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# Engaging the Conservation Community in Legislated Recovery under SARA

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**Abstract:** Implementation of the *Species at Risk Act* (SARA) will be a huge undertaking, requiring the involvement of a broad range of Canadians, including the conservation community. How are Canadian conservation groups responding to SARA? What is needed to engage this community in SARA's recovery process? The basic taxonomy of *Conservator canadensis* (the Canadian conservationist) is reviewed along with the 'nuts and bolts' of the recovery process under SARA. The only way to engage *Conservator canadensis* in recovery under SARA over the long term is to ensure that the process is meaningful and scientifically credible, and involves all key stakeholders. The six core elements to achieving such a process are (1) involvement of credible, independent recovery teams, (2) consideration of science first, then socio-economic factors second as per SARA requirements, (3) establishment of a credible, scientific definition of critical habitat, (4) adoption of multi-species/ecosystem-based recovery strategies only where appropriate, not as a default option due to lack of funds or species knowledge, (5) confirmation that existing plans comply with SARA requirements before they are adopted, and (6) establishment of meaningful consultation with conservation groups throughout the process.

**Key Words:** SARA, *Species at Risk Act*, conservation groups, species recovery, Canada

## Introduction

In this paper, I review the behavioral patterns of one of Canada's most charismatic megafauna, the Canadian conservationist (*Conservator canadensis*), in relation to implementation of the *Species at Risk Act* (SARA), especially as it pertains to the recovery process.

## Context

Passage of SARA was a major milestone in Canadian environmental law and for the Canadian conservation community. The campaign for Canadian endangered species legislation took over seven years and involved conservation groups across the country. I have personally been involved in the development of Canadian endangered species legislation since 1996. I worked first with West Coast Environmental Law and then the Sierra Legal Defence Fund, and have reviewed each version of the legislation.

Implementation of SARA will be a huge undertaking that will require significant resources and the involvement of a broad range of Canadians, including the conservation community. The issue that I have been asked to address is how to engage the Canadian conservation community in implementation of SARA, especially as it pertains to the recovery process.

### **Basic Taxonomy—*Conservator canadensis***

If we are going to understand how to engage *Conservator canadensis* in SARA recovery, we must first undertake a quick taxonomic review of the species:

- **Population status**—reasonably healthy and well established across Canada; very distinct biological and geographical differences between populations; obvious major differences between subspecies, especially in terms of behavior and plumage
- **Critical habitat**—despite a clear preference for large tracts of undisturbed wilderness, in reality, a very urban species, especially the larger groups; smaller populations most common in rural areas, and have extensive local knowledge of habitat and species
- **Feeding preferences**—currently experiencing major food (i.e., financial) shortage (especially from U.S. sources), with significant feeding pressures; some species attrition as a result
- **Behavior**—a critical element to understand when considering how to engage the species in SARA implementation. Key defining behaviors relevant to SARA are
  - strong, moral commitment to conservation
  - some inherent cynicism towards government and industry on conservation initiatives
  - some serious burn-out on SARA and issues related to SARA
  - lack of significant resource allocation towards SARA implementation and oversight at present
  - either general ignorance as to what SARA actually does, *or* for those more familiar with the Act, cynicism that SARA will make a real difference because it is primarily confined to federal lands, federal waters, and federal species

### **Key Lessons from the Taxonomic Review**

- The Canadian conservation community needs to be actively re-engaged on SARA and SARA implementation, especially with regards to the recovery process.
- Different engagement strategies will be required for different populations, and both large urban and small rural groups will need to be cultivated.
- Resources (both financial and staff) are now extremely limited in the Canadian conservation community.
- Currently, most conservation groups are not allocating any significant funds for involvement in SARA implementation.

## The ‘Nuts and Bolts’ of Recovery under SARA

Now that we have reviewed the species *Conservator canadensis*, let us quickly review the species at risk recovery process itself. Recovery of species at risk is a central component of SARA, a stated purpose of the Act, and the means by which critical habitat is identified and legally defined. The mandatory recovery process under SARA has the potential for significant long-term benefits for species conservation in Canada, and is a major improvement over the previous discretionary process under the Recovery of Nationally Endangered Wildlife in Canada (RENEW).

Recovery strategies must be completed for all endangered, threatened, and extirpated species listed under the Act *provided* the competent minister<sup>1</sup> determines that recovery is technically and biologically feasible. Recovery strategies must be completed within one year of listing for endangered species and within two years of listing for threatened and extirpated species. (These timelines have been extended for species on the initial legal list). There are *no prescribed timelines for the completion of action plans*. Recovery of species at risk is a two-stage process under SARA which involves (1) development of a recovery strategy that outlines the general scientific framework for recovery, and (2) preparation of an action plan or plans that outline the specific measures to be taken to implement the recovery strategy.

## Engaging Conservation Groups in Recovery

Now that we have reviewed the species *Conservator canadensis* and the recovery process under SARA, what is required to engage the Canadian conservation community in species recovery under the Act? To ensure the long-term involvement of Canadian conservation groups in the SARA recovery process, the process must be *meaningful* and *scientifically credible*, and *must involve all key stakeholders*.

### *Core Elements to Achieve a Meaningful and Credible Recovery Process*

There are six core elements to ensuring that the recovery process is meaningful and credible:

1. Involvement of credible, independent recovery teams
2. Consideration of science first, then socio-economic factors second
3. Establishment of a credible, scientific definition of critical habitat
4. Adoption of multi-species/ecosystem-based recovery strategies only where appropriate, not as a default option
5. Confirmation that existing plans comply with SARA requirements before they are adopted
6. Establishment of meaningful consultation with conservation groups

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<sup>1</sup>The ‘competent minister’ refers to the Minister of Canadian Heritage, Minister of Fisheries and Oceans, or Minister of Environment, whichever is applicable.

*Credible, Independent Recovery Teams*

It is important to note that the Act is silent as to the composition of recovery teams, although the intention of the Act is clear—recovery team members should have scientific expertise that is relevant to the species in question in order to meet the content requirements for recovery strategies as outlined in Section 41 of the Act.

There is concern that the recovery team role is advisory only; it is left up to range jurisdictions<sup>2</sup> to approve the strategy. To maintain public confidence in the recovery process and to be consistent with the Act's commitment to transparency and public access to key information under the Act, the initial recovery team strategy should be made available to the public so they can review what changes (if any) range jurisdictions make to the strategy.

*Science First, Socio-economic Considerations Second*

SARA's two-step process must be followed. SARA requires that consideration of socio-economic factors be specifically deferred until the second stage of the recovery process—the action plan stage. Socio-economic considerations are *not* to be considered during preparation of the recovery strategy. The rationale for this two-step approach is clear: develop the scientific framework for recovery first with the recovery strategy, *then* weigh the scientific considerations together with socio-economic factors at the action plan stage.

*Defining Critical Habitat*

As defined under SARA, 'critical habitat' means the habitat that is "necessary for the survival or recovery" of a listed wildlife species and "that is identified as the species' critical habitat in the recovery strategy or action plan for the species." The recovery process is, therefore, the means by which critical habitat is defined under the Act.

There already is concern in the conservation community that the process for defining critical habitat under SARA will be co-opted, and that politics and socio-economics, not science, will dictate the definition. Potential problems with defining critical habitat include the following:

- Identification of critical habitat by recovery teams is advisory only; it is up to range jurisdictions to decide what constitutes critical habitat.
- Some critical habitat is more equal than other critical habitat, which could result in the implementation of a tiered approach to defining critical habitat.

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<sup>2</sup>'Range jurisdictions' refers to the jurisdictions in which a species occurs.

### *One Size Does Not Fit All—Beware the Multi-species/Ecosystem-based Approach as a Default Option*

SARA specifically provides for multi-species and ecosystem-based recovery strategies. When the Act was being drafted, there was strong support within the conservation community for adopting a multi-species or ecosystem-based approach *where appropriate*. Such an approach is particularly suited for endangered ecosystems that have high numbers of species at risk, such as the antelope-brush (*Purshia tridentata*) ecosystem in British Columbia's (B.C.) South Okanagan or the Garry oak (*Quercus garryana*) ecosystem in southwestern B.C. There is concern, however, that a multi-species or ecosystem-based approach will become the default option for species recovery, especially as an answer to limited resources for recovery. The latest federal recovery report shows that a multi-species or ecosystem-based approach is being taken for over two-thirds of all species in B.C. that are listed under SARA.

### *Adoption of Existing Plans*

SARA makes specific provision for the adoption of existing recovery plans as recovery strategies under the Act. This makes total sense as it saves reinventing the wheel on initial recovery work conducted by RENEW and range jurisdictions. The big proviso, however, to adopting existing federal, provincial, or territorial recovery plans is that they *must meet the prescribed requirements of SARA*—i.e., they must consider all the specific elements that need to be addressed in a recovery strategy and not consider socio-economic factors until the action plan stage.

### *Consultation with Conservation Groups*

SARA requires that recovery strategies and action plans be prepared in cooperation and consultation with various stakeholders during the recovery process. Although conservation groups are not specifically mentioned in SARA's consultation provisions, the Minister does have broad discretionary power to cooperate and consult with appropriate groups or people "directly affected" by the recovery strategy or action plan. It is clear that both local and larger conservation groups which have a demonstrated interest in the species/ecosystem in question should be consulted during the recovery process.

Consultation must be meaningful and allow adequate time for review and response. Stating the obvious, you will get more 'buy-in' to the recovery process if conservation groups, along with other key stakeholders, are involved early in the process and are given appropriate notice and review time, and if due consideration is given to their suggestions.

Funding issues also have to be addressed. Consideration will have to be given to covering travel, accommodation, and other costs for conservation groups that are involved in the recovery process, especially smaller, local groups which have limited or no funding.

## Summary

Canadian conservation groups are not currently engaged in SARA or in budgeting resources for SARA implementation and oversight. At best, the community is adopting a ‘wait and see’ approach to implementation. Proactive outreach is required to re-engage *Conservator canadensis* in SARA implementation. To ensure the long-term, active involvement of conservation groups in SARA recovery, the process must be meaningful and scientifically credible, and must involve all key stakeholders in the process.

## Conclusion

In conclusion, I would like to share a community fable with you that is based on the annual Smithers Pumpkin Chuck. The pumpkin chuck was started as a fun community event and a way to use up leftover Halloween pumpkins. The event attracts a large spectator crowd and competitors of various ages, including students who use the event as a science project. Competitors use large siege engine-type wooden structures to fling the hefty pumpkins, and although the event organizers acknowledge that length is not everything, it is an impressive and hilarious spectacle when the pumpkins achieve flight distances of over 100 m. As with species recovery, to be successful, people have to work collaboratively, be creative, embrace adaptive management, and maintain a healthy sense of humor when chucking a pumpkin. The following lessons learned from the event can be applied to species recovery:

- Good communication is essential to get people invested in the process and to avoid disputes later on.
- If people work in isolation, the end result is inevitable—you will not get very far.
- Be inclusive. Welcome different groups who are interested in participating.
- Team effort is critical.
- Finally, and most importantly, it takes a community of people working together to truly chuck a pumpkin or recover a species.