



Species at Risk Act (SARA) Consultation, Cooperation and
Accommodation Project

SARA101 Session Report

November 4, 2021

Created by:
The Centre for Indigenous Environmental Resources (CIER)



CIER
Centre for Indigenous
Environmental Resources

Acknowledgments

The Centre for Indigenous Environmental Resources (CIER) and Environment and Climate Change Canada (ECCC) would like to thank the participants that attended the virtual “Species at Risk Act (SARA) Consultation, Cooperation, and Accommodation Project” workshops.

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Introduction

This multi-year project will facilitate Indigenous communities' and organizations' participation in ECCC's listing and recovery planning processes for terrestrial species, as part of implementing the Federal Species at Risk Act (SARA). Each region will focus their resources on an area of study and development that maximizes efforts to each species (see regional lists posted on CIER's websites respective provincial pages).

CIER's role is to provide support in an administrative capacity to Indigenous communities, and organizations, and ECCC in their collaborative work including developing recovery documents, sharing knowledge and language, addressing threats to terrestrial species at risk survival and recovery, and land use planning for species at risk on reserve lands and within traditional territories. CIER also manages the provision of funds on behalf of ECCC for SARA participation, funding requests and EOI's. Depending on the region, key project components will include:

- Information sharing sessions
- Engagement workshops
- Nation-to-nation dialogues
- Training sessions
- Modest capacity funding
- Project evaluation and reporting

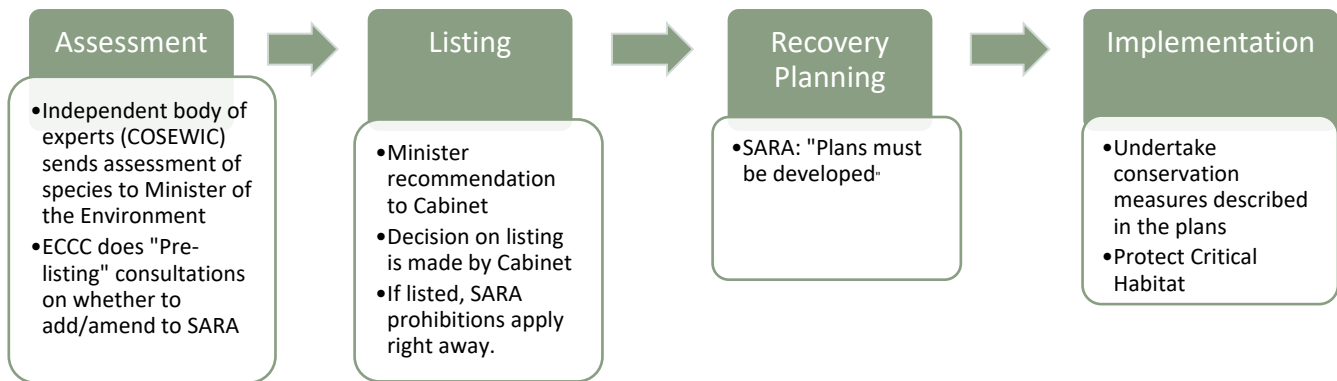
SARA101 Session Agenda

Time (EST)	Agenda Item & Who	Notes
9:00-9:15	<p>Introduction Lynn Mallett</p> <p>Welcoming and Polling Questions Lynn Mallett/Anita Murdock</p> <p>Acknowledgements, Agenda and Housekeeping Items Lynn Mallett</p>	<p>Introduction Activity:</p> <p>Polling Question (word cloud): <u>What organization or territory are you from?</u></p> <p>Acknowledgements: Victoria Leck, Consultations Biologist with the Canadian Wildlife Service under ECCC – will be providing presentation. Alexia and Anita – Research Associates at CIER</p>
9:15 – 10:45	<p>Intro to CIER Project and SARA Overview</p> <ul style="list-style-type: none"> • Assessment and Listing Process • Recovery Planning Overview • Implementation 	<p>Presentation by Victoria Leck.</p> <p>Polling Questions #1: <u>Have you or your community been involved in providing comments on a proposed species listing?</u></p> <p>Polling Question #2: <u>Have you or your community been involved in:</u></p> <p>Polling Question #3: <u>Are you interested in being involved in any of the above?</u></p>
10:45-11:00	Break	
11:00 – 11:40	SARA Overview - Victoria Leck	Continuation of presentation
11:40 – 12:00	Closing and wrap up: Victoria Leck and Lynn Mallett	

Presentation Overview

SARA is designed to protect individuals and habitat, allow for recovery of species, and work in a complementary fashion with provincial legislation.

Species at Risk Act Process. (Figure adapted from ECCC SARA101 presentation by Victoria Leck.)



The presentation for species at risk included the status, habitat, range, and threats of the following species:

Black Ash	Dwarf Lake Iris	Louisiana Waterthrush
Wolverine	Eastern Wood-peewee	Piping Plover, <i>circumcinctus</i> subspecies
Monarch	Chimney swift	Jefferson Salamander and Unisexual Ambystoma
Polar Bear	Bobolink and Eastern Meadowlark	Small-mouthed Salamander and Unisexual Ambystoma
American Badger <i>taxus</i> subspecies	Eastern Banded Tigersnail	Broad-banded Forestsnail
Pitcher's Thistle	Golden-eye Lichen, Great Lakes population	Eastern Wolf
Wood Thrush	Grasshopper Sparrow, <i>pratensis</i> subspecies	False-foxglove Sun Moth and False Foxgloves
Lake Huron Grasshopper	Mottled Duskywing, Great Lakes Plains population	Striped Whitelip

Discussion Summary

As part of the project, CIER facilitated a half day SARA101 Session on November 4th. This session provided an introductory overview of SARA, and the process of assessing, listing, recovery planning and implementation of species at risk protections. Current regional terrestrial species undergoing listing consultation and recovery planning within the next two years as part of the SARA Consultation, Cooperation and Accommodation Project was also presented. This session was organized to help Indigenous communities and organizations identify the species they would like to be involved in for listing and recovery planning.

- CIER Project and SARA Overview was presented by Victoria Leck, Canadian Wildlife Service (CWS) under Environment Climate Change Canada (ECCC).
- In attendance were 30 participants from 23 different Indigenous organizations and communities
- Results from the polling questions and word cloud can be found below.

Image 1: What organization or territory are you from?



Figure 1: Have you or your community been involved in providing comments on a proposed species listing?

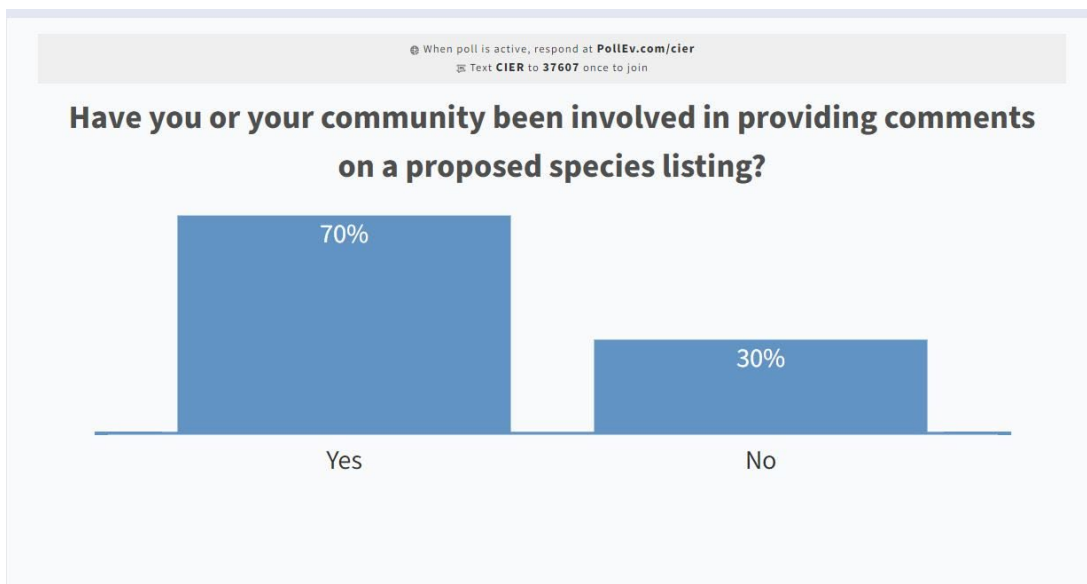


Figure 2: Have you or your community been involved in:

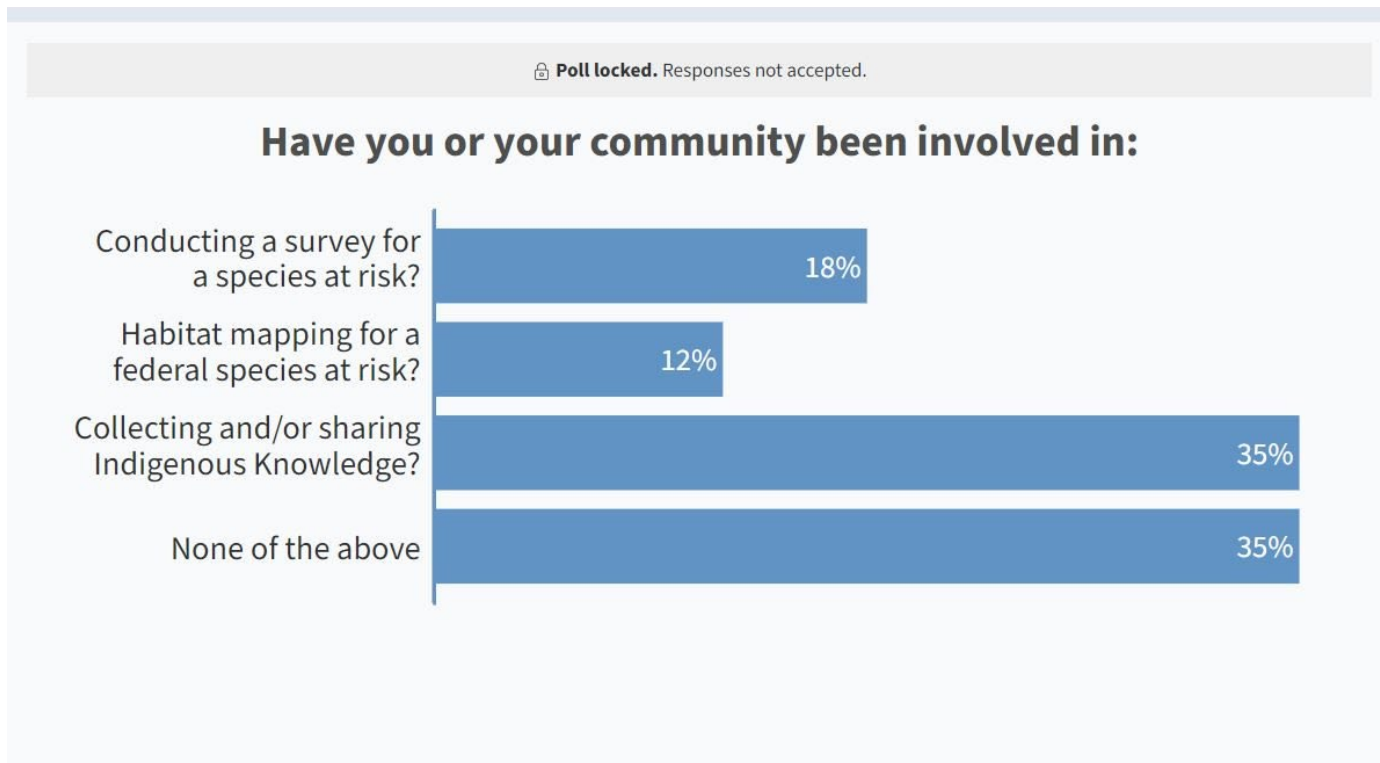
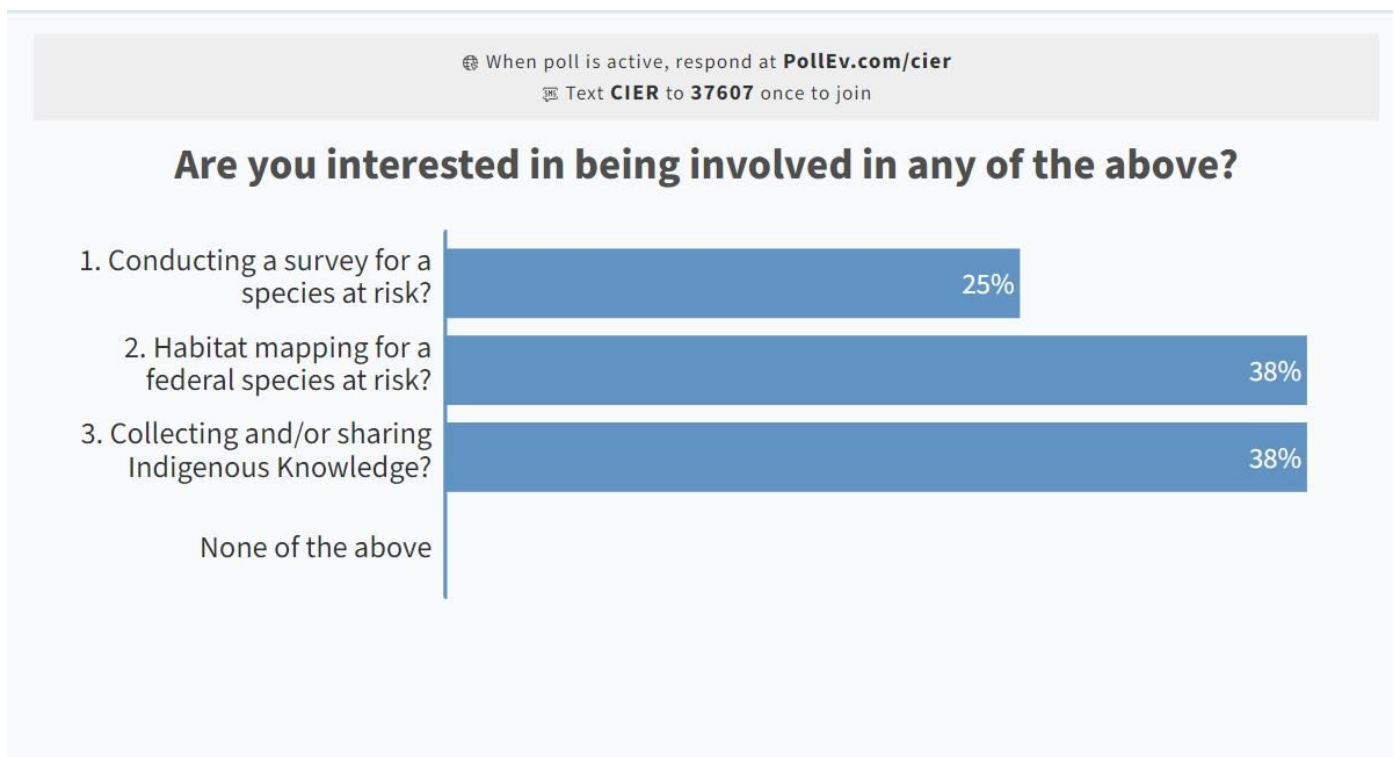


Figure 3: Are you interested in being involved in any of the above?



Clarify the jurisdiction of the federal species at risk act (SARA) versus the provincial act.

It is a shared process. We (ECCC) work closely with the provincial government on species protection to ensure that it is consistent across those lands. SARA is designed to work in cooperation with provincial and territorial jurisdictions in Canada. The general prohibitions under SARA apply on federal lands for terrestrial species and for migratory birds and aquatic species, wherever they occur. When it comes to protection of terrestrial species on reserve lands, reserve lands are considered federal lands, so SARA is the act that applies. If you move off federal lands, that's when the Ontario's Endangered Species Act protection provisions will apply. The Endangered Species Act (ESA) is similar to SARA in terms of the general prohibitions, you still can't harm, harass, kill species, or damage or destroy residence. If the species is listed under the provincial act and the federal act, it is going to receive that protection anywhere it occurs in Ontario.

There are few species for which the protection under the provincial act differs from the federal act and that's where things can get a bit complicated. Ex. Western Chorus Frog. If a species is not listed provincially but it is listed federally then SARA is designed to look at existing protection provisions for species off federal lands to determine whether SARA needs to enact protection orders. We may look at other land use planning that exists off federal lands to see whether there is protection for this species such as other provincial acts like the Ontario Fish and Wildlife act which can provide protection as well.

What happens if development etc. occurs in a SAR critical habitat on federal Reserve lands? If the First Nation is under their own land management act?

ECCC has not enacted any Protection Orders on Indigenous reserve lands under SARA. SARA is a stewardship first approach so there are different ways that we can protect that habitat without going down the regulatory side. We can protect critical habitat with tools like 1) Conservation agreements (s.11) where the minister enters an agreement with any government, organization, or person to benefit a SAR or enhance its survival. This is a negotiated agreement and could take the place of a protection order in terms of protecting critical habitat 2) Administrative agreements (s.10) the minister can enter into an agreement with any government, organization, or a wildlife management board to administer the provisions of SARA. This could include recovery planning implementation administering the protection provisions of the species at risk act including permitting and enforcement.

Why is there such an emphasis on individual SAR? Is it possible to focus on critical habitat/ecosystems to include a variety of SARs at once?

Unfortunately, the way that the SARA was written focuses on specific species and their protection. When species are listed, we prepare recovery strategies/management plans for that species. We do try to address multispecies in many action plans because of shared habitat for a lot of species. We would encourage comments on other species impacted by the targeted species to include in any upcoming action plans and could potentially move to a multispecies approach in the future.

An individual species may also represent a unique ecosite. For example, in Saskatchewan Rough Fescue (*Festuca hallii*) is protected but relatively widespread and common, however, the ecosite that it occurs on (native prairie) is the primary target for the protection.

This is a good point. We may focus on an "indicator species" with the understanding that recovery actions for the indicator species will improve the general habitat that it exists on and others that rely on that same habitat.

Is general pesticide application considered as an impact on insect population?

It depends. In general, using pesticides can potentially harm the species (including insectivorous birds) that relies on impacted insects or that uses a foraging area for insects.

Is there any concern with amendments to Ontario's ESA and the implementation of the new SAR Conservation Fund? How are these species and their habitats protected when harmful proponent activities are streamlined to circumvent the Acts themselves?

We are aware of the changes and have been assessing how they might impact the protection of species off of federal lands. I don't have enough information about how that fund will work and how it will impact the protection under the ESA so I don't at this point have an answer to that question yet.

Is there a place to get a clear description of federal vs provincial legislations?

Overall summary: <https://www.ontario.ca/page/how-species-risk-are-protected>

Species and provisions summary: <https://www.canada.ca/en/environment-climate-change/services/species-risk-education-centre/your-responsibility/your-responsability-guide.html>

When will the American Eel be listed under SARA? It is Endangered under the ESA. Given their distribution covers the federal lands it is difficult to ensure effective conservation efforts.

American Eel is an aquatic species. Fisheries and Ocean's Canada (DFO) has responsibility for this species. This is one of the main issues that does occur between the federal act and the provincial act, which is when species are listed under one and not the other. It is confusing to figure out what is protected, where that occurs, who is responsible and how that works together. These are some of the gaps that we try to work with the province to address.

Are federal lands being given back to Indigenous communities' part of the multi species recovery action plans?

The Priority Place multi species action plan will have a zoom session for November 30th. We don't have any other multi species action plans currently in development.

As far as federal lands being given back to Indigenous communities, we have a new Minister of the Environment and Climate Change and a new minister of CIRNAC who identified this issue as something that they are going to work on. If that is a recommendation that you have for something that should be included in recovery plans, I encourage you to identify that during the consultation process.