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# CANADA'S PLAN for PROTECTING SPECIES at RISK

**EXECUTIVE SUMMARY**

DECEMBER 1999

## INTRODUCTION

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*Canada's Plan for Protecting Species at Risk: An Update* informs Canadians on progress towards a strategy to protect species at risk, including major elements of the proposed Species at Risk Act (SARA). The proposed strategy sets a long-term, sustainable approach which would make incentives, stewardship and voluntary measures the preferred option to protect threatened or endangered species and their critical habitats. Legislation would provide a framework for protecting species at risk as well as safety net provisions when needed.

## CANADA'S COMMITMENTS

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Canada has committed to protect species at risk in the 1992 United Nations Convention on Biological Diversity, the 1996 Accord for the Protection of Species at Risk, and in the 1999 Speech from the Throne, where the Government of Canada stated its intent to introduce a new Species at Risk Act and stewardship programs. Protecting species at risk is a top Government priority for the new millennium.

## PARTNERSHIP WITH ABORIGINAL PEOPLES

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The Government will continue to work closely with Aboriginal peoples to ensure their participation in species assessment and recovery efforts. Under the proposed SARA, species assessments, application of prohibitions, and recovery and management activities would be carried out in a manner consistent with the provisions of self government agreements and land claims agreements and in consideration of Aboriginal and Treaty Rights.

## PARTNERSHIP WITH RURAL COMMUNITIES

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The challenge of protecting species at risk and their critical habitats directly affects the lives of rural Canadians as the primary landowners and land users where these species are found. The Government understands that many rural communities are concerned about the proposed SARA. The Government wishes to reiterate to these communities its commitment to a fair and balanced approach that would use voluntary stewardship, including funding, as the primary way to engage rural Canadians. This approach would allow rural Canadians to be full partners in developing solutions for the protection of species at risk.

For more information on Species at Risk please visit Environment Canada's Web site at: **[www.ec.gc.ca](http://www.ec.gc.ca)** or call **1 800 668-6767**.

*Aussi disponible en français.*

## THREE-PART STRATEGY TO PROTECT SPECIES

The proposed species at risk strategy balances the important roles of different levels of government, landowners, land users, Aboriginal people, stakeholders and private citizens. The strategy consists of three main components:

- **BUILDING ON PARTNERSHIPS WITH PROVINCES AND TERRITORIES** through the Accord for the Protection of Species at Risk;
- **PROMOTING STEWARDSHIP AND INCENTIVE PROGRAMS** to assist private landowners, land users, citizens, Aboriginal peoples and organizations that are helping to protect species and habitat; and,
- **INTRODUCING A NEW SPECIES AT RISK ACT.**

## HIGHLIGHTS OF EACH OF THESE ARE:

### **A) ACCORD FOR THE PROTECTION OF SPECIES AT RISK**

The Accord recognizes that no single jurisdiction can effectively protect species at risk. Under the Accord, federal, provincial and territorial wildlife ministers agreed to:

- coordinate activities through a new Canadian Endangered Species Conservation Council to help avoid duplication and conflicts, provide overall direction, and help set priorities for protecting species across Canada;
- rely on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as an independent scientific advisory body; and,
- establish complementary programs and legislation to:
  - legally designate threatened or endangered species
  - protect species at risk and their habitats
  - work towards their recovery
  - cooperate on species at risk that cross borders
  - encourage preventive measures such as stewardship, voluntary action and public information.

### **B) STEWARDSHIP**

The government's approach would emphasize providing assistance to help Canadians take voluntary actions to protect species and their habitats, and create a climate which makes responsible stewardship an easy choice.

Landowners, farmers, ranchers and other stakeholders are already playing a crucial role in preserving habitat through voluntary preventive measures. The federal strategy would build on and support these efforts by emphasizing stewardship and incentive programs as the primary and preferred option for protecting habitat.

The Government would support stewardship efforts both in support of the recovery process, and in support of preventive measures recognizing that "an ounce of prevention is worth a pound of cure."

## **c) THE PROPOSED SPECIES AT RISK ACT (SARA)**

The proposed SARA would cover the following key elements:

### **LISTING**

The proposed listing process would balance impartial scientific judgment with political accountability. COSEWIC would continue to operate at arm's length from governments, assessing and identifying species at risk using the best available information. COSEWIC's list would be reported to the Council, and would be published, unchanged, within 45 days. The federal Minister would have the authority to present COSEWIC's list for Government adoption, and would have to justify fully any difference between COSEWIC's list and the list adopted by the Government, should any difference arise.

### **PROHIBITIONS**

Federal, provincial and territorial jurisdictions have committed under the Accord to prohibit the killing or harming of threatened or endangered species and destruction of their residences. Under the proposed SARA the federal prohibitions would apply to all listed threatened or endangered species under federal jurisdiction or on federal lands. If each jurisdiction acts in its own area of competence, the result will be comprehensive protection for listed species. However, there would also be a federal safety net which would protect any threatened or endangered species which are not effectively protected by provincial or territorial legislation or regulation. The Minister of the Environment would consult with the provinces or territories affected before applying any safety net prohibitions against the destruction of a species or its residence. The proposed SARA would provide for exemptions and permits under certain circumstances.

### **RECOVERY**

Recovery planning activities for each threatened or endangered species would be an inclusive process coordinated by a Recovery Team, headed by the designated lead jurisdiction or agency and including experts from all responsible jurisdictions. Recovery Teams would bring together the best available scientific, traditional and local knowledge to define long and short-term recovery objectives in a Recovery Strategy. Critical habitat would be defined in the Recovery Strategy whenever and wherever sufficient information is available. In circumstances where adequate habitat information is not available, critical habitat would be identified later through the action plans. Action Plans would be developed to identify the specific actions, including protection of identified critical habitat, that would be taken to recover the species. The Action Plan would be adapted to local conditions and socio-economic implications. The input of landowners, land users, rural communities, Aboriginal peoples, and others would be integrated throughout the recovery planning process. Recovery planning would be subject to ongoing review, including scientific peer review.

### **CRITICAL HABITAT SAFETY NET**

Habitat issues are important for about 75 per cent of the species currently listed as threatened or endangered in Canada. When the recovery planning process identifies a certain habitat area as critical for the survival or recovery of a species, governments would use legislation, regulation or other means to protect habitat on federal or provincial Crown Lands. Voluntary stewardship would always be the primary way to protect habitat on private lands.

Most of the time, federal and provincial/territorial actions on the lands in their jurisdiction, combined with stewardship and incentive programs to protect habitat on private lands, should be sufficient to protect critical habitat. However, where combined federal and provincial efforts, and private stewardship efforts are not sufficient to protect identified critical habitat, the Government of Canada would have a safety net to prohibit critical habitat destruction.

### **COMPENSATION**

Canadians recognize that it would be unreasonable to impose the entire economic burden of protecting threatened or endangered species on individual landowners or land users. The proposed SARA would therefore provide for compensation where it is required to ensure fairness, following the use of the critical habitat safety net. Protecting species is everybody's responsibility, and nobody should be asked to bear an unfair part of the load.

Compensation differs from stewardship incentives. Compensation becomes a consideration where stewardship and other measures have been insufficient to protect critical habitat, and where the critical habitat safety net is required. The Government will work with interested parties to develop a regulation governing the principles for a compensation regime over the next several months.

### **COMPLIANCE, ENFORCEMENT AND DISPUTE RESOLUTION**

The proposed SARA would include measures to ensure compliance with the Act and effective enforcement of its provisions. The Government is also committed to working collaboratively to avoid or resolve disputes which may occur in administering the Act. A variety of mechanisms are currently being considered, each of which would have the goal of making the Act more effective, efficient and accountable without creating a costly and litigious process. The Government may seek assistance of a third party for fact-finding, evaluation, advice, or mediation. The Government is no longer considering civil suit provisions within the proposed SARA.