



REPORT

To: Chair and Directors

Date: March 10, 2020

From: Tyra Henderson, Corporate Officer

Subject: **SARA Consultation Process**

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board receive the March 10, 2020 report titled "SARA Consultation Process" for information.

BACKGROUND/RATIONALE:

At the Regular Meeting held February 13th, the attached notice from the Government of Canada was received, alerting the Board that the federal government was launching public consultation processes regarding the possible addition of 56 species to the list of wildlife species at risk, under the *Species at Risk Act* (SARA). The Board requested that staff bring back information regarding the Ministry of Environment and Climate Change Canada's consultation process on the proposed amendments to the *Species at Risk Act* (SARA) Schedule 1, List of Wildlife Species at Risk.

There is only one species on the list of potential additions to Schedule 1 of SARA that is found in the Peace River Regional District (PRRD), the Hudsonian Godwit. The Hudsonian Godwit a large shorebird in the sandpiper family. If added to Schedule 1, the Hudsonian Godwit would fall under the 'threatened' category. The Hudsonian Godwit is already protected under the *Migratory Birds Convention Act*, which means that individual birds, their nests and eggs are already protected. If this species is added to Schedule 1, a species recovery strategy must be prepared within two years of it being listed as threatened, under SARA. The recovery strategy will include measures to mitigate threats to the species, and establish population and distribution objectives. The strategy may also include the identification of critical habitat for the Hudsonian Godwit. The federal government is currently in its consultation phase, to hear from the public about possible social or economic effects that may be anticipated should the bird be approved for the threatened list.


According to the birding website known as EBird and the BC Government, the Hudsonian Godwit has been spotted in and around Fort St. John, Goodlow, Cecil Lake, and Dawson Creek during its migration from the Arctic to South America.

The categories under SARA are: extirpated, endangered, threatened, and special concern.

- **Extirpated:** the species no longer occurs in the wild in Canada, but exist somewhere else in the world.
- **Endangered:** includes wildlife species that are likely to soon become extirpated or extinct.
- **Threatened:** includes wildlife species that will likely become endangered if nothing is done to reverse the factors leading to extirpation or extinction. (this is the category proposed for the Hudsonian Godwit)

Staff Initials: 

Dept. Head: *Tyra Henderson*

CAO: 

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- **Special Concern:** includes species that may become threatened or endangered due to a combination of biological characteristics and threats.

The Committee has made a recommendation to the federal Ministry that the Hudsonian Godwit be listed as threatened.

The Ministry has published an official response statement to the recommendation and commenced consultation of governments where the species is known to exist. They have determined that the Hudsonian Godwit will be the subject of an extended consultation process, ending October 7, 2020.

The PRRD received notice of the consultation as the Hudsonian Godwit is a species potentially being added to Schedule 1 of SARA, under the category **threatened**; and it migrates through or has habitat within the PRRD's jurisdiction.

Comments can be sent to ec.registrelep-sararegistry.ec@canada.ca or a survey may be filled out (found here: <https://species-register.canada.ca/index-en.html#/documents/3542>). There will also be an opportunity to provide comments during the 30-day public consultation period associated with pre-publication in the Canadian Gazette. The Board may direct a corporate response, and/or individual members of the Board, or the public, may provide comments regarding potential social and economic impacts of adding the Hudsonian Godwit to the species at risk threatened list, which would then require that the federal Minister develop a recovery strategy for the bird, within two years, to identify what must be done to reverse or stop the decline of the species.

Disclaimer: In most cases, the federal government has stated that it cannot fully examine the potential impacts of recovery actions when species are being considered for listing on Schedule 1. Recovery actions usually have not yet been comprehensively defined at the time of the listing, so the impact to communities cannot be fully understood. This makes it difficult for the PRRD to comment at this time, when the extent of any future recovery plan is not known.

ALTERNATIVE OPTIONS:

1. That the Regional Board identify social and economic impacts of adding the Hudsonian Godwit as a threatened species under SARA, and submit comments to the Minister of Environment and Climate Change identifying anticipated impacts.
2. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None.

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

The Cryptic Paw Lichen is also being considered for addition to the SARA Schedule 1 and will fall under the Threatened category if added. The species is **not found** within northeastern B.C. and thus does not affect the Peace River Regional District. The lichen is located in the interior and northwestern parts of B.C., specifically in the 100 Mile house Timber Supply Area (TSA), Golden, Kamloops, Kootenay Lake, Prince George, Revelstoke, Robson Valley, and Williams Lake TSAs.

Attachments:

1. Jan 22, 2020 Notice re: Consultation Process, Additions to SARA Schedule 1 – Species at Risk

External Links:

[Committee on the Status of Endangered Wildlife in Canada \(COSEWIC\) Assessment and Status Report on the Hudsonian Godwit in Canada](#)
[Ministry of Environment and Climate Change Canada response statement](#)



January 22, 2020

RE: Consultation on amending Schedule 1 of the *Species at Risk Act*

On October 9, 2019, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) submitted 56 assessments of species at risk to the federal Minister of the Environment.

On January 7, 2019, the Government of Canada posted the Ministerial Response Statements for these species on the *Species at Risk Act* (SARA) Public Registry. The Government is now launching consultations on the potential amendment of Schedule 1, the List of Wildlife Species at Risk under SARA. The complete set of statements and the consultation path (normal or extended) for each species are available at: <https://www.canada.ca/en/environment-climate-change/services/species-risk-act-accord-funding/listing-process/minister-environment-response-assessments-2019.html>.

Environment and Climate Change Canada is seeking comments on the proposed amendment of Schedule 1 resulting from assessments of 17 terrestrial species. Ten of the species included in this national consultation are found in British Columbia (BC). These are:

Carey's Small Limestone Moss: New listing as Endangered

- A moss known from three sites on Haida Gwaii

Dalton's Moss: New listing as Endangered

- A moss known from one site on Haida Gwaii

Drooping-leaved Beard-moss: New listing as Endangered

- A moss known from four sites on the west coast of Haida Gwaii

Columbia Quilwort: New listing as Endangered

- A plant found in extreme southern BC near Castlegar

Dwarf Hesperochiron: New listing as Endangered

- A perennial plant found a small area of southeastern BC

Hairy Paintbrush: New listing as Endangered

- An annual plant known from a single site between Salmo and Castlegar, in southern BC

Ute Ladies'-tresses: New listing as Endangered

- An orchid found from two locations in the south Okanagan Valley, BC

Hudsonian Godwit: New listing as Threatened

- A large Arctic-nesting shorebird that breeds in, and migrates through, northern BC

Yellow Scarab Hunter Wasp: New listing as Special Concern

- A large wasp found in the south Okanagan and Similkameen valleys of BC

February 13, 2020

Cryptic Paw Lichen: Reclassification from Special Concern to Threatened

- A lichen found in moist, old growth forests at lower elevations in BC

Fisheries and Oceans Canada will conduct consultations for 17 aquatic species eligible for addition to the list. Where authorized by a land claims agreement to perform functions in respect of an aquatic wildlife species, Environment and Climate Change Canada and Fisheries and Oceans Canada will consult the wildlife management board.

Additional information on the listing and consultation processes for terrestrial species is available in "Consultation on Amending the List of Species under the *Species at Risk Act* -Terrestrial Species". This document also includes a questionnaire that provides you guidance on the types of information and comments Environment and Climate Change Canada is seeking. It is posted on the SARA Public Registry at: <https://species-registry.canada.ca/index-en.html#/documents/3542>.

You are invited to submit comments on the potential impacts of amending the List of Wildlife Species at Risk according to these COSEWIC status assessments. Your comments will be considered and will inform the Minister's recommendation to Cabinet. Please provide comments by **May 7, 2020** for species under a normal consultation process and by **October 7, 2020** for species following an extended consultation process. Four terrestrial species, including the Hudsonian Godwit and the Cryptic Paw Lichen, will follow an extended consultation process. There will also be an opportunity to provide comments during the 30-day public consultation period associated with pre-publication in *Canada Gazette* Part I. More detailed information on individual species is included in the COSEWIC status reports, is available on the SARA Public Registry.

We encourage you to submit your comments to the SARA Public Registry at ec.registrelep-sararegistry.ec@canada.ca, or by answering the online survey included in Part 2 of the Consultation Document. You are also welcome to contact our regional office with any questions:

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Environment and Climate Change Canada
5421 Robertson Rd, RR1
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Respectfully,



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February 13, 2020



CONSULTATION ON AMENDING THE LIST OF SPECIES UNDER THE *SPECIES* *AT RISK ACT*

Terrestrial Species



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ADDITION OF SPECIES TO THE SPECIES AT RISK ACT

THE *SPECIES AT RISK ACT* AND THE LIST OF WILDLIFE SPECIES AT RISK

The Government of Canada is committed to preventing the disappearance of wildlife species at risk from our lands. As part of its strategy for realizing that commitment, on June 5, 2003, the Government of Canada proclaimed the *Species at Risk Act* (SARA). Attached to the Act is Schedule 1, the list of the species provided for under SARA, also called the List of Wildlife Species at Risk.

Extirpated, Endangered and Threatened species on Schedule 1 benefit from the protection afforded by the prohibitions and from recovery planning requirements under SARA. Special Concern species benefit from its management planning requirements.

The policy “Timeline for amendments to Schedule 1 of the Species at Risk Act” has set standardized timelines for listing decisions. These new timelines mean that the Minister will seek to have the final decision made within 24 months. The 24 months begin with the date that the Minister receives a species’ status assessment from COSEWIC. This date is published in the response statement for each species. The Minister’s receives the COSEWIC Annual Report at the same time.

The response statement can be found on the SAR Registry, on the species’ page, in the documents section. The Timeline for amendments to Schedule 1 of the Species at Risk Act policy can be viewed on the SAR Public Registry at: https://wildlife-species.canada.ca/species-risk-registry/document/default_e.cfm?documentID=3203 and the COSEWIC Annual Report can be viewed at:

<https://www.canada.ca/en/environment-climate-change/services/committee-status-endangered-wildlife.html>.

The complete list of species currently on Schedule 1 can be viewed on the SAR Public Registry at: <https://laws-lois.justice.gc.ca/eng/acts/s-15.3/page-17.html#h-435647>.

Species become eligible for addition to Schedule 1 once they have been assessed as being at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). The decision to add a species to Schedule 1 is made by the Governor in Council further to a recommendation from the Minister of Environment and Climate Change. The Governor in Council is the formal executive body that gives legal effect to decisions that then have the force of law.

COSEWIC AND THE ASSESSMENT PROCESS FOR IDENTIFYING SPECIES AT RISK

COSEWIC is recognized under SARA as the authority for assessing the status of wildlife species at risk. COSEWIC comprises experts on wildlife species at risk. Its members have backgrounds in the fields of biology, ecology, genetics, Indigenous traditional knowledge and other relevant fields. They come from various communities, including academia, Indigenous organizations, governments and non-governmental organizations.

COSEWIC gives priority to those species more likely to become extinct, and then commissions a status report for the evaluation of the species’ status. To be accepted, status reports must be peer-reviewed and approved by a subcommittee

of species specialists. In special circumstances, assessments can be done on an emergency basis. When the status report is complete, COSEWIC meets to examine it and discuss the species. COSEWIC then determines whether the species is at risk, and, if so, it then assesses the level of risk and assigns a conservation status.

TERMS USED TO DEFINE THE DEGREE OF RISK TO A SPECIES

The conservation status defines the degree of risk to a species. The terms used under SARA are Extirpated, Endangered, Threatened and Special Concern. Extirpated species are wildlife species that no longer occur in the wild in Canada but still exist elsewhere. Endangered species are wildlife species that are likely to soon become Extirpated or Extinct. Threatened species are likely to become Endangered if nothing is done to reverse the factors leading to their extirpation or extinction. The term Special Concern is used for wildlife species that may become Threatened or Endangered due to a combination of biological characteristics and threats. Once COSEWIC has assessed a species as Extirpated, Endangered, Threatened or Special Concern, it is eligible for inclusion on Schedule 1.

For more information on COSEWIC, visit the COSEWIC website at: www.canada.ca/en/environment-climate-change/services/committee-status-endangered-wildlife.html.

TERRESTRIAL AND AQUATIC SPECIES ELIGIBLE FOR SCHEDULE 1 AMENDMENTS

The Minister of Fisheries and Oceans conducts separate consultations for the aquatic species. For more information on the consultations for aquatic species, visit the Fisheries and Oceans Canada website at www.dfo-mpo.gc.ca.

The Minister of Environment and Climate Change is conducting the consultations for all other species at risk.

Species at risk also occur in national parks or other lands administered by Parks Canada;

Parks Canada shares responsibility for these species with Environment and Climate Change Canada.

THE MINISTER OF ENVIRONMENT AND CLIMATE CHANGE'S RESPONSE TO THE COSEWIC ASSESSMENT: THE RESPONSE STATEMENT

After COSEWIC has completed its assessment of a species, it provides it to the Minister of Environment and Climate Change. The Minister of Environment and Climate Change then has 90 days to post a response on the Species at Risk Public Registry, known as the response statement. The response statement provides information on the scope of any consultations and the timelines for action, to the extent possible. It identifies how long the consultations will be (whether they are “normal” or “extended”) by stating when the Minister will forward the assessment to the Governor in Council. Consultations for a group of species are launched with the posting of their response statements.

COMMENTS SOLICITED ON THE PROPOSED AMENDMENT OF SCHEDULE 1

The conservation of wildlife is a joint legal responsibility: one that is shared among the governments of Canada. But biodiversity will not be conserved by governments that act alone. The best way to secure the survival of species at risk and their habitats is through the active participation of all those concerned. SARA recognizes this, and that all Indigenous peoples and Canadians have a role to play in preventing the disappearance of wildlife species from our lands. The Government of Canada is inviting and encouraging you to become involved. One way that you can do so is by sharing your comments concerning the addition or reclassification of these terrestrial species.

Your comments are considered in relation to the potential consequences of whether or not a species is included on Schedule 1, and they are then used to inform the drafting of the Minister's proposed listing recommendations for each of these species.

THE SPECIES AT RISK ACT LISTING PROCESS AND CONSULTATION

The addition of a wildlife species at risk to Schedule 1 of SARA facilitates providing for its protection and conservation. To be effective, the listing process must be transparent and open. The species listing process under SARA is summarized in Figure 1.

THE PURPOSE OF CONSULTATIONS ON AMENDMENTS TO THE LIST

When COSEWIC assesses a wildlife species, it does so solely on the basis of the best available information relevant to the biological status of the species. COSEWIC then submits the assessment to the Minister of Environment and Climate Change, who considers it when making the listing recommendation to the Governor in Council.

The purpose of these consultations is to provide the Minister with a better understanding of the potential social and economic impacts of the proposed change to the List of Wildlife Species at Risk, and of the potential consequences of not adding a species to the List.

LEGISLATIVE CONTEXT OF THE CONSULTATIONS: THE MINISTER'S RECOMMENDATION TO THE GOVERNOR IN COUNCIL

The comments collected during the consultations inform the Governor in Council's consideration of the Minister's recommendations for listing species at risk. The Minister must recommend one of three courses of action. These are for the Governor in Council to accept the species assessment and modify Schedule 1 accordingly, not to add the species to Schedule 1, or to refer the species assessment back to COSEWIC for its further consideration (Figure 1).

NORMAL AND EXTENDED CONSULTATION PERIODS

Normal consultations meet the consultation needs for the listing of most species at risk. The consultations last between four and nine months (known respectively as normal and extended consultation paths). Longer consultations may be needed to ensure appropriate consultations. The reasons more time may be needed include, but are not limited to, ensuring appropriate engagement with Indigenous Peoples and complex socioeconomic analyses. Consultations are also required with wildlife management boards, which are authorized under land claims agreements for functions involving a wildlife species.

The extent of consultations needs to be proportional to the expected impact of a listing decision and the time that may be needed to consult. Under some circumstances, whether or not a species will be included on Schedule 1 could have significant and widespread impacts on the activities of some groups of people. It is essential that such stakeholders have the opportunity to inform the pending decision and, to the extent possible, to provide input on its potential consequences and to share ideas on how best to approach threats to the species. A longer period may also be required to consult appropriately with some groups. For example, consultations can take longer for groups that meet infrequently but that must be engaged on several occasions. For such reasons, extended consultations may be undertaken.

Occasionally, for reasons such as these, the timelines initially set out in the response statement may not be adequate. In such cases, if Governor in

Council does not receive the assessment at the time specified in the response statement, within one month another statement is to be published on the Registry describing. It will describe the reason(s) for the delay and set out next steps.

For both normal and extended consultations, once they are complete, the Minister of Environment and Climate Change forwards the species assessments to the Governor in Council for the government's formal receipt of the assessment. The Governor in Council then has nine months to come to a listing decision.

The consultation paths (normal or extended) for the terrestrial species eligible for an Amendment to Schedule 1" are announced when the Minister publishes the response statements.

No consultations are undertaken for species already on Schedule 1 and for which no change in status is being proposed.

FIGURE 1: THE SPECIES LISTING PROCESS UNDER SARA

1	The Minister of Environment and Climate Change receives species assessments from COSEWIC at least once per year.
2	The competent departments undertake internal review to determine the extent of public consultation and socio-economic analysis necessary to inform the listing decision.
3	Within 90 days of receipt of the species assessments prepared by COSEWIC, the Minister of Environment and Climate Change publishes a response statement on the SARA Public Registry that indicates how he or she intends to respond to the assessment and, to the extent possible, provides timelines for action.
4	Where appropriate, the competent departments undertake consultations and any other relevant analysis needed to prepare the advice for the Minister of Environment and Climate Change.
5	The Minister of Environment and Climate Change forwards the assessment to the Governor in Council for receipt. This generally occurs within twelve months of posting the response statement, unless further consultation is necessary.
6	Within nine months of receiving the assessment, the Governor in Council, on the recommendation of the Minister of Environment and Climate Change may decide whether or not to list the species under Schedule 1 of SARA or refer the assessment back to COSEWIC for further information or consideration.
7	Once a species is added to Schedule 1, it benefits from the applicable provisions of SARA.

WHO IS CONSULTED, AND HOW

It is most important to consult with those who would be most affected by the proposed changes.

There is protection that is immediately in place when a species that is Extirpated, Endangered or Threatened is added to Schedule 1 (for more details, see below, “Protection for listed Extirpated, Endangered and Threatened species”). This immediate protection does not apply to species of Special Concern. The nature of the protection depends on the type of species, its conservation status, and where the species is found. Environment and Climate Change Canada takes this into account during the consultations; those who may be affected by the impacts of the automatic protections are contacted directly, others are encouraged to contribute through a variety of approaches.

Indigenous peoples known to have species at risk on their lands, for which changes to Schedule 1 are being considered, will be contacted. Their engagement is of particular significance, acknowledging their role in the management of the extensive traditional territories and the reserve and settlement lands.

A Wildlife Management Board is a group that has been established under a land claims agreement and is authorized by the agreement to perform functions in respect of wildlife species. Some eligible species at risk are found on lands where existing land claims agreements apply that give specific authority to a Wildlife Management Board. In such cases, the Minister of Environment and Climate Change will consult with the relevant board.

To encourage others to contribute and make the necessary information readily available, this document is distributed to known stakeholders and posted on the Species at Risk Public Registry. More extensive consultations may also be done through regional or community meetings or through a more targeted approach.

Environment and Climate Change Canada also sends notice of the consultations to identified

concerned groups and individuals who have made their interests known. These include, but are not limited to, industries, resource users, landowners and environmental non-governmental organizations.

In most cases, it is difficult for Environment and Climate Change Canada to fully examine the potential impacts of recovery actions when species are being considered for listing. Recovery actions for terrestrial species usually have not yet been comprehensively defined at the time of listing, so their impact cannot be fully understood. Once they are better understood, efforts are made to minimize adverse social and economic impacts of listing and to maximize the benefits. SARA requires that recovery measures be prepared in consultation with those considered to be directly affected by them.

In addition to the public, Environment and Climate Change Canada consults on listing with the governments of the provinces and territories with lead responsibility for the conservation and management of these wildlife species. Environment and Climate Change Canada also consults with other federal departments and agencies.

ROLE AND IMPACT OF PUBLIC CONSULTATIONS IN THE LISTING PROCESS

The results of the public consultations are of great significance to informing the process of listing species at risk. Environment and Climate Change Canada carefully reviews the comments it receives to gain a better understanding of the benefits and costs of changing the List.

The comments are then used to inform the Regulatory Impact Analysis Statement (RIAS). The RIAS is a report that summarizes the impact of a proposed regulatory change. It includes a description of the proposed change and an analysis of its expected impact, which takes into account the results of the public consultations. In developing the RIAS, the Government of Canada recognizes that Canada’s natural heritage is an integral part of our national identity and history and that wildlife in all its forms has value in and of itself.

The Government of Canada also recognizes that the absence of full scientific certainty is not a reason to postpone decisions to protect the environment.

A draft Order is then prepared, providing notice that a decision is being taken by the Governor in Council. The draft Order proposing to list all or some of the species under consideration is then published, along with the RIAS, in the *Canada Gazette*, Part I, for a comment period of 30 days.

The Minister of Environment and Climate Change will take into consideration comments and any additional information received following

publication of the draft Order and the RIAS in the *Canada Gazette*, Part I. The Minister then makes a final listing recommendation for each species to the Governor in Council. The Governor in Council next decides either to accept the species assessment and amend Schedule 1 accordingly; or not to add the species to Schedule 1; or to refer the species assessment back to COSEWIC for further information or consideration. The final decision is published in the *Canada Gazette*, Part II, and on the Species at Risk Public Registry. If the Governor in Council decides to list a species, it is at this point that it becomes legally included on Schedule 1.

SIGNIFICANCE OF THE ADDITION OF A SPECIES TO SCHEDULE 1

The protection that comes into effect following the addition of a species to Schedule 1 depends upon a number of factors. These include the species' status under SARA, the type of species and where it occurs.

PROTECTION FOR LISTED EXTIRPATED, ENDANGERED AND THREATENED SPECIES

Responsibility for the conservation of wildlife is shared among the governments of Canada. SARA establishes legal protection for individuals as soon as a species is listed as Threatened, Endangered or Extirpated, and, in the case of Threatened and Endangered species, for their residences. This applies to species considered federal species or if they are found on federal land.

Federal species include migratory birds, as defined by the *Migratory Birds Convention Act, 1994*, and aquatic species covered by the *Fisheries Act*. Federal land means land that belongs to the federal government, and the internal waters and territorial sea of Canada. It also means land set apart for the use and benefit of a band under the *Indian Act* (such as reserves). In the territories, the protection for species at risk on federal lands

applies only where they are on lands under the authority of the Minister of Environment and Climate Change or the Parks Canada Agency.

Migratory birds are protected by the *Migratory Birds Regulations*, under the *Migratory Birds Convention Act, 1994*, which strictly prohibits the harming of migratory birds and the disturbance or destruction of their nests and eggs. For more information, please refer to the Regulations for the complete list of prohibitions: https://laws-lois.justice.gc.ca/eng/regulations/C.R.C.%2C_c._1035/index.html.

SARA's protection for individuals makes it an offence to kill, harm, harass, capture or take an individual of a species listed as Extirpated, Endangered or Threatened. It is also an offence to damage or destroy the residence of one or more individuals of an Endangered or Threatened species or an Extirpated species whose

reintroduction has been recommended by a recovery strategy. The Act also makes it an offence to possess, collect, buy, sell or trade an individual of a species that is Extirpated, Endangered or Threatened.

Species at risk that are neither aquatic nor protected under the *Migratory Birds Convention Act, 1994*, nor on federal lands, do not receive immediate protection upon listing under SARA. Instead, in most cases, the protection of terrestrial species on non-federal lands is the responsibility of the provinces and territories where they are found. The application of protections under SARA to a species at risk on non-federal lands requires that the Governor in Council make an order defining those lands. This can only occur when the Minister is of the opinion that the laws of the province or territory do not effectively protect the species. To put such an order in place, the Minister would then need to recommend the order be made to the Governor in Council. If the Governor in Council agrees to make the order, the prohibitions of SARA would then apply to the provincial or territorial lands specified by the order. The federal government would consult before making such an order.

RECOVERY STRATEGIES AND ACTION PLANS FOR EXTIRPATED, ENDANGERED AND THREATENED SPECIES

Recovery planning results in the development of recovery strategies and action plans for Extirpated, Endangered or Threatened species. It involves the different levels of government responsible for the management of the species, depending on what type of species it is and where it occurs. These include federal, provincial and territorial governments as well as Wildlife Management Boards. Recovery strategies and action plans are also prepared in cooperation with directly affected Indigenous organizations. Landowners and other stakeholders directly affected by the recovery strategy are consulted to the extent possible.

Recovery strategies must be prepared for all Extirpated, Endangered and Threatened species. They include measures to mitigate the known threats to the species and its habitat and set the population and distribution objectives. Other objectives can be included, such as stewardship, to conserve the species, or education, to increase public awareness. Recovery strategies must include a statement of the time frame for the development of one or more action plans that will state the measures necessary to implement the recovery strategy. To the extent possible, recovery strategies must also identify the critical habitat of the species, which is the habitat necessary for the survival or recovery of the species. If there is not enough information available to identify critical habitat, the recovery strategy includes a schedule of studies required for its identification. This schedule outlines what must be done to obtain the necessary information and by when it needs to be done. In such cases, critical habitat can be identified in a subsequent action plan.

Proposed recovery strategies for newly listed species are posted on the Species at Risk Public Registry to provide for public review and comment. For Endangered species, proposed recovery strategies are posted within one year of their addition to Schedule 1, and for Threatened or Extirpated species, within two years.

Once a recovery strategy has been posted as final, one or more action plans based on the recovery strategy must then be prepared. These include measures to address threats and achieve the population and distribution objectives. Action plans also complete the identification of the critical habitat where necessary and, to the extent possible, state measures that are proposed to protect it.

PERMITS AND AGREEMENTS

For terrestrial species listed on SARA Schedule 1 as Extirpated, Endangered or Threatened, the Minister of Environment and Climate Change may authorize exceptions to the Act's prohibitions,

when and where they apply. The Minister can enter into agreements or issue permits only for one of three purposes: for research, for conservation activities, or if the effects to the species are incidental to the activity. Research must relate to the conservation of a species and be conducted by qualified scientists. Conservation activities must benefit a listed species or be required to enhance its chances of survival. All activities, including those that incidentally affect a listed species, its individuals, residences or critical habitat must also meet certain conditions. First, it must be established that all reasonable alternatives to the activity have been considered and the best solution has been adopted. Second, it must also be established that all feasible measures will be taken to minimize the impact of the activity on the listed species. Finally, it must be established that the activity will not jeopardize the survival or recovery of the species. Having issued a permit or agreement, the Minister must then include an explanation on the Species at Risk Public Registry of why the permit or agreement was issued.

PROTECTION FOR LISTED SPECIES OF SPECIAL CONCERN

While immediate protection under SARA for species listed as Extirpated, Endangered and Threatened does not apply to species listed as Special Concern, any existing protections and prohibitions, such as those provided by the *Migratory Birds Convention Act, 1994* or the *Canada National Parks Act*, continue to be in force.

MANAGEMENT PLANS FOR SPECIES OF SPECIAL CONCERN

For species of Special Concern, management plans are to be prepared and made available on the Species at Risk Public Registry within three years of a species' addition to Schedule 1, allowing for public review and comment. Management plans include appropriate conservation measures for the species and for its habitat. They are prepared in cooperation with the jurisdictions responsible for the management of the species, including directly affected Wildlife Management Boards and Indigenous organizations. Landowners, lessees and others directly affected by a management plan will also be consulted to the extent possible.

PROVIDING COMMENTS

The involvement of Canadians is integral to the listing process, as it is to the ultimate protection of Canadian wildlife. Your comments matter and are given serious consideration. ECCC will review all the comments that it receives by the deadlines provided in consultation materials.

For any information on the *Species at Risk Act*, please visit the Species at Risk Public Registry at: www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html.

GLOSSARY

Aquatic species: A wildlife species that is a fish as defined in section 2 of the Fisheries Act or a marine plant as defined in section 47 of the Act. The term includes marine mammals.

Canada Gazette: The *Canada Gazette* is one of the vehicles that Canadians can use to access laws and regulations. It has been the “official newspaper” of the Government of Canada since 1841. Government departments and agencies as well as the private sector are required by law to publish certain information in the *Canada Gazette*. Notices and proposed regulations are published in the *Canada Gazette*, Part I, and official regulations are published in the *Canada Gazette*, Part II. For more information, please visit <http://gazetteducanada.gc.ca>.

Canadian Endangered Species Conservation Council: The Council is made up of federal, provincial and territorial ministers with responsibilities for wildlife species. The Council’s mandate is to provide national leadership and coordination for the protection of species at risk.

COSEWIC: The Committee on the Status of Endangered Wildlife in Canada. The Committee comprises experts on wildlife species at risk. Their backgrounds are in the fields of biology, ecology, genetics, Indigenous traditional knowledge and other relevant fields. These experts come from various communities, including, among others, government and academia.

COSEWIC assessment: COSEWIC’s assessment or re-assessment of the status of a wildlife species, based on a status report on the species that COSEWIC either has had prepared or has received with an application.

Down-listing: A revision of the status of a species on Schedule 1 to a status of lower risk. A revision of the status of a Schedule 1 species to a higher risk status would be up-listing.

Federal land: Any land owned by the federal government, the internal waters and territorial sea of Canada, and reserves and other land set apart for the use and benefit of a band under the *Indian Act*.

Governor in Council: The Governor General of Canada acting on the advice of the Queen’s Privy Council for Canada, the formal executive body that gives legal effect to those decisions of Cabinet that are to have the force of law.

Individual: An individual of a wildlife species, whether living or dead, at any developmental stage, and includes larvae, embryos, eggs, sperm, seeds, pollen, spores and asexual propagules.

Order: An order issued by the Governor in Council, either on the basis of authority delegated by legislation or by virtue of the prerogative powers of the Crown.

Response statement: A document in which the Minister of Environment and Climate Change indicates how he or she intends to respond to the COSEWIC assessment of a wildlife species. A response statement is posted on the Species at Risk Public Registry within 90 days of receipt of the assessment by the Minister, and provides timelines for action to the extent possible.

RIAS: Regulatory Impact Analysis Statement. A document that provides an analysis of the expected impact of a regulatory initiative and which accompanies an Order in Council.

Species at Risk Public Registry: Developed as an online service, the Species at Risk Public Registry has been accessible to the public since proclamation of the *Species at Risk Act* (SARA). The website gives users easy access to documents and information related to SARA at any time and location with Internet access. It can be found at www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html.

Schedule 1: A schedule of SARA, also known as the List of Wildlife Species at Risk, which presents the list of species protected under SARA.

Up-listing: A revision of the status of a species on Schedule 1 to a status of higher risk. A revision of the status of a Schedule 1 species to a lower risk status would be down-listing.

Wildlife Management Board: Established under the land claims agreements in northern Quebec, Newfoundland and Labrador, Yukon,

Northwest Territories, British Columbia, and Nunavut, Wildlife Management Boards are the “main instruments of wildlife management” within their settlement areas. In this role, Wildlife Management Boards not only establish, modify and remove levels of total allowable harvest of a variety of wildlife species, but also participate in research activities, including annual harvest studies, and approve the designation of species at risk in their settlement areas.

Wildlife Species: Under SARA, a species, subspecies, variety, or geographically or genetically distinct population of animal, plant or other organism, other than a bacterium or virus. To be eligible for inclusion under SARA, a wildlife species must be wild by nature and native to Canada. Non-native species that have been here for 50 years or more can be considered eligible if they came without human intervention.



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

CA-3
Canada

The List of Species Eligible for an Amendment to Schedule 1

February 13, 2020



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THE LIST OF SPECIES ELIGIBLE FOR AN AMENDMENT TO SCHEDULE 1

Status of the recently assessed species and consultation paths

On **October 9, 2019**, COSEWIC submitted 31 assessments of species at risk to the Minister of Environment and Climate Change for species that are eligible to be added to Schedule 1 of SARA. Thirteen of these are terrestrial species, and 17 are aquatic species. COSEWIC also reviewed the classification of species already on Schedule 1, in some cases changing their status. Two terrestrial species are now being considered for down-listing on SARA (to a lower risk status) and one terrestrial species is now being considered for a higher risk status on SARA. In all, 17 terrestrial species that are eligible to be added to Schedule 1, or to have their current status on Schedule 1 changed are included in this consultation (Table 1).

COSEWIC also submitted the reviews of species already on Schedule 1, confirming their classification. Ten of these reviews were for terrestrial species. These species are not included in the consultations because there is no regulatory change being proposed (Table 2).

For more information on the consultations for aquatic species, visit the Fisheries and Oceans Canada website at www.dfo-mpo.gc.ca.

Questions to guide your comments

The following questions are intended to assist you in providing comments on the proposed amendments to the List of Wildlife Species at Risk (refer to the document entitled "The List of Species Eligible for an Amendment to Schedule 1" for the list of species under consultation). They are not limiting, and any other comments you may have are welcome. We also encourage you to share descriptions and estimates of costs or benefits to you or your organization where possible, as well as to propose actions that could be taken for the conservation of these species.

Respondent information

- 1) Are you responding as
 - a) an individual, or
 - b) representing a community, business or organization (please specify)?

Species benefits to people or to the ecosystem

- 2) Do any or all of the species provide benefits to you or Canada's ecosystems? If so, please describe these benefits. If possible, please provide a monetary or quantitative estimate of their values to you.

For example:

- Do any or all of the species provide benefits by supporting your livelihood, for example, through harvesting, subsistence or medicine? If yes, can you estimate the extent of these benefits, for example, how often the harvest takes place, the quantity harvested, and the uses of the harvested species (e.g., medicine, food, clothes, etc.)?
- Do any or all of the species provide cultural or spiritual benefits, for example, recreation, sense of place or tradition? If yes, how?
- Do any or all of the species provide environmental benefits, for example, pollination, pest control or flood control? If yes, how?



Impacts of species listing on your activities and the ecosystem

- 3) Based on what you know about SARA and the information presented in this document, do you think that amending the List of Wildlife Species at Risk with the proposed listing (Table 1) would have:
- a) no impact on your activities or the species;
 - b) a positive impact on your activities or the species; or
 - c) a negative impact on your activities or the species.

Please explain your choice above, specifically:

- 4) Do you think that listing the species would result in cultural, social, or economic costs or benefits to you, your community or your organization?
- 5) Do you think that listing the species would result in any costs or benefits to the environment or Canada's ecosystems?
- 6) Based on the maps provided in the species summary document, do any of your current or planned activities overlap with any of the species ranges or occurrences?
- 7) Are you aware of any current or planned activities (e.g., land conversion for natural resource, industrial, commercial, or residential development) that may have the potential to kill, harm, or harass the species and/or destroy any part of its habitat?
- If yes, what are these activities, how could they have the potential to affect the species, and/or destroy any part of its habitat?
 - If yes, could you please explain what is being done, planned to be done, or could be done to avoid killing, harming, or harassing the species, or destroying its habitat? Would you also please describe what implications and/or costs may be involved (qualitative or quantitative). Would you personally have to adjust or cease any activities?

Additional information for small businesses

If you are responding for a **small business**, please provide the following details to help Environment and Climate Change Canada gather information to contribute to the required Small Business Lens analysis that forms part of the Regulatory Impact Analysis Statement that will accompany any future listing recommendation.

1. Are you an enterprise that operates in Canada?
2. Do you engage in commercial activities related to the supply of services or property (which includes goods)?
3. Are you an organization that engages in activities for a public purpose (e.g., social welfare or civic improvement), such as a provincial or municipal government, school, college/university, hospital or charity?
4. Is your enterprise owned by a First Nations community?
5. How many employees do you have?
 - a) 0–99
 - b) 100 or more
6. What was your annual gross revenue in the last year?
 - a) Less than \$30,000
 - b) Between \$30,000 and \$5 million
 - c) More than \$5 million



Providing comments

The involvement of Canadians is integral to the listing process, as it is to the ultimate protection of Canadian wildlife. Your comments matter and are given serious consideration. Environment and Climate Change Canada will review all the comments that it receives by the deadlines provided below.

Comments for terrestrial species undergoing normal consultations must be received by **May 7, 2020**.

Comments for terrestrial species undergoing extended consultations must be received by **October 7, 2020**.

Most species will be undergoing normal consultations. For a description of the consultation paths these species will undergo, please visit the Species at Risk (SAR) Public Registry website at:
<https://www.canada.ca/en/environment-climate-change/services/species-risk-act-accord-funding/listing-process/minister-environment-response-assessments-2019.html>

For more details on submitting comments, see the section "Comments solicited on the proposed amendment of Schedule 1" in the document entitled "Consultation on Amending the List of Species under the *Species at Risk Act*: Terrestrial Species".

Please email your comments to the Species at Risk Public Registry at:
ec.registrelep-sararegistry.ec@canada.ca

Comments may also be mailed to:

Director General, Wildlife Management
Canadian Wildlife Service
Environment and Climate Change Canada
Gatineau QC K1A 0H3

Or you can give your comments by answering the online questionnaire at:
<https://form.simplesondage.com/f/I/SARA2020>

For more information on the *Species at Risk Act*, please visit the Species at Risk Public Registry at:
<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>



Table 1: Terrestrial species recently assessed by COSEWIC eligible for addition to Schedule 1 or reclassification

Taxon	Species	Scientific Name	Range
Species eligible for addition to Schedule 1 (14)			
Endangered (8)			
Mosses	Carey's Small Limestone Moss	<i>Seligeria careyana</i>	BC
Mosses	Dalton's Moss	<i>Daltonia splachnoides</i>	BC
Mosses	Drooping-leaved Beard-moss	<i>Oxystegus recurvifolius</i>	BC
Vascular Plants	Columbia Quillwort	<i>Isoetes minima</i>	BC
Vascular Plants	Dwarf Hesperochiron	<i>Hesperochiron pumilus</i>	BC
Vascular Plants	Hairy Valerian	<i>Valeriana edulis ssp. ciliata</i>	ON
Vascular Plants	Hairy Paintbrush	<i>Castilleja tenuis</i>	BC
Vascular Plants	Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	BC
Threatened (3)			
Birds	Hudsonian Godwit	<i>Limosa haemastica</i>	YT NT NU BC AB SK MB ON QC NB PE NS NL
Lichens	White-rimmed Shingle Lichen	<i>Fuscopannaria leucosticta</i>	ON QC NB NS
Vascular Plants	Black Ash	<i>Fraxinus nigra</i>	MB ON QC NB PE NS NL
Special Concern (3)			
Arthropods	American Bumble Bee	<i>Bombus pensylvanicus</i>	ON QC
Arthropods	Yellow Scarab Hunter Wasp	<i>Dielis pilipes</i>	BC
Vascular Plants	Yukon Draba	<i>Draba yukonensis</i>	YT
Reclassifications: Up-list (1)			
From Special Concern to Threatened (1)			
Lichens	Cryptic Paw Lichen	<i>Nephroma occultum</i>	BC
Reclassifications: Down-list or Delist (2)			
From Endangered to Special Concern (1)			
Reptiles	Greater Short-horned Lizard	<i>Phrynosoma hernandesi</i>	AB SK
From Threatened to Special Concern (1)			
Vascular Plants	Goldenseal	<i>Hydrastis canadensis</i>	ON



**Table 2: Terrestrial species recently reassessed by COSEWIC (no consultations-
species status confirmation)**

Taxon	Species	Scientific Name	Range
Status Confirmations (10)			
Extirpated (3)			
Arthropods	Frosted Elfin	<i>Callophrys irus</i>	ON
Arthropods	Karner Blue	<i>Plebejus samuelis</i> ¹	ON
Reptiles	Pygmy Short-horned Lizard	<i>Phrynosoma douglasii</i>	BC
Endangered (3)			
Arthropods	Rapids Clubtail	<i>Phanogomphus quadricolor</i>	ON
Mammals	Vancouver Island Marmot	<i>Marmota vancouverensis</i>	BC
Vascular Plants	Brook Spike-primrose	<i>Epilobium torreyi</i>	BC
Threatened (1)			
Reptiles	Wood Turtle	<i>Glyptemys insculpta</i>	ON QC NB NS
Special Concern (3)			
Arthropods	Pale Yellow Dune Moth	<i>Copablepharon grandis</i>	AB SK MB
Arthropods	Pygmy Snaketail	<i>Ophiogomphus howei</i>	ON NB
Mammals	Polar Bear	<i>Ursus maritimus</i>	YT NT NU MB ON QC NL Arctic_Ocean

¹ Scientific name change, currently listed on SARA Annex 1 as *Plebejus samuelis*.



THE COSEWIC SUMMARIES OF TERRESTRIAL SPECIES ELIGIBLE FOR ADDITION OR RECLASSIFICATION ON SCHEDULE 1

For a brief summary of the reasons for the COSEWIC status designation of individual species, and their biology, threats, distribution and other information, please consult the COSEWIC Summaries of Terrestrial Species Eligible for Addition or Reclassification on Schedule 1 – January 2020 at:

<https://species-registry.canada.ca/index-en.html#/documents/3542>

For a more comprehensive explanation of the conservation status of an individual species, please refer to the COSEWIC status report for that species, also available on the SAR Public Registry at:

https://wildlife-species.canada.ca/species-risk-registry/sar/assessment/status_e.cfm

or contact:

COSEWIC Secretariat
c/o Canadian Wildlife Service
Environment and Climate Change Canada
Gatineau QC K1A 0H3