Identify alternatives or mitigation*
 - ✘ *Identify monitoring*
 - ✘ *Critical habitat (as appropriate)*
- or*
- ✘ *Initial notification.....*

Describe project and species

Who do I notify?

AB: Carmen Callihoo (Edm.)



Swift Fox

Responsibilities of EC wrt informing proponents of potential violations under SARA

- - + Notwithstanding the EA, it is the responsibility of the proponent to respect all laws and regulations including all the provisions of SARA;
 - + If in the course of providing advice in an EA, EC becomes aware of a potential for an offence under SARA, it will advise the proponent accordingly.
 - + EA practitioners will communicate with enforcement. Education.

SPECIES AT RISK



SARA PERMITTING



AUTHORITY

- ✘ 73. (1) *The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.*

PERMITTING AUTHORITY

- ✘ The Competent Minister (Envir. Can., DFO, Parks) will be the only federal departments authorized to issue a permit.
- ✘ Cannot delegate authority.



Western Fringed Orchid

DOES SARA PERMITTING TRIGGER CEAA?

- ✘ No. SARA permits are not on the CEAA Law List and therefore do not trigger a screening under CEAA.



WHAT ACTIVITIES MAY BE AUTHORIZED?

- - × S.73(2) The agreement may be entered into, or the permit issued, only if the competent minister is of the opinion that:
 - × (a) the activity is scientific research relating to the conservation of the species and conducted by qualified persons;
 - × (b) the activity benefits the species or is required to enhance its chance of survival in the wild; or
 - × (c) affecting the species is incidental to the carrying out of the activity.

PRE-CONDITIONS

■

- × 73(3) The agreement may be entered into, or the permit issued, only if the competent minister is of the opinion that
- × (a) all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;
- × (b) all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and
- × (c) the activity will not jeopardize the survival or recovery of the species.

PERMITTING WHICH SPECIES?

- ✘ On federal lands: All Schedule 1 species - to which prohibitions apply.
- ✘ Private or Prov. lands: only permit mig. birds and aquatic species

Exception: Birds under the MBCA

- Scientific, bird damage, aviary
- NO incidental take
(birds, eggs, nests)



Least Bittern

PERMIT APPLICATION

- × Permit form on SARA web
 - + www.sararegistry.gc.ca
 - + Project description
 - + Potential effects
 - + Qualifications
 - + Mitigation measures (section 73 (3))
 - × Reasonable alternatives
 - × Measures to minimize the impacts
 - × Not jeopardize the survival

- × Allow 4 to 6 weeks
- × Paul Gregoire



Environment Canada / Environnement Canada

**ENVIRONMENT CANADA - ENVIRONNEMENT CANADA
PERMIT - PERMIS**

Scientific Permit for/Permis de pour	59-04-0362 Permit no./ No. de permis
British Columbia / Colombie Britannique province(s), territories -la (les) provinces / territoires	Species At Risk Act (SARA) / Loi sur les espèces en péril
Name and address - Nom et adresse	Migratory Bird Regulations 4(1) / Règlement sur les oiseaux migrateurs
Christine Bishop Canadian Wildlife Service 5421 Robertson Road, RR #1 Delta, BC V4K 3N2	Wildlife Area Regulations / Règlement sur les réserves de la faune
	Date of issue/ Date d'émission: 14 May 2004 Date of expire/ Date d'expiration: 31 December 2004

Signature of holder / Signature du détenteur: *[Handwritten Signature]*
 Signature of Minister / Pour le ministre: *[Handwritten Signature]*
 Special Conditions / Conditions spéciales:

Riparian Songbird Monitoring in the Okanagan Valley
 Okanage, Oliver, Osoyoos, Penticton, Psoyoos and
 Vaseux-Burnham National Wildlife Area.

Reason for permit to validate:
 You and your sub-permittees must each carry a copy of this permit when working in the field and it must be available upon request for inspection by a Game Officer. This permit is not transferable to another person or organisation.

- The long-term objectives of this project are:
1. Determine genetic diversity of Yellow-breasted Chat, Willow Warbler, Song Sparrow, Grey Catbirds and Willow Flycatcher populations in the Okanagan Valley
 2. Evaluate threats to riparian songbirds in the Okanagan and identify species of concern
 3. Monitor population and productivity changes in target species over time and during restoration activities

This permit is for the capture by mist net, the taking of feather sample for DND testing. Recorded chat songs will be used to attract territorial Yellow-breasted Chats into nets placed within known territories. Three to ten nets will be spaced throughout riparian habitat. We will mist net trap species. Birds trapped in this manner will not be held longer than thirty minutes. Once trapped, birds will be sexed, aged, and measured, and breeding condition will be assessed. Individuals will be banded with aluminium uniquely numbered Canadian Wildlife Service band. Yellow-breasted Chats will also receive a three-band colour combination to facilitate individual identification. A single feather will be collected from four common riparian nesting species, 100 Song Sparrow, 100 Yellow Warbler, 100 Willow Flycatcher, 100 Grey Catbird in addition to 100 Yellow-breasted Chats, for genetic analysis.

At six to seven days of age Song Sparrow, Yellow Warbler, Willow Flycatcher, Grey Catbird and Yellow-breasted Chat nestlings will be banded with CWS aluminium bands. Chats will also receive three-band colour combinations. All banding and trapping procedures will follow the guidelines and protocols established by the Bird Banding Lab and carried out by trained personnel possessing a current banding permit specific to this study.

See reverse side:



**Permit conditions
 Timing restrictions
 Monitoring
 Reporting**



■ *SARA Public Registry*

- + 73(3.1) If an agreement is entered into or a permit is issued, the competent minister must include in the public registry an explanation of why it was entered into or issued, taking into account the matters referred to in paragraphs (3)(a), (b) and (c).

The screenshot shows the SARA Public Registry homepage in Microsoft Internet Explorer. The browser's address bar displays "http://www.sararegistry.gc.ca/default_e.cfm". The page header includes the Government of Canada logo and navigation links for "Français", "Contact Us", "Help", "Search", and "Canada Site". Below the header is a banner for the "SPECIES AT RISK ACT PUBLIC REGISTRY" featuring a photo of a Sweet Pepperbush and a "WELCOME" message. A search bar is located below the banner. The main content area is divided into several sections: "Information on the Act..." with links for Background, General Information, The Act, and Species List; "Implementation Tools..." with links for Species Assessment, Strategies/Plans, Regulations/Orders, and Agreements/Permits; "Get Involved..." with links for Public Consultations and E-mail Newsletter; and a "Welcome to the Species at Risk Act Public Registry!" section. This section includes a "Featured Item..." titled "Understanding SARA" and a "Get Involved!" section with a "Public consultations:" link. A "NEW DOCUMENTS..." section lists several documents, including "Agreement on the Conservation of Polar Bears" and "Order Extending the Time for the Assessment of the Status of Wildlife Species". The footer contains information about new items added to the registry and a link to subscribe to the email list.

Questions and Answers

THANK YOU
