

SPECIES AT RISK CONSULTATION, COOPERATION AND ACCOMMODATION

ENVIRONMENT AND CLIMATE CHANGE CANADA (ECCC) &
CENTRE FOR INDIGENOUS ENVIRONMENTAL RESOURCES (CIER)

Presented by: Victoria Leck
Canadian Wildlife Service – ON Region
February 3, 2022



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Why Are We Here Today?

- Introduction and project overview
- Upcoming workshops
- Overview of the *Species at Risk Act* (SARA)



SARA Consultation, Cooperation and Accommodation Project:

- Partnership between Environment and Climate Change Canada (ECCC) and the Centre for Indigenous Environmental Resources (CIER) on a National Species At Risk Act (SARA) Consultation, Cooperation, and Accommodation Project
- Goal: facilitate Indigenous communities' and organizations' participation in meaningful consultation and cooperation in support of the listing, recovery and protection provisions of SARA.



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SARA Consultation Project: Overview

CIER will:

- Provide support to Indigenous communities and organizations and ECCC in our collaborative nation-to-nation work, including:
 - recovery document development
 - knowledge and language sharing
 - land relationship planning for species at risk on reserve lands and within traditional territories
- Provide of funds on behalf of ECCC, through:
 - participant fees and Elder honoraria to attend species-specific workshops
 - modest capacity funding requests
 - Expression of Interest (EOI) call for proposals



SARA Consultation Project: Overview

Why are ECCC and CIER partnering on this project?

Examples of what we have heard from Indigenous communities and organizations that helped to shape this project:

- Species at Risk (**SAR**) are very important and protection of these species, and all wildlife, is an **inherent responsibility**
- There is a lot of **information and knowledge** that could be shared. What, how and when it is shared, and how it is used are critically important
- Species at Risk are one of many **priorities** and more capacity is needed to **meaningfully engage** with federal departments
- Relationship, **partnership**, co-development, and **leadership** are fundamental



SARA Consultation Project: Overview

CIER and ECCC are working in partnership to:

- Provide information and increase knowledge of SARA and Species at Risk
- Support capacity and skills development to incorporate Species at Risk and SARA considerations in land use planning, management, and stewardship
- Enhance opportunities to contribute meaningfully to listing and recovery planning under SARA for terrestrial Species at Risk – including capacity funding
- Provide funding for targeted recovery actions focused on priority species in the SARA legislated framework for this year and next



SARA Consultation Project: Overview

An evolving conversation and relationship

- This is a **first step** for some and a **good next step** for others in both improving **SARA Consultation, Cooperation and Accommodation** overall for terrestrial species and specifically for species being considered for **SARA listing or recovery planning over the next two years**
- This project will help us **work together** to meaningfully address **what we've heard** and what you want share
- **Sharing ideas** throughout this project can help our **conversations and relationships grow**



SARA Consultation Project: 2022 Workshops

Workshop	Date/Time
Introduction to the Species at Risk Act (SARA)	Feb 3, 2022; 9am-12pm EST
Information session on the EOI call for proposals and Consultation on amending the list of species under SARA	Feb 9, 2022; 12:30-1:30pm EST (30 min break) 2-4pm EST
Consultation on the addition of Black Ash to Schedule 1 of SARA	Feb 17, 2022; 2-4pm EST
Early engagement on the development of a recovery strategy for Monarch	Mar 9, 2022; 9am-12pm EST
Overview of the current Recovery Document consultations for various species	Tentative date: Mar 17, 2022; 9am-11am EST
An introduction to the Land Relationship Visioning Tool	Mar 23, 2022; 9am-12pm EST This is the 3 rd session in the series for participants to bring their learnings back and discuss/evaluate the utility of the tool and progress to date



The *Species at Risk Act*

SARA is designed to:

- Protect individuals and habitat;
- Allow for recovery of species; and
- Work in a complimentary fashion with provincial legislation



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The *Species at Risk Act*: Roles

Environment and Climate Change Canada (ECCC): Administers the Act; responsible for recovery of migratory birds, protection and recovery of terrestrial species and their critical habitat on federal lands, and assessment of progress for species and their critical habitat on non-federal lands

Fisheries and Oceans Canada (DFO): Responsible for all aquatic species

Parks Canada (PCA): Responsible for species mainly in national parks

Provinces and Territories: Lead for recovery of terrestrial species and protection of their critical habitat on provincial and privately-owned lands

Indigenous Organizations, Communities, and Individuals: Key in sharing knowledge, providing advice at various stages of the SARA process (assessment, listing, recovery planning, monitoring) and undertaking conservation actions



The *Species at Risk Act*: Collaboration

SARA was designed to foster collaboration by:

- enabling actions by those best suited to act given the shared provincial, territorial, and Indigenous authority for species management and conservation in Canada
- allowing for a “stewardship first” approach
- requiring consultation and cooperation with provinces, territories, Indigenous peoples, and stakeholders
- establishing the National Aboriginal Council on Species at Risk (NACOSAR) to advise the ECCC Minister on the administration of SARA



The *Species at Risk Act*: NACOSAR

National Aboriginal Council on Species at Risk

- The Species at Risk Act (SARA) recognizes the essential role of Indigenous Peoples of Canada in the conservation of wildlife. The Act calls for the creation of NACOSAR to:
 - Advise the Minister on implementing the administration of the Act; and,
 - Provide advice and recommendations to the Canadian Endangered Species Conservation Council.
- Expressions of Interest for *new council members* were requested last year for the new term, where applications were due in April 2021. The new council is not yet appointed at this time
 - Council member terms are usually either a 3 or 5-year commitment
 - Previous Council consisted of 6 members (1 QC, 1 NS, 1 ON, 2 BC, 1 NV)



The *Species at Risk Act*

Recognizes that:

“the roles of the Aboriginal peoples of Canada and of wildlife management boards established under land claims agreements in the conservation of wildlife in this country are essential,”

and that:

“the traditional knowledge of the Aboriginal peoples of Canada should be considered in the assessment of which species may be at risk and in developing and implementing recovery measures”



SARA Recognizes Indigenous Rights

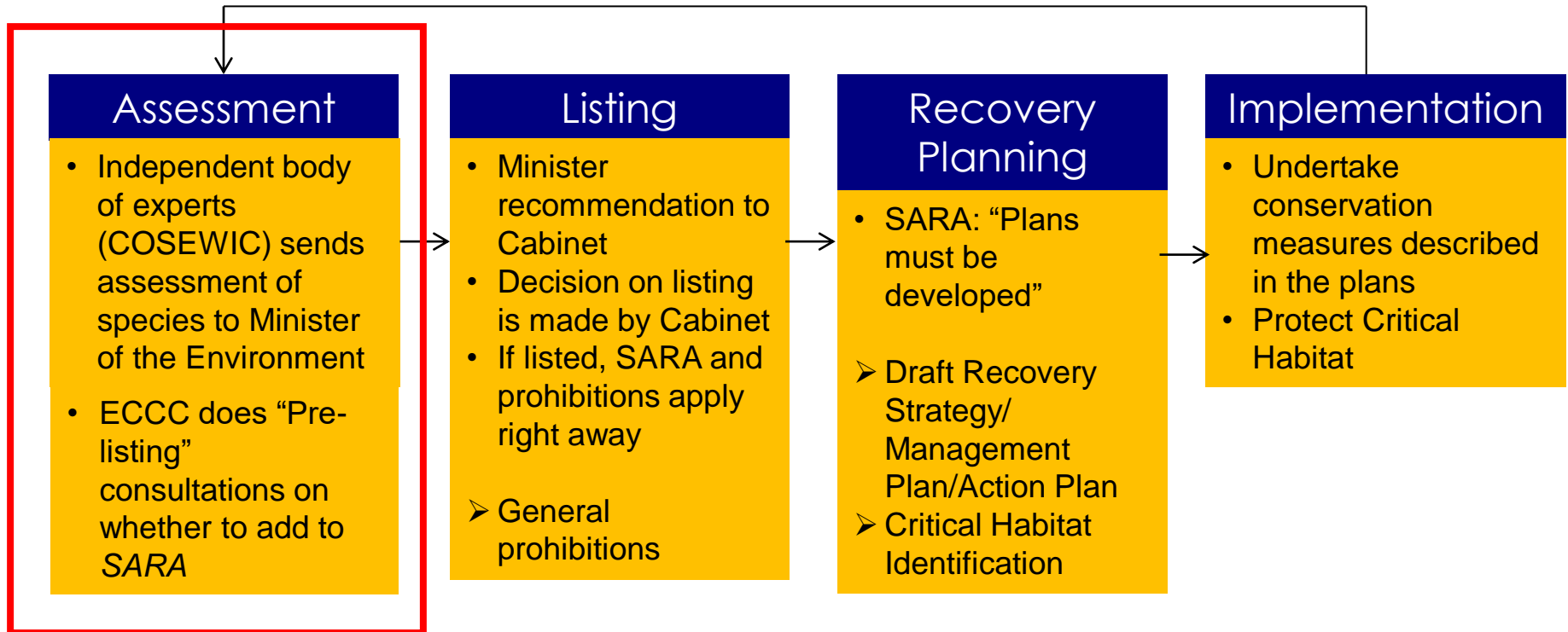
SARA respects the protection of Aboriginal rights, as affirmed in the Constitution

- **Canadian Constitution (Section 35):** “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”
- **SARA (Section 3):** “For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for Aboriginal or Treaty rights of the Aboriginal peoples of Canada...”



The *Species at Risk Act* Process

Species are re-assessed every 10 years



Assessment: Committee on the Status of Endangered Wildlife in Canada (COSEWIC)

- Independent group of experts who assess the risk of species' extinction in Canada
- COSEWIC assessments are based on:
 - Status of wildlife in Canada
 - International Union for Conservation of Nature (IUCN) quantitative criteria
 - Scientific knowledge, Aboriginal Traditional Knowledge (ATK) and community knowledge
 - ATK subcommittee provides ATK to COSEWIC during assessment process



Assessment: COSEWIC

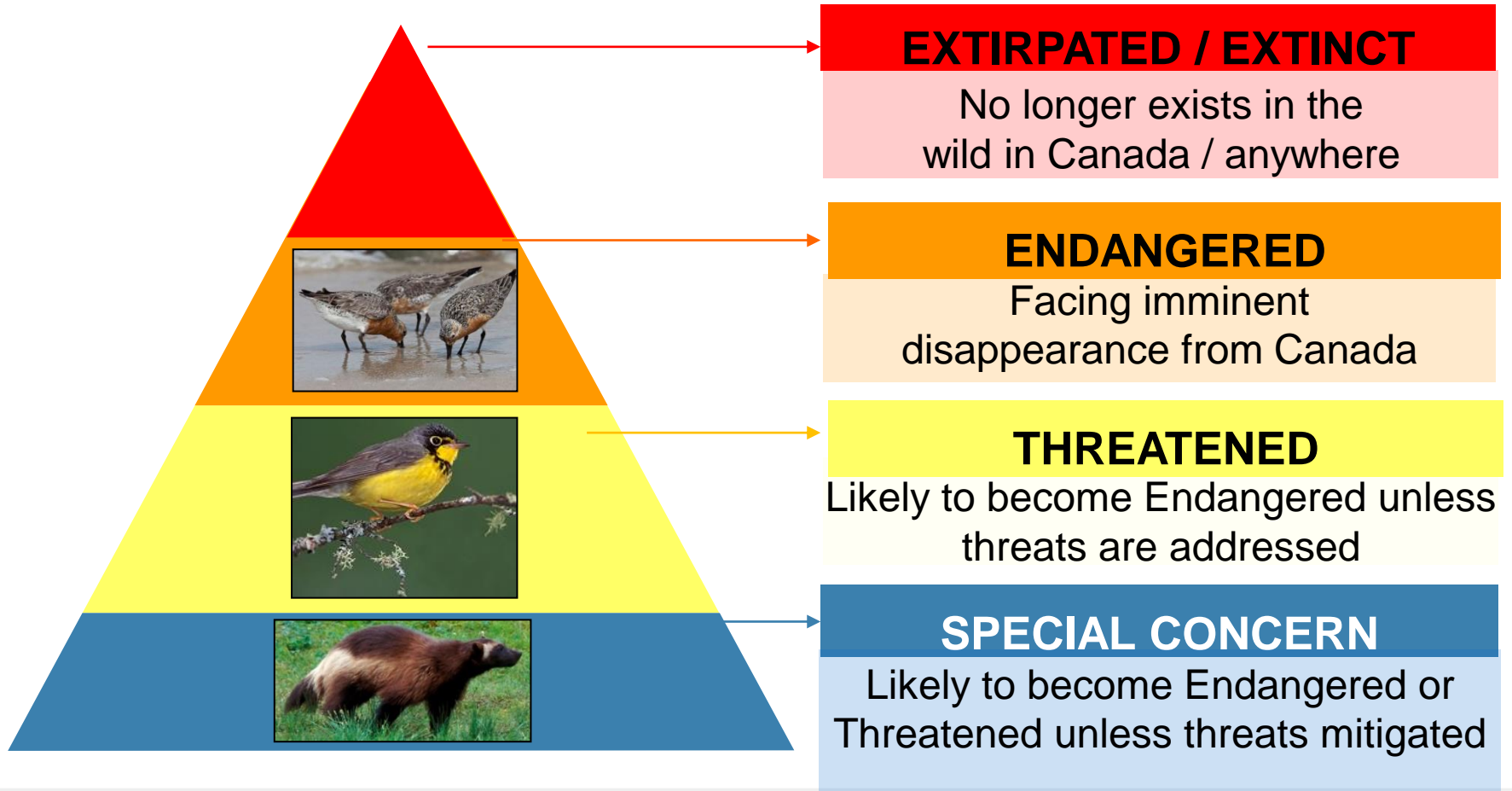
Aboriginal Traditional Knowledge Subcommittee

- Of the 31 voting members of COSEWIC, the co-chairs of the Aboriginal Traditional Knowledge Subcommittee (ATK SC) provide expertise on Aboriginal Traditional Knowledge
- The subcommittee is in its formative stages, and will be responsible for ensuring that Aboriginal Traditional Knowledge is incorporated into COSEWIC's assessment process
- COSEWIC will work closely with Aboriginal Peoples to decide how ATK will be incorporated into the process of assessing species at risk through the ATK SC

More info on COSEWIC website: <https://cosewic.ca/index.php/en-ca/about-us/cosewic-subcommittees.html>

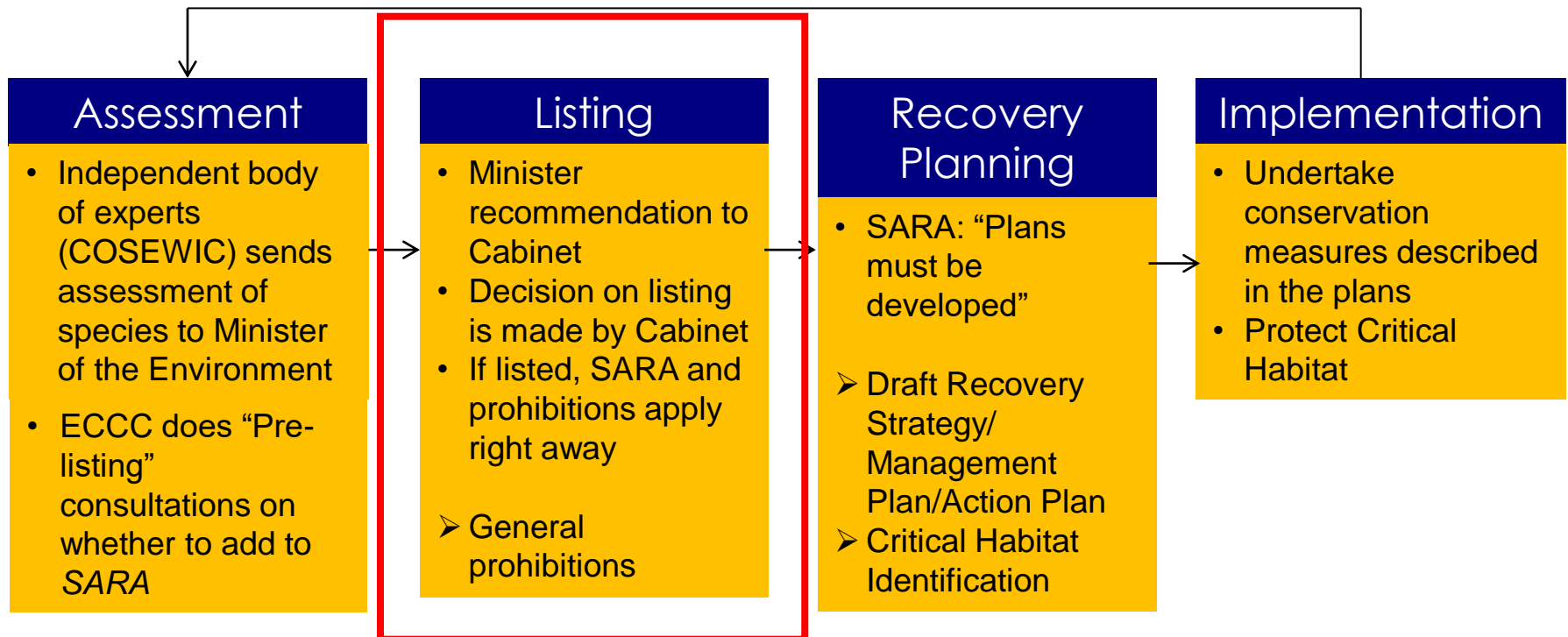


Assessment – Species Status

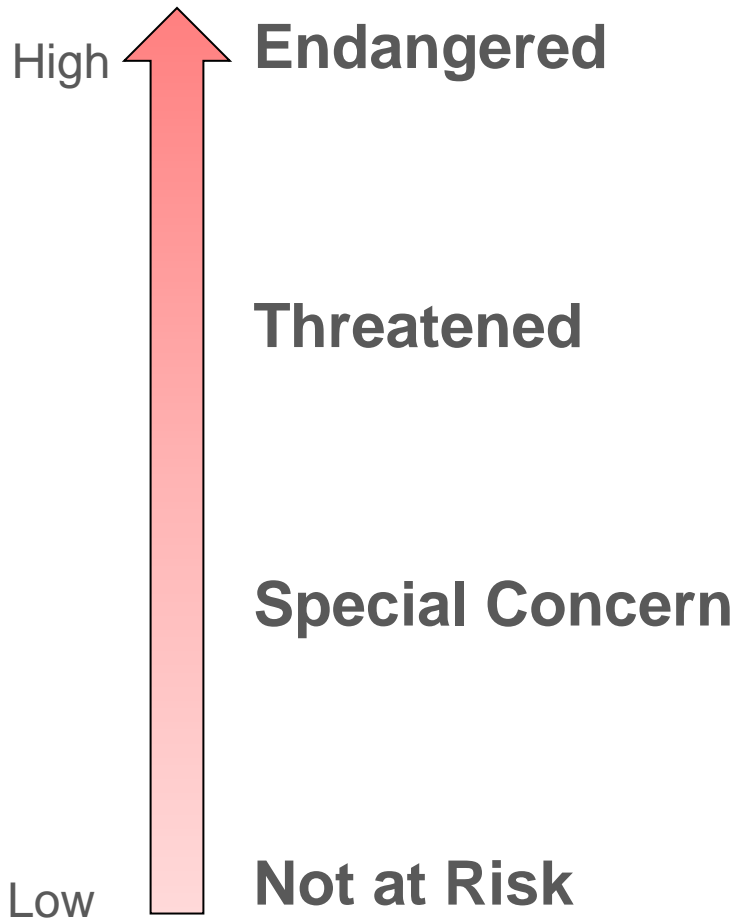


The *Species at Risk Act* Process

Species are re-assessed every 10 years



Implications of SARA Listing



Prohibitions:

- Apply to extirpated, endangered, threatened species
- For terrestrial species, prohibitions apply on federal land only. For migratory birds and aquatic species, prohibitions apply where ever they are found.
- No person shall kill, harm, harass, capture or take an individual; possess collect, buy, sell or trade an individual; damage or destroy the residence of one or more individuals



Listing: Key Steps

1. Minister of Environment receives ‘assessment of risk’ status reports from COSEWIC, has 90 days to respond by indicating next steps
2. Consultation period with provinces/territories, Indigenous peoples, and local stakeholders
 - i) Often use an “extended process” for species requiring more consultation/analysis
 - ii) Invite comments on the possible social and economic impacts/ benefits of listing or not listing a species (only step in the SARA cycle where economics are considered in the decision making process)
 - iii) Comments are used to help inform the Minister’s recommendation
3. Minister of Environment sends recommended listings to the Governor in Council (Cabinet), which has nine months to consider whether or not to list a species



Listing: Consultation

When: December or January

What: Email/Mail from CWS-Ontario region - SpeciesatRisk.Ontario@ec.gc.ca

- Subject: Seeking comments on the Proposed Amendment to Schedule 1 of the Species at Risk Act (SARA): the List of Wildlife Species at Risk
- Includes:
 - Consultation Booklet (easy read): Listing process, questions
 - List of species including proposed status and consultation period
 - Normal: 4 months
 - Extended: 9+ months for species of a higher socio-economic interest which will need more in-depth consultations)
 - Species fact sheets

Why: To help inform the Minister's recommendation; voice your opinion

How: Send comments by email, mail, online survey or phone

- If you have questions or to request a meeting – email/phone Victoria Leck



Listing: Areas of Focus

Supporting meaningful involvement in SARA listing decisions

When deciding whether to list a species, the Minister considers:

- **Recommendations** from the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and the Aboriginal Traditional Knowledge sub-committee
- **If the species supports livelihoods** (e.g. through harvesting, subsistence or medicine)
- Potential **impacts to people's activities** with the species
- Potential **cultural, social, or economic costs or benefits** to individuals, communities or organizations
- If **current or planned activities** overlap with species range/occurrence
- Any Current or planned **activities that may harm** the species and/or destroy part of its habitat
- Any **other information** people choose to share during consultation



Listing: Poll Question

Have you or your community been involved in providing comments on a proposed species listing?



Listing: Discussion

Q1. What are the barriers that prevent communities from providing input on pre-listing consultations?

Q2. How could we improve the way we do pre-listing consultations?

- What works with listing consultation?
- What doesn't work?
- What would make listing consultation better?

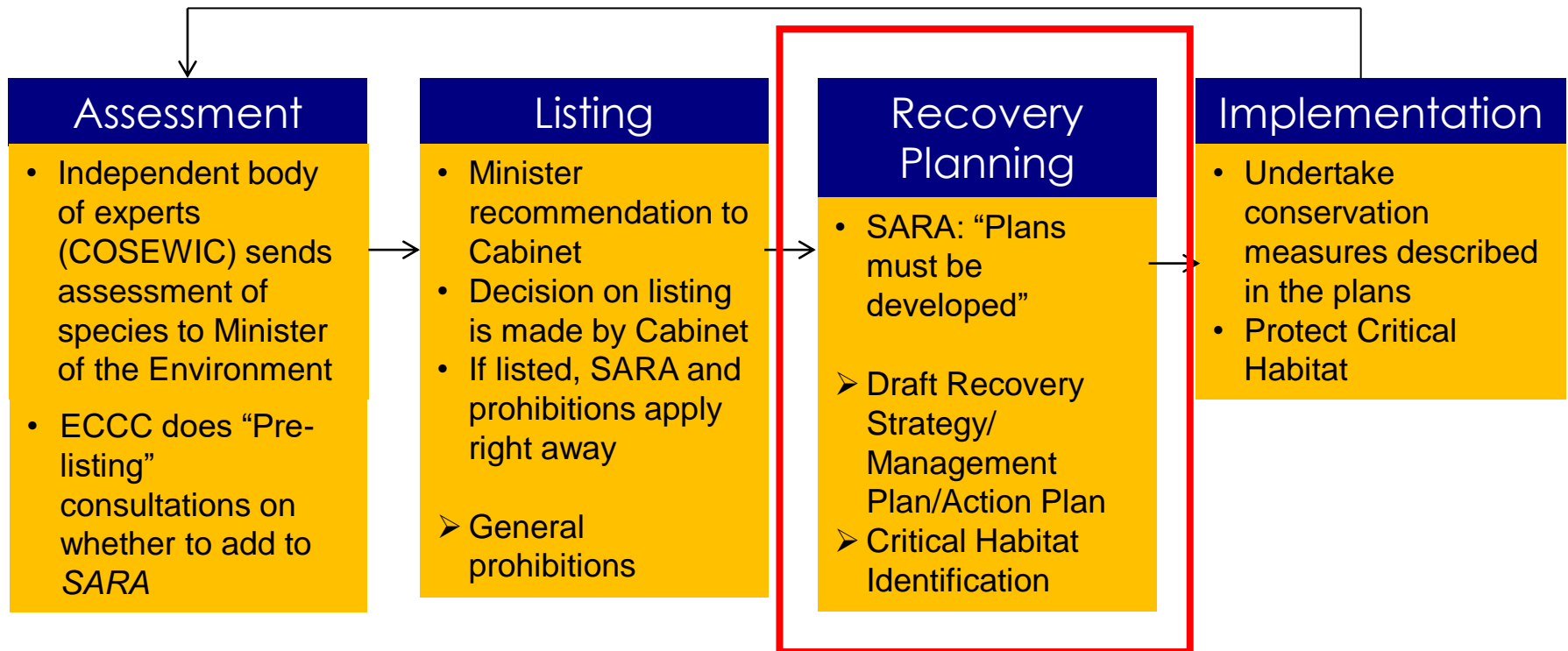
Q3. How do you, or could you, work with your community or organization to gather input on pre-listing consultations?

Q4. How could future protection of individuals, residences, and critical habitat impact and benefit your community?



The *Species at Risk Act* Process

Species are re-assessed every 10 years



Recovery Planning: Requirements

- For *extirpated, endangered and threatened* species, a **recovery strategy** is prepared within a mandated timeframe:
 - Within 1 year for endangered; 2 years for threatened/ extirpated
 - Must include identification of critical habitat where possible
- For species of *special concern*, a **management plan** is prepared
 - No critical habitat is identified
- Recovery Documents must be prepared in consultation and cooperation with those directly affected
- Purpose of cooperating with Indigenous communities and organizations:
 - To gather information to inform strategies/ plans for recovery
 - To engage Indigenous peoples in recovery implementation
 - To avoid or minimize impact on Aboriginal rights



Recovery Planning: Consultation

When: Draft document

What: Email/Mail from CWS-Ontario region - SpeciesatRisk.Ontario@ec.gc.ca

- Subject: Seeking your input and involvement on the Draft Recovery Strategy/Management Plan for the [Species Name] in Canada
- Includes:
 - Full Recovery Document
 - Recovery Document Summary (2-3 pages)
 - Questionnaire to help guide comments

Why: To improve recovery planning process and ensure best available information is used in documents

How: Send comments by email, mail, or phone

- If you have questions or to request a meeting – email/phone Victoria Leck



Recovery Planning: Areas of Focus

Consultation & Cooperation on recovery documents

Information to inform the recovery documents, focusing on:

- Where the species and its habitat have **been found**
- What the **species needs** to survive and/or recover
- **Threats** (current and historical) and which activities might destroy **their habitat**
- **What could be done** to recover/manage the species and **what actions** are already underway
- Population and distribution **objectives** for recovery/management
- **Indigenous Knowledge** that knowledge holders would like to see included in a recovery document
- Anything else that may **aid in the survival and recovery** of the species



Recovery Planning: Poll Questions

Have you/your community been involved in:

1. Conducting a survey for a species at risk?
2. Habitat mapping for a federal species at risk?
3. Sharing Indigenous Knowledge for use in Recovery Documents?
4. Are you interested in being involved in any of the above?



Recovery Planning: Discussion

Q1. What are the barriers that prevent communities from providing input on recovery documents?

Q2. How could we improve the way we do recovery document consultations?

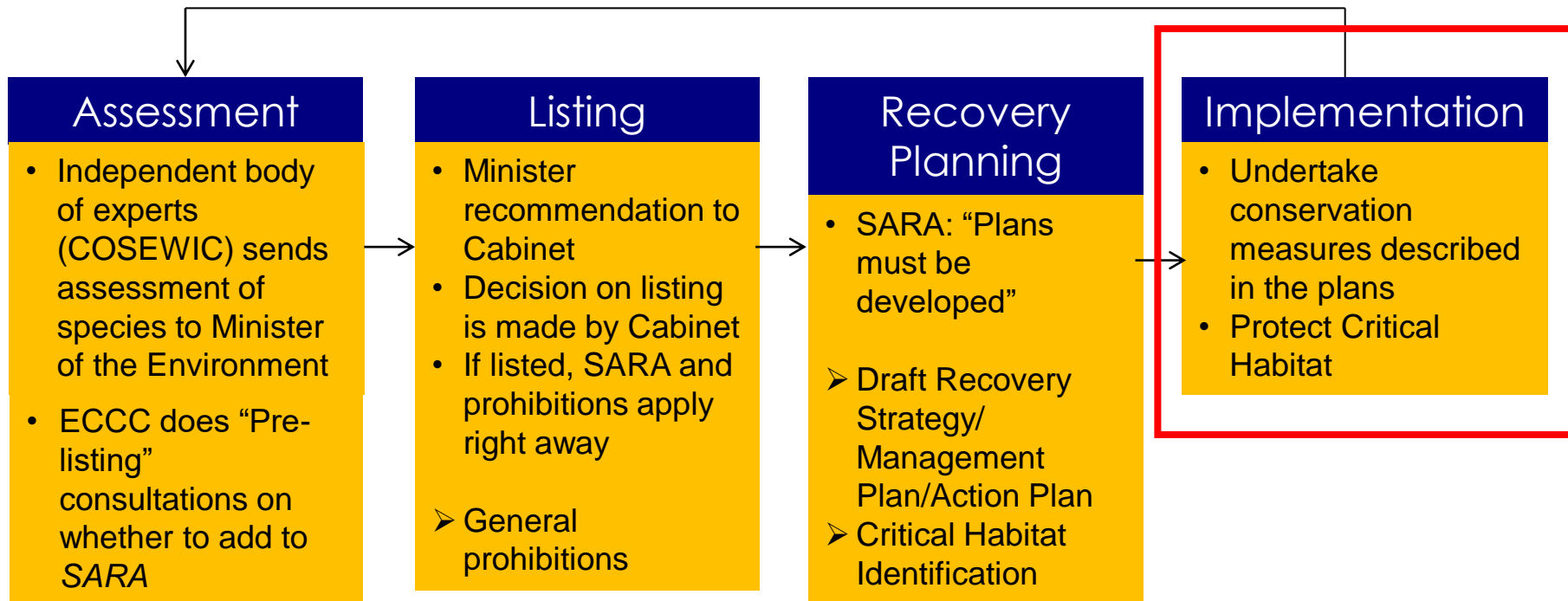
- What works well with the current process?
- What doesn't work?
- What would make recovery document consultation better?

Q3. How do you, or could you, work with your community or organization to gather input on recovery document consultations?



The *Species at Risk Act* Process

Species are re-assessed every 10 years



Funding Opportunities

- **Indigenous leadership is key to implementation of the Species at Risk Act**
- The Federal government's funding programs focus on improving partnerships with Indigenous people that support continued Indigenous leadership and engagement in nature protection, wildlife management and sustainable resource practices, including:
 - **Aboriginal Fund for Species at Risk**
 - **Habitat Stewardship Program**
 - **Canada Nature Fund**



Funding: Poll Question

Have you/your community received funding through ECCC for species at risk?



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Funding Information

Information session on the call for Expressions of Interest (EOI) – February 9, 2022

- Overview and Question & Answer session on funding available to directly support Indigenous peoples' and organizations' meaningful participation in listing consultations and recovery planning for terrestrial species at risk
- EOI deadline is **March 11, 2022**



Protection: Critical Habitat

Federal Lands:

- SARA prohibits the destruction of the habitat necessary for the survival or recovery of extirpated, endangered, threatened species
- Once critical habitat is identified in a *final* recovery strategy or action plan, the Minister *must* assess whether it is protected from destruction or damage

SARA includes **four types of regulatory tools** that provide protection for listed species:

- Protection order (S. 58)
- Emergency protection order (S.80)
- Protection regulations for critical habitat on federal lands (S. 59); or
- Protection Statement (other acts of Parliament; SARA agreements)



Protection: Collaborative Tools

- Conservation agreements (s.11)
 - The ECCC Minister may enter into an agreement with any government in Canada, organization or person to benefit a species at risk or enhance its survival in the wild
 - *May include measures that protect critical habitat*
 - Terms are collaboratively negotiated; agreements are voluntarily signed
 - Minister can consider such conservation agreements in forming an opinion regarding protection of critical habitat; however, the terms of the agreement must match the protection standards of SARA.
- Administrative agreements (s.10)
 - The ECCC Minister may enter into an agreement with any government in Canada, organization or wildlife management board to administer SARA provisions
 - May include recovery planning/implementation; administering SARA protection including the permitting process; and enforcement of the Act.



Protection: Non-federal Lands

- SARA only applies to non-federal lands where adequate protection for federally-listed Species at Risk **does not exist** through equivalent provincial legislation
 - In Ontario, the **Endangered Species Act (ESA)** contains species' and habitat protection provisions similar to SARA
- The ESA has similar prohibitions that protect Species at Risk and their residences through the publication of Habitat Regulations
- SARA was designed to foster collaboration by: enabling actions by those best suited to act given the shared provincial, territorial, and Indigenous authority for species management and conservation in Canada



Permits: Requirements

- Permits are required where general prohibitions apply: when individuals or residences may be affected or where critical habitat may be destroyed
 - If SARA prohibitions do not apply, SARA permits are not required (i.e. where there are no protection orders; where other laws provide *SARA-equivalent* protection)
- Permits *may* only be issued for the following purposes:
 - scientific research for the conservation of the species;
 - the activity benefits the species or is required to enhance its chance of survival in the wild; or
 - affecting the species is incidental to the carrying out of an activity
- The permit *may* then only be issued *if* the Minister is of the opinion that:
 - all reasonable alternatives to the activity have been considered;
 - all feasible measures will be taken to minimize the impact of the activity on the species and its habitat; and
 - the activity will not jeopardize the survival or recovery of the species



Upcoming Recovery Document Consultations (2021/2022)

Species	SARA Status	Document Type
Monarch	Special Concern (under consideration for uplisting to Endangered)	Recovery Strategy (if uplisted)
Wolverine	Special Concern	Management Plan
Polar Bear	Special Concern	Management Plan
Eastern Wood-pewee	Special Concern	Management Plan
Chimney Swift	Threatened	Recovery Strategy
Bobolink	Threatened	Recovery Strategy
Eastern Meadowlark	Threatened	Recovery Strategy
Louisiana Waterthrush	Threatened	Recovery Strategy
Dwarf Lake Iris	Special Concern	Management Plan
Piping Plover circumcinctus subspecies	Endangered	Recovery Strategy/ Action Plan
Eastern Banded Tigersnail	Endangered	Recovery Strategy
Broad-banded Forestsnail	Endangered	Recovery Strategy
Pitcher's Thistle	Special Concern	Management Plan
American Badger taxus subspecies	Special Concern	Management Plan
Jefferson Salamander & Unisexual Ambystoma (Jefferson dependent population)	Endangered	Multi-species Recovery Strategy
Small-mouthed Salamander & Unisexual Ambystoma (Small-mouthed Salamander dependent population)	Endangered	Multi-species Recovery Strategy
Golden-eye Lichen (Great Lakes population)	Endangered	Recovery Strategy

Upcoming Recovery Document Consultations (2022/2023)

Species	SARA Status	Document Type
Eastern Wolf	Special Concern (under consideration for uplisting to Threatened)	Recovery Strategy (if uplisted)
Wood Thrush	Threatened	Recovery Strategy
Lake Huron Grasshopper	Threatened	Recovery Strategy
Grasshopper Sparrow, <i>pratensis</i> subspecies	Special Concern	Management Plan
False-foxglove Sun Moth	Endangered	Multi-species Recovery Strategy
Fern-leaved Yellow False Foxglove	Not listed (under consideration for addition as Threatened)	Multi-species Recovery Strategy (if listed)
Smooth Yellow False Foxglove	Not listed (under consideration for addition as Threatened)	Multi-species Recovery Strategy (if listed)
Downy Yellow False Foxglove	Not listed (under consideration for addition as Endangered)	Multi-species Recovery Strategy (if listed)
Mottled Duskywing, Great Lakes Plains population	Not listed (under consideration for addition as Endangered)	Recovery Strategy (if listed)
Striped Whitelip	Not listed (under consideration for addition as Endangered)	Recovery Strategy (if listed)



Current Listing Consultations

Listing / De-listing / Status Change Considerations:

Species	Current Status (SARA)	COSEWIC Assessment
Aweme Borer	Endangered	Data Deficient
Barn Swallow	Threatened	Special Concern
Canada Warbler	Threatened	Special Concern
Davis's Shieldback	Not listed	Threatened
Lakeside Daisy	Threatened	Special Concern
Lesser Yellowlegs	Not listed	Threatened
Red Knot rufa subspecies (Northeastern South American wintering population)	Threatened (currently listed as Red Knot <i>roselaari</i> type)	Special Concern
Red Knot rufa subspecies (Southeastern USA/ Gulf of Mexico/ Caribbean wintering population)	Threatened (currently listed as Red Knot <i>roselaari</i> type)	Endangered
Short-eared Owl	Special Concern	Threatened



For More Information...

Species at Risk Public Registry:

<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>

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