

SARA: The Species at Risk Act and Aboriginal Involvement



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Newsletter #1

The SARA Process – What is it and How Does it Work?

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The *Species at Risk Act (SARA)* is a new federal law that came into full effect in June 2004. The purpose of *SARA* is to prevent wildlife species (plants and animals) from becoming extinct, to help in their recovery, and to protect their critical habitat. This is closely aligned with the goal of many Aboriginal groups - to ensure that plant and animal species are around for future generations. In order to maximize the benefits and minimize any adverse impacts that this Act may have, it is essential that Aboriginal peoples become knowledgeable and involved in the *SARA* process.

Burrowing Owl



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photo: Geoff Holroyd

This is the first article in a six-part series about *SARA* and Aboriginal involvement in the process. In this first article, we provide an introduction to *SARA*, describe the process involved with protecting and recovering species at risk under this Act, and outline opportunities for Aboriginal involvement at each of steps in this process.

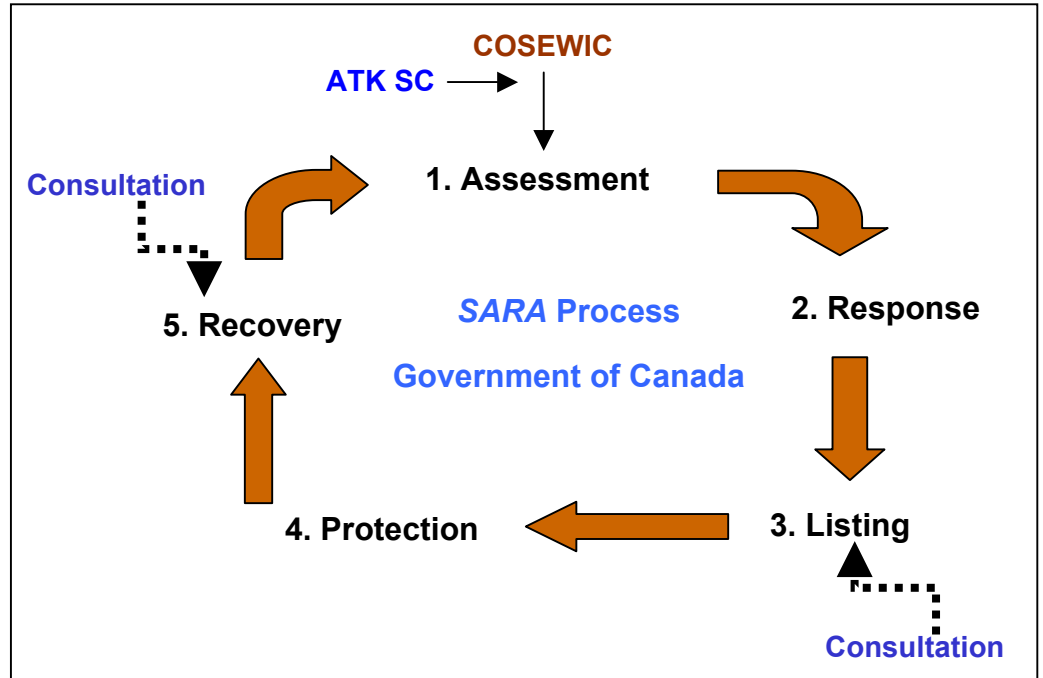
Who is responsible for SARA?

The *SARA* is administered by the Government of Canada through three government departments: **Fisheries and Oceans Canada** (responsible for species within our oceans, rivers, lakes, and streams), **Parks Canada** (responsible for species at risk within our national parks, national historic sites, and national marine conservation areas), and **Environment Canada** (responsible for all other species, including migratory birds). The **National Aboriginal Council on Species at Risk (NACOSAR)** was established to provide advice on the implementation of *SARA* as it relates to Aboriginal peoples.

**Newsletter #3 provides more
details about NACOSAR.**

How do species become protected under SARA and what are the opportunities for Aboriginal involvement in this process?

There are five main steps in the SARA process: (1) **Assessment**; (2) **Response**; (3) **Legal listing**; (4) **Protection**; and (5) **Recovery**. The Act allows for input and involvement of Aboriginal peoples at each of these steps.



Step 1. Assessment. The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) **assesses** which species of plants and animals are at risk of disappearing from the wild and assigns them into one of the following categories: Extinct, Extirpated, Endangered, Threatened, or Special Concern. The **Aboriginal Traditional Knowledge (ATK) Subcommittee** was established to ensure that the best available Aboriginal Traditional Knowledge is included in the COSEWIC assessment.

Newsletter #4 provides more details on the ATK Subcommittee.

that time the list has increased to 539 species. This decision is based on the scientific assessment made by COSEWIC and on input provided during public consultations with Aboriginal peoples and other Canadians. It is important for Aboriginal peoples to get involved in consultations during the listing process by expressing support or concern for the listing of a particular species!

Newsletter #5 provides more details about Aboriginal involvement in the consultation process.

Step 2. Response. The Minister of the Environment then reviews the status report produced by COSEWIC and **responds** by determining if the species in question will go through the legal listing process.

Step 3. Legal Listing. During this step, the Minister of the Environment determines if the species at risk will be added to the list of species protected under SARA. **In June 2004, there were 233 species on the list. Since**

- EXTINCT** - No longer exists in the wild.
- EXTIRPATED** - No longer exists in the wild in Canada.
- ENDANGERED** - Facing immediate extinction / extirpation.
- THREATENED** - Will become endangered if threats continue.
- SPECIAL CONCERN** - Sensitive to human activities or natural events.

Step 4. Protection. This step helps to fulfill the ultimate goal of the SARA process, which is to protect species and the habitat necessary for their survival. *Extirpated, endangered or threatened* species found on federal lands and included on the SARA list are **automatically** protected under the Act. Once extirpated, endangered, or threatened species are protected, **it is prohibited to:**

- Kill, harm, harass, or capture the species
- Collect, buy, sell or trade a listed species, or any of its parts
- Damage or destroy its residence or its critical habitat¹

The protection afforded to species at risk on the SARA list may have benefits as well as some adverse impacts on the activities of Aboriginal peoples

Newsletter #2 provides more details about balancing potential benefits and adverse effects to Aboriginal peoples.

Exemptions to these prohibitions have been outlined in SARA and may be applied in situations where the species (or any of its parts) was in a person's possession at the time of listing, or the species (or any of its parts) is being used by an Aboriginal person for ceremonial or cultural purposes, or dress.

Step 5. Recovery. Once listed, the government must develop a recovery strategy. The purpose of this step is to ensure that a wildlife species at risk is no longer declining in number, and that its likelihood of persisting in the wild is increased.

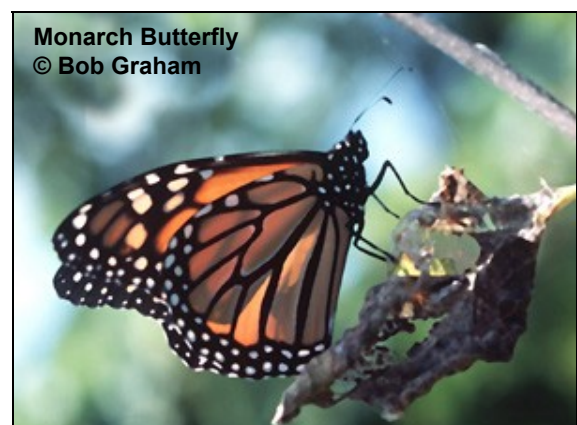
¹Protection of critical habitat is not 'automatic' upon legal listing of a species, but must be described in an approved recovery strategy or action plan and posted on the SARA Public Registry. Where critical habitat affects First Nations lands, the affected band(s) must be consulted prior to issuance of a protection order.

A Recovery Team (biologists and others) will draft a **recovery strategy** that describes the management and/or research activities (e.g. assess population health, identify threats, restore habitat) needed to protect and recover a species at risk. In some instances, Aboriginal peoples are part of the Recovery Team that drafts the recovery strategy. Once drafted, the Government of Canada then solicits additional feedback from Aboriginal peoples and other Canadians in order to finalize recovery strategies.

The Government of Canada must consult with those people who may be directly impacted by *listing* of a species or *recovery or management measures* for a particular species. It is important for Aboriginal peoples to be meaningfully involved in the consultation process, and in the development of recovery strategies, since recovery planning is intended to be an inclusive process involving all potentially affected groups.

Newsletter #5 provides more details about Aboriginal involvement in the consultation process.

Once finalized, recovery strategies come into action. An important part of the protection and recovery process outlined in recovery strategies includes stewardship initiatives (e.g. monitoring populations, restoring habitat).



Stewardship is an important means for Aboriginal peoples to become actively involved in protection and recovery of species at risk.

Newsletter #6 provides more details about species at risk stewardship opportunities for Aboriginal peoples.

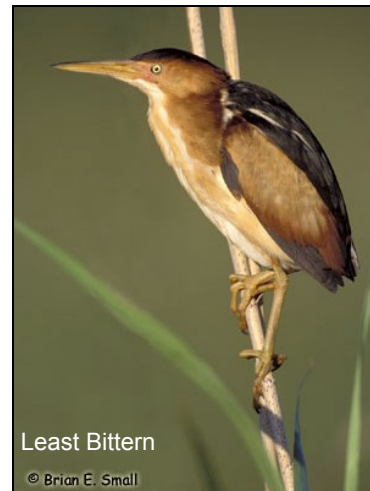
Next Steps

If you would like to find out more about SARA, potential benefits and adverse impacts on Aboriginal peoples and their rights, and how to get involved in the process through consultation and stewardship activities, read related newsletters from this six-part series.

You can access information in the '**Species at Risk Information Package**' on the CIER website (www.cier.ca),

and on the following government of Canada websites:

- (1) www.sararegistry.gc.ca (provides information on the SARA and related legal documents, including the List of Wildlife Species at Risk, permit applications, recovery strategies, action plans, regulations, orders and notices for public consultations);
- (2) www.speciesatrisk.gc.ca (provides information on the biology of species at risk in Canada, their distribution, habitat requirements and threats);
- (3) www.aquaticspeciesatrisk.gc.ca (provides information on aquatic species at risk in Canada, including fish, reptiles, marine mammals and molluscs); and
- (4) www.pc.gc.ca/nature/eep-sar/index_e.asp (provides information on Parks Canada's role in the recovery of species at risk).



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Additional information can be obtained from:

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E-mail: enviroinfo@ec.gc.ca

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