November 23, 2015

Via email and mail

Hon. Catherine McKenna
Minister of Environment and Climate Change
Les Terrasses de la Chaudière
10 Wellington Street, 28th Floor
Gatineau, QC K1A 0H3

Dear Minister McKenna:

Re: Species at Risk Act (SARA)

We would like to congratulate you on your recent election victory and subsequent Cabinet appointment. This is a welcome opportunity for a new approach to the protection of species at risk in Canada.

We represent a broad cross-section of environmental and conservation groups from across the country, and we look forward to working with you, Minister Tootoo, and your respective departments in taking seriously our collective responsibility to protect and recover at-risk species in Canada. We are your civil society allies (collectively representing the voices of more than 500,000 Canadians) on the important commitments in the platform and mandate letter to "enhance protection of Canada's endangered species."

As you are aware, the *Species at Risk Act* is one of Canada's key federal environmental laws. Its passage into law in 2002 represented an important step forward in protecting Canada's endangered wildlife and the habitat they need to survive. SARA is a strong law that offers the potential to help species at risk survive and recover. Unfortunately, the *Species at Risk Act* has never been fully implemented as envisaged in the legislation.

In the absence of full implementation, SARA cannot effectively meet its objective of protecting species at risk in Canada such as Boreal Woodland Caribou, Greater Sage Grouse and Atlantic Bluefin Tuna. The failure to implement a full suite of SARA policy tools and flexibility mechanisms creates tremendous uncertainty for project proponents and leaves Canada with an impaired species protection regime (though the *Act* itself is essentially sound) and with no one feeling particularly pleased with the status quo.

There are a handful of pressing shortcomings that stand in the way of a more effective operation of the *Act*, many of which can be addressed quickly through the following actions:

- Better support for COSEWIC (the SARA listing advisory body) including filling vacant committee seats and reinstating the policy of COSEWIC recommending members to government.
- The federal government should provide immediate policy clarification about what "effectively protect" means under the safety-net provisions in the *Act*, in order to help ensure the protection of listed species and their critical habitat on provincial land.
- Ensuring that the identification of critical habitat for species at risk is based solely on the best available science, not on socioeconomic factors.
- Redoubling the effort to get caught up on recovery strategies, and ensuring that their preparation remains an objective, scientific exercise to identify broad strategies to ensure species' survival and recovery.
- Addressing the backlog of the significant number of both terrestrial and marine species that COSEWIC has assessed since 2011 for which no s.27 listing recommendations have been presented to the Governor in Council.
- Ensuring that when species are not listed under SARA (particularly in the case of marine fish species) measures are nonetheless taken to ensure species recovery.

In addition to the work of many of our organizations to raise awareness around and actively participate in SARA processes, including consultations, recovery plans and habitat protection, we have also worked directly with Environment Canada, DFO, and industry through the *Species at Risk Advisory Committee* (SARAC) to help address these challenges. The advisory committee forum allows for an exchange of information and ideas with departmental staff, the development of collaborative relationships between government, industry and ENGOs, and concrete work on policies and programs to improve implementation of the Act. We believe a great deal of constructive work has been accomplished through SARAC and that this type of forum is important in ensuring that we can all make progress toward our common goal of protecting and recovering species at risk. We encourage you to ensure that this committee is reactivated as soon as possible.

In closing, after years of political neglect there can be no doubt that federal *leadership* is needed to deliver on the full potential of SARA, especially with respect to species for which the federal government has clear constitutional and international responsibilities, including migratory birds and aquatic species. We believe that a strong and clearly communicated

political commitment to protecting species at risk, as well as additional financial resources, are necessary to deal with the obstacles that stand in the way of full implementation of the Act.

We would appreciate the opportunity to meet with you and your staff to explore how we can all make progress toward our collective responsibility to protect and recover species at risk in Canada.

Sincerely,

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Cc: The Hon. Hunter Tootoo, Minister of Fisheries, Oceans and the Canadian Coast Guard
        Michael Martin, Deputy Minister, Environment Canada
        Siddika Mithani, Associate Deputy Minister, Environment Canada
        Matthew King, Deputy Minister, Fisheries and Oceans Canada
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        Marlo Raynolds, Chief of Staff to the Minister of Environment and Climate Change