

SPECIES AT RISK ACT



Report to Parliament

JUNE 2003 TO DECEMBER 2004



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MESSAGE FROM THE MINISTER

I am pleased to provide Canadians with the Government of Canada's first report on the administration of the *Species at Risk Act* (SARA), covering the period June 2003 to December 2004. The Act received Royal Assent in December 2002 and came into force in phases.

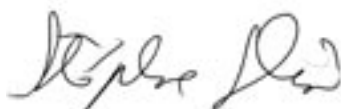
SARA is designed as an important tool for the conservation and protection of Canada's species at risk, and it fulfills a key commitment under the United Nations Convention on Biological Diversity. It is one component of a three-part National Strategy for the Protection of Species at Risk. The other two are complementary stewardship programs and federal-provincial/territorial cooperation under the Accord for the Protection of Species at Risk.

The ultimate success of the Act will depend on the cooperation of the many different constituencies involved in its implementation. These include provincial, territorial and municipal governments, Aboriginal peoples, non-governmental organizations, industry, landowners and resource users, as well as other Canadians. SARA is a modern law that uses an innovative approach to the conservation of species at risk, focussing on the key elements of consultation, cooperation and stewardship. It is one of the first pieces of Canadian legislation with a fully transparent, open and on-line administration.

During this reporting period, considerable effort was expended in laying the foundations for the Act's administration and in conducting consultations on a number of implementation issues. In summary, Environment Canada, in cooperation with its partners, was involved in several key areas related to the administration and implementation of SARA, including the following activities:

- conducted public information sessions on the Act across the country;
- launched the *Species at Risk Act* Public Registry;
- drafted terms of reference for the National Aboriginal Council on Species at Risk and established its membership, and finalized terms of reference for the Aboriginal Traditional Knowledge Subcommittee of the Committee on the Status of Endangered Wildlife in Canada;
- established a stakeholder advisory committee to provide advice on the administration of the Act;
- drafted and/or initiated consultations on national policies and operational guidelines in areas such as identification of critical habitat, description of residence, permitting, socio-economic analysis, and recovery-related matters;
- launched consultations on two proposals for amending the List of Wildlife Species at Risk, and the first amendment was published in the *Canada Gazette*, Part II, on January 26, 2005; and
- during fiscal years 2003/2004 and 2004/2005, supported 342 stewardship projects that address terrestrial and aquatic species at risk issues in all provinces and territories.

For further information on actions being taken under SARA, or to comment on listing proposals and other documents, I invite all Canadians to consult the "*Species at Risk Act* Public Registry" Web site at www.sararegistry.gc.ca.



Stéphane Dion
Minister of the Environment



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INTRODUCTION

The proclamation of SARA brought to a close a nine-year process to enact legislation for the protection of Canada's species at risk and their critical habitat across the country. The Act, which received Royal Assent on December 12, 2002, came into force in phases. On June 5, 2003, the sections central to listing, stewardship and recovery of species at risk came into force. The Act's prohibitions and enforcement provisions came into effect on June 1, 2004. Further details of the phase-in schedule for SARA are presented below.

The report provides a summary of SARA-related activities that took place in 2003 and 2004. This introductory section also outlines the purposes of SARA and responsibilities under the Act. Subsequent sections describe activities in the following key areas: consultation and cooperation; stewardship; the List of Wildlife Species at Risk; measures to protect listed species; species recovery measures; compliance and enforcement; and the SARA Public Registry. To provide a context for this first annual report, the sections begin by providing background information on the topics covered.

This document meets the Minister of the Environment's obligation, under section 126 of SARA, to report on the administration of the Act during the preceding calendar year. The report is required to include a summary addressing the following matters:

- (a) assessments of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and the Minister's response to each of them;
- (b) the preparation and implementation of recovery strategies, action plans and management plans;
- (c) all agreements made under sections 10 to 13;
- (d) all agreements entered into and permits issued under section 73, and all agreements and permits amended under section 75 or exempted under section 76;
- (e) enforcement and compliance actions taken, including the response to any requests for investigation;

- (f) regulations and emergency orders made under this Act; and
- (g) any other matters that the Minister considers relevant.

Purposes of SARA

The Act is a key tool for conserving and protecting Canada's biological diversity. Its purposes are to prevent wildlife species¹ from being extirpated or becoming extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened.

The Act builds on and complements existing laws and agreements. These include the *Fisheries Act*, the *Migratory Birds Convention Act, 1994*, the *Canada National Parks Act*, the *Canada Wildlife Act*, the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*, the *Convention on Biological Diversity*, and the *Convention on International Trade in Endangered Species of Wild Fauna and Flora*.

¹ SARA defines a "wildlife species" as "a species, subspecies, variety or geographically or genetically distinct population of animal, plant or other organism, other than a bacterium or virus, that is wild by nature and (a) is native to Canada; or (b) has extended its range into Canada without human intervention and has been present in Canada for at least 50 years."

Responsibilities under SARA

Three government bodies are involved in the Act's implementation:

- The Department of Fisheries and Oceans (DFO) oversees matters concerning aquatic species, other than individuals of species in Parks Canada Agency waters;
- The Parks Canada Agency (PCA) oversees matters concerning individuals of species in or on federal lands administered by the Agency; and
- Environment Canada (EC) oversees matters concerning all other species, including migratory birds.

The ministers responsible for these government organizations are referred to as "competent ministers" in SARA. They are given the authority to make decisions in their respective areas of responsibility and are required to consult with each other on specific SARA-related matters. Since December 12, 2003, the Minister of the Environment has been designated as the Minister responsible for PCA.

The Canadian Endangered Species Conservation Council (CESCC), established under the Accord for the Protection of Species at Risk, is recognized under SARA. It consists of federal, provincial and territorial government ministers who are responsible for the conservation and management of species at risk. The role of the CESCC, which must be consulted on a number of matters, is to:

- provide general direction on the activities of COSEWIC, the preparation of recovery strategies and the preparation and implementation of action plans; and
- coordinate federal, provincial and territorial activities relating to the protection of species at risk.



PIPING PLOVER CHICK *CIRCUMCINCTUS* SUBSPECIES,
CHARADRIUS MELODUS CIRCUMCINCTUS. ENDANGERED.

Recognizing that the traditional knowledge of Aboriginal peoples of Canada should be considered in the assessment of species, SARA requires the establishment of a COSEWIC Aboriginal Traditional Knowledge Subcommittee. The Act also requires that a National Aboriginal Council on Species at Risk (NACOSAR) be established to advise the Minister of the Environment on the administration of the Act, and to provide advice and make recommendations to the CESCC.

Phased Implementation of SARA

Usually, when Parliament passes a law, it does not come into force until some time in the future. This gives the government time to ensure that Canadians understand the law, including their rights and responsibilities, and to put all the necessary policies, programs and regulations into place. SARA, which received Royal Assent in December 2002, came into force in two phases.

As of June 5, 2003, two-thirds of the sections came into effect. The emphasis in SARA is on cooperation, consultation and stewardship, and these sections are central to this approach. Benefits derived from the coming into force of these sections include the following:

- NACOSAR is to be established;
- COSEWIC, the independent scientific body responsible for assessing the risk of endangerment to wild species in Canada, is given legal status;
- a comprehensive process for adding species at risk to the legal list is established;
- projects requiring an environmental assessment under federal law that are likely to affect a listed species or its critical habitat must identify the adverse effects and, if the project proceeds, steps must be taken to avoid or lessen these effects and to monitor them;
- the Public Registry, which provides access to all documents that are to be made public under SARA, is operational; and
- tight timelines for the development of recovery plans and management plans for species on Schedule 1 are mandated.

As of June 1, 2004, the remaining sections came into force, thereby completing the transitional stages for implementing SARA. The sections that came into force at that time cover prohibitions and enforcement of the law. They do the following:

- create prohibitions, amongst other things, against the killing, harming, harassing, possessing, buying or selling an individual of a listed extirpated, endangered or threatened species;
- create prohibitions against damaging or destroying residences of individuals of a listed endangered or threatened species, or of a listed extirpated species if a recovery strategy has recommended its reintroduction into the wild in Canada;
- establish measures to protect the critical habitat of a listed endangered, threatened or extirpated species, after it has been identified in a recovery strategy or action plan, including prohibitions against destroying any part of that critical habitat;
- require that federal departments consider the impact on species' critical habitat before issuing authorizations for certain activities; and
- set out provisions for effective enforcement measures and significant penalties where needed to serve as a deterrent.



CONSULTATION AND COOPERATION

Background

The responsibility for the conservation of wildlife in Canada is shared among the federal, provincial and territorial governments. That is why they endorsed the Accord for the Protection of Species at Risk in 1996, committing to establish complementary legislation and programs for the protection and recovery of species at risk throughout Canada. They agreed to coordinate their activities through the CESCC.

Three federal government bodies have responsibilities under SARA. Consultation and cooperation among them is therefore also required.

Aboriginal peoples and wildlife management boards established under land claims agreements play an essential role in the conservation of wildlife in Canada. The government will work closely with them to ensure their participation in the implementation of the Act, including species assessment and recovery efforts.

The challenge of protecting species at risk and their critical habitat directly affects landowners and resource users where these species are found. SARA is designed to give landowners and communities the first opportunity to protect critical habitat through voluntary conservation efforts, encouraged by incentives. The Act sets out a process through which everyone involved can work together.

Activities

The Canadian Wildlife Directors' Committee (CWDC), consisting of federal, provincial, and territorial wildlife directors, is a key mechanism for interjurisdictional cooperation on species at risk issues. Its role is to provide leadership in the development and coordination of policies, strategies, programs and activities that address wildlife issues of national concern and contribute to the conservation of biodiversity; and to provide advice and support to Deputies' and Ministers' Councils on these matters. Since SARA came into force, the CWDC has met

three times: in October 2003 and in May and October 2004, and the CESCC twice: in September 2003 and again in September 2004. The Deputy Ministers' Councils also meet annually in June to review biodiversity, sustainable development and species at risk issues and finalize the agendas for the Ministers' Councils.

Discussions were ongoing between the federal government and the provinces/territories on the development of bilateral agreements. The goal of these agreements is to ensure coordinated approaches to the delivery of species at risk programs in all jurisdictions.

In June 2004, EC hosted a two-day workshop to consult with the provinces and territories on policies and guidelines related to SARA. The primary objective of this workshop was to obtain feedback on various SARA policies and technical guidance, including permitting, recovery feasibility, technical guidelines for describing residence, for establishing population and distribution objectives and for identifying critical habitat. Secondary objectives were to identify provincial and territorial priorities for policy and guideline development, and to discuss approaches for involvement. Approximately 50 people attended this workshop, including one or two representatives from each provincial/territorial wildlife agency, and representatives from EC, DFO and PCA. Presentations at the workshop stimulated discussions and resulted in several important additions and changes to the proposed policies and guidelines. The proceedings of the workshop, which outline specific comments on the various policies and guidelines, were prepared and distributed to workshop participants. Following the workshop, EC consulted with the provinces and territories on several additional policies and guidelines through the National Recovery Working Group.

At the federal level, committees composed of senior officials from EC, DFO and PCA are in place to resolve policy and strategic issues, and to monitor implementation. These committees meet on a regular basis.



KARNER BLUE, *LYCAEIDES MELISSA SAMUELIS*. EXTIRPATED.

During 2003 and 2004, the Aboriginal Working Group on Species at Risk and representatives from EC, DFO and PCA drafted the terms of reference for NACOSAR. The Aboriginal Working Group included national and regional representatives of all national Aboriginal organizations and some regional organizations. Membership of the Council, which was established in 2004, includes the former co-chair of the Aboriginal Working Group and one representative from each of the five following national organizations:

- Assembly of First Nations;
- Métis National Council;
- Inuit Tapiriit Kanatami;
- Congress of Aboriginal Peoples; and
- Native Women's Association of Canada.

COSEWIC and the Aboriginal Working Group on Species at Risk finalized terms of reference for COSEWIC's Aboriginal Traditional Knowledge

Subcommittee. The work of this subcommittee will facilitate the inclusion of Aboriginal traditional knowledge into the species assessment process, as is required under SARA.

In 2004, a Species at Risk Advisory Committee was established to advise the Minister of the Environment and the CESCC on the administration of SARA. The Advisory Committee has a maximum membership of 22. The membership for 2004/2005 is ten participants from industry, nine representatives of environmental non-governmental organizations (NGOs), and two members serving in their individual scientific capacity. As set out in the terms of reference, the Committee will meet at least once a year with the Minister of the Environment. It may also meet with the Minister of Fisheries and Oceans, as appropriate, to discuss species at risk issues directly related to his or her mandate as competent minister for aquatic species. Representatives



KING RAIL, *RALLUS ELEGANS*. ENDANGERED.

from EC, DFO and PCA attend meetings of the Committee, but they are not considered members. The Advisory Committee met three times in 2004.

Efforts have been made to inform and engage different audiences in species at risk conservation. The species at risk Web site (<http://www.speciesatrisk.gc.ca>) provides fact sheets on the biology of species, as well as concrete ideas of what Canadians can do in their daily lives to help protect species at risk. Since the Act came into force, fact sheets for about 80 species have been added or updated, and promotional material has been produced to invite citizens to visit the site and to prompt them to take action to protect and conserve species at risk. The Web site receives about 60,000 visits per month.

In June 2004, a pilot training course on public engagement was offered to recovery teams, in order to

help them build and enhance their skills to engage people in species at risk recovery actions. Six more courses will be offered to recovery practitioners across Canada in 2005/2006.

In 2003, the well-known *Hinterland Who's Who* series of fact sheets and video clips about wildlife was relaunched. Three clips and fact sheets on species at risk were part of the initial launch. An additional clip and two new fact sheets about species at risk were later added to the series.

STEWARDSHIP

Background

SARA recognizes that:

- all Canadians have a role to play in the conservation of wildlife in this country, including the prevention of wildlife species from becoming extirpated or extinct;
- the conservation efforts of individual Canadians and communities should be encouraged and supported; and
- stewardship activities contributing to the conservation of wildlife species and their habitat should be supported to prevent species from becoming at risk.

Thus, the Act encourages stewardship and cooperation through provisions for conservation agreements and joint species at risk programs. The relevant provisions concern:

- administrative agreements with any government in Canada, organization or wildlife management board (section 10);
- a stewardship action plan that creates incentives and other measures to support voluntary stewardship actions (subsection 10.1);
- conservation agreements for species at risk (section 11);
- conservation agreements for species not at risk (section 12); and
- funding agreements (section 13).

As part of the National Strategy for the Protection of Species at Risk, the federal government established the Habitat Stewardship Program (HSP) for Species at Risk in 2000. The program allocates up to \$10 million annually to projects that conserve and protect species at risk and their habitats. The goal of the HSP is to “contribute to the recovery of endangered, threatened and other species at risk, and to prevent other species from becoming a conservation concern, by engaging Canadians from all walks of life in conservation actions to benefit wildlife.” Within this overall goal and interpretation, the HSP has three objectives:

- to support habitat projects that benefit species at risk;

- to enable Canadians to become actively and concretely involved in stewardship projects for species at risk that will result in tangible, measurable environmental benefits; and
- to improve the scientific, sociological and economic understanding of the role stewardship has as a conservation tool.

Contribution funding under the HSP is intended to enable recipients to plan, manage and complete projects that will achieve the program goal. In support of the program objectives, project results are expected in three key areas: securing or protecting important habitat to protect species at risk and support their recovery; mitigating threats to species at risk caused by human activities; and supporting the implementation of other priority activities in recovery strategies or action plans.

The HSP is administered by EC and is managed cooperatively with PCA and DFO. A secretariat based in the National Capital Region supports the regional structure. Further information on the HSP is available at http://www.cws-scf.ec.gc.ca/hsp-pih/intro_e.cfm.

EC, DFO and PCA facilitate stewardship activities and promote compliance with SARA by producing promotional and educational materials, and by



WOODLAND CARIBOU NORTHERN MOUNTAIN POPULATION,
RANGIFER TARANDUS CARIBOU. SPECIAL CONCERN.

organizing educational activities. These materials and activities include, for example, the Public Registry, an electronic information bulletin, posters, information sessions, learning activities, Web features, curricula and other public education projects.



SWIFT FOX, *VULPES VELOX*. ENDANGERED.

Activities

No conservation agreements were completed pursuant to sections 10 to 13 of SARA during 2003 or 2004.

The HSP continues as an active federal effort to engage Canadians in stewardship and has become a key element of SARA implementation. In 2003, the HSP implemented a Results-based Management and Accountability Framework and a Risk-based Audit Framework to ensure that the program is meeting the requirements for a contribution program and is directed toward results.

For the purpose of this report, results will be presented for the 2003/2004 and 2004/2005 fiscal years, as the HSP compiles results on a fiscal year basis. From June 2003 to March 2005, 342 projects addressed terrestrial and aquatic species at risk issues in all provinces and territories. The total value of the projects was approximately \$60 million, including a \$19-million investment from the HSP.

Of those 342 projects:

- 27% were directed at freshwater and marine environments;
- 54% involved environmental NGOs;
- 8% were negotiated with the provinces and/or territories and municipalities;
- 14% involved Aboriginal partners; and
- 3% engaged the private sector.

Projects under the HSP addressed both the habitat and threat mitigation of some 200 COSEWIC-listed species. Approximately half of the funds were allocated to landscape/seascape (e.g., valley, watershed) and multi-species projects.

To ensure that the HSP is, and remains, on track to achieve its goals, a national evaluation of the program was conducted in 2003/2004. The evaluation concluded that the program is working effectively and that, to achieve Canada's species at risk objectives, there is a continuing need for the type of activities funded by the HSP and executed by its funding recipients. In response to this evaluation and the proclamation of SARA, a national workshop was held to gather perspectives from across the country (from both governmental and non-governmental representatives) on future directions and priorities for the HSP, as well as on actions that could be taken to improve its implementation. The workshop was very successful. The resulting recommendations are now being considered in discussions on program direction and decision-making.

As a result of both program evaluation and the national workshop, extensive policy development took place in 2004. These policies ensure that the HSP is consistent in its national implementation, while still respecting regional needs and differences.

THE LIST OF WILDLIFE SPECIES AT RISK

Background

Openness and transparency, including public consultation, are required to make decisions about which species should be added to Schedule 1, the List of Wildlife Species at Risk.



LEAST BITTERN, *IXOBRYCHUS EXILIS*. THREATENED.

SARA sets out a process by which a wildlife species may be added, reclassified, or removed from Schedule 1. The process begins with the assessment of a species as being at risk by COSEWIC, using the best available information. Upon receipt of these assessments, the Minister of the Environment has 90 days to report on how he or she intends to respond to each assessment and, to the extent possible, provide timelines for action. These response statements are posted on the Public Registry. The Minister of the Environment submits the assessments to the Governor in Council (GIC) for receipt. This begins the nine-month timeline for the GIC, on the recommendation of the Minister of the Environment, to make a decision on whether to (1) accept COSEWIC's assessment and add the species to Schedule 1; (2) not add the species to Schedule 1; or (3) refer the species back to COSEWIC for further consideration or information. If the GIC has not made a decision within nine months, the Minister of the

Environment must amend Schedule 1 in accordance with COSEWIC's assessment.

Status assessments by COSEWIC ensure that species are evaluated through a rigorous and independent scientific process that operates at arm's length from governments. Members of COSEWIC are experts on wildlife species at risk. Their backgrounds are in the fields of biology, ecology, genetics, Aboriginal traditional knowledge, and other relevant disciplines. They come from various communities, including government, academia, Aboriginal organizations and NGOs.

The degree of risk to a species is categorized as extirpated, endangered, threatened or of special concern. COSEWIC can also consider whether a species is extinct, not at risk or data deficient. For details of the risk categories, more information on the Committee, or to view the COSEWIC annual report, visit <http://www.cosewic.gc.ca>.

Activities

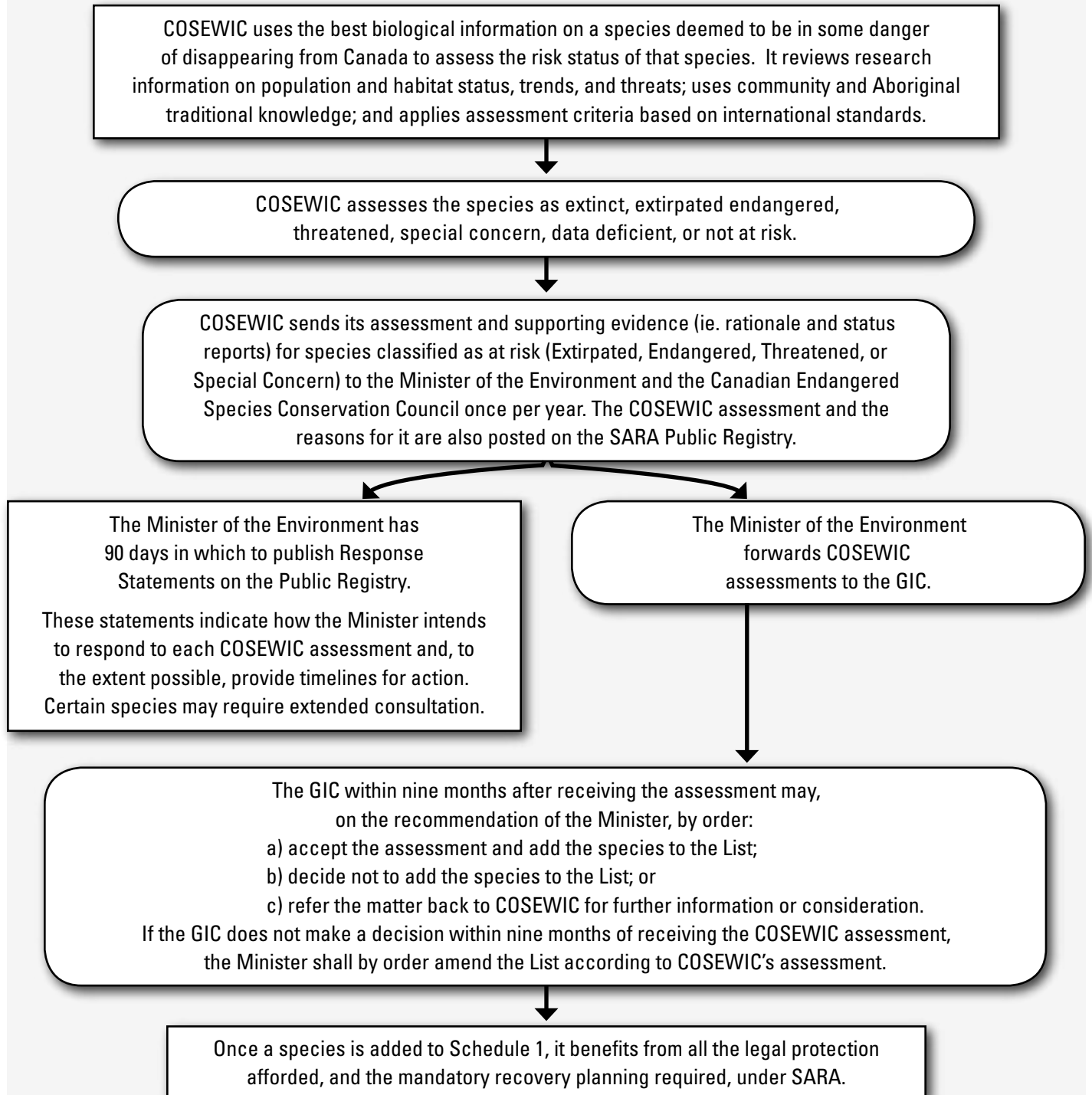
When the Act came into force in June 2003, there were 233 species on Schedule 1. COSEWIC had already assessed or reassessed these species as at risk, using criteria updated in October 1998 and current status information. With the Act's coming into force, Schedule 1 became the legal List of Wildlife Species at Risk.

COSEWIC will provide its assessments and supporting evidence (i.e., rationale and status reports) once a year to the Minister of the Environment. These reports will be provided in bilingual format, consistent with the Government of Canada's publications policy and in compliance with the *Official Languages Act*. Receipt of the species assessments by the Minister begins the 90-day response period.

During 2003, staff from EC, DFO and PCA contributed information and expertise to the COSEWIC process, helping to ensure that assessments were based on the

The Species Listing Process Under SARA

SARA separates the scientific assessment process from the listing decision. This approach ensures that scientists can provide fully independent recommendations, and that decisions affecting Canadians are made by elected officials who can be held accountable for those decisions.



best possible information and evaluation approaches. In November 2004, DFO organized a peer review meeting to examine information on aquatic species that are candidates for a COSEWIC assessment, in order to ensure that high-quality information was provided to the Committee. COSEWIC status report authors, university scientists, and non-governmental stakeholders participated in the meeting along with DFO scientists.

Species Assessed by COSEWIC: May 2002, November 2002, and May 2003

COSEWIC assessed a combined total of 115 species at its meetings in May 2002, November 2002, and May 2003. These 115 assessments were forwarded to the Minister of the Environment in January 2004. Of the 115 species, 91 were assessed as being extirpated, endangered, threatened or of special concern.

On April 21, 2004, as required under subsection 25(3) of SARA, the Minister of the Environment posted statements on the Public Registry on how he intended to respond to COSEWIC's assessments of the 115 species. Of the 91 species assessed as being at risk, the Minister forwarded assessments of 79 to the GIC on April 21, 2004. Extended consultations are taking place on the remaining 12 species before assessments are transmitted to the GIC for receipt in early 2005. These species include bocaccio, cusk, interior Fraser coho salmon and several populations of Atlantic Cod. The listing of these species could have significant and widespread impacts on the activities of Aboriginal peoples, commercial and recreational fishers, and Canadians at large. Concerned citizens need to be informed of the potential impacts of a listing decision, and be given the opportunity to express their opinions and share ideas on how best to protect and/or recover the species. Although these 12 species are proceeding through an extended consultation process, they are currently covered by conservation frameworks, and active conservation measures have already been taken for many of them.



BLUEHEARTS, *BUCHNERA AMERICANA*. ENDANGERED.

In Victoria, on March 3, 2004, the Minister of the Environment launched the consultations for the first amendment to the List of Wildlife Species at Risk under SARA at the opening session of the *Species at Risk 2004: Pathways to Discovery* conference. With his announcement, the Minister also released *Consultation on Amending the List of Species under the Species at Risk Act, March 2004*. This document pertains to the 63 terrestrial species (out of the total 115 species) that were being considered for addition to Schedule 1. It was posted on the Public Registry on March 3, 2004, and comments were due by May 15, 2004. The document was mailed to 10 wildlife management boards and approximately 400 Aboriginal groups. A postcard announcing the commencement of the consultations and the document's availability on the Public Registry was sent to over 3000 NGOs, individuals and some municipalities. Letters and a copy of the document were sent to the provincial and territorial ministers concerned.

DFO consultations on whether or not to add 16 aquatic species to Schedule 1 of SARA, initiated at the same time, were facilitated through workbooks and other supporting documents which were posted on the Public Registry and the DFO Website. Workbooks were also mailed directly to other government departments, stakeholders, Aboriginal peoples and NGOs. Meetings were held with interested or potentially affected individuals, organizations, and Aboriginal peoples. Consultations were organized as efficiently as possible by grouping species according to their geographical location



WOODLAND VOLE, *MICROTUS PINETORUM*. SPECIAL CONCERN.

and by using existing mechanisms, such as pre-scheduled recovery strategy workshops or regular industry consultation meetings.

PCA worked closely with EC and DFO to ensure that its stakeholders were consulted on this first amendment to Schedule 1 and to avoid duplication of consultation efforts.

On October 23, 2004, the Minister of the Environment's proposed recommendations with regard to the 79 species received by the GIC in April was published in the *Canada Gazette*, Part I, for a final 30-day period of public review and comment. This proposed recommendation was based on scientific assessments by COSEWIC and on consultations with Canadian governments, Aboriginal peoples, wildlife management boards, stakeholders and the Canadian public, and on an analysis of benefits and costs to Canadians. The Minister proposed that

76 species be added to Schedule 1, that the Cultus and Sakinaw Lake populations of Pacific sockeye salmon not be added to Schedule 1, and that the speckled dace be referred back to COSEWIC for further information or consideration.

In addition to the recommendation to add 76 species to Schedule 1, the Minister recommended correcting spelling, typographical and taxonomic errors for 55 species already listed in Schedule 1. The order would also remove a total of 43 species from Schedule 2 (16 species) and Schedule 3 (27 species) of the Act because these species are proposed for addition to Schedule 1. As a result of this amendment, the names of species in Schedule 1 will correspond to the ones currently used by COSEWIC.

The 30-day public comment period closed on November 22, 2004. More than 50 responses were

received from groups and individuals, primarily with regard to the proposed recommendations not to add the two sockeye salmon populations to Schedule 1 following the publication of the proposals in the *Canada Gazette*, Part I. The order amending Schedule 1, and the Regulatory Impact Analysis Statement (which summarized all comments received and responses to them) were published in the *Canada Gazette*, Part II, on January 26, 2005.

Species Assessed by COSEWIC: November 2003 and May 2004

At its November 2003 and May 2004 meetings, COSEWIC assessed a combined total of 51 species as being extirpated, endangered, threatened or of special concern. On October 23, 2004, as required under subsection 25(3) of SARA, the Minister of the Environment posted on the Public Registry statements on how he intends to respond to these assessments. The GIC acknowledged receipt of 44 of the 51 species assessments, by order pursuant to subsection 23(1) of the Act, on October 19, 2004.

Extended consultations are taking place on the remaining seven species before the assessments are transmitted to the GIC in 2005. These species include five populations of the beluga whale, the porbeagle shark and the white sturgeon. The listing of these species could have significant and widespread impacts on the activities of Aboriginal peoples, commercial and recreational fishers and Canadians at large. Concerned citizens need to be informed of the potential impacts of a listing decision and be given the opportunity to express their opinions, and share ideas on how best to protect and/or recover the species. Although these species are proceeding through an extended consultation process, they are currently covered by conservation frameworks, and active conservation measures have already been taken for many of them. Consultation meetings are currently being held with interested or potentially affected

individuals, organizations, and Aboriginal peoples across the country. The length of the consultation period varied with the species; for some, it was extended until March 31, 2005.

Consultations on the second amendment to the List of Wildlife Species at Risk under SARA was launched November 23, 2004, with the posting on the Public Registry of *Consultation on Amending the List of Species under the Species at Risk Act: November 2004*. Close to 1200 copies of the document were distributed to targeted stakeholders. A postcard announcing the consultation was mailed out to about 2000 interest groups and individuals across Canada. Regional wildlife staff contacted wildlife management boards, inviting them to participate in the consultations. EC regional offices are developing plans that will involve direct consultations with targeted stakeholders.

DFO consultations on whether or not to add the 14 aquatic species in this group began in the fall of 2004. Consultation workbooks were posted on the Public Registry and the DFO Web site, and they were mailed directly to other government departments, stakeholders, Aboriginal peoples, wildlife management boards and NGOs.

PCA is working closely with EC and DFO to ensure that its stakeholders are consulted on this second amendment to Schedule 1 and to avoid duplication of consultation efforts.

MEASURES TO PROTECT LISTED SPECIES

Background

The protection that comes into effect following the addition of a species to Schedule 1 of SARA depends upon the degree of risk assigned to the species, the type of species, and where it occurs (see below).

The Act provides authority for the government to take action, including emergency action, to protect a species listed on Schedule 1, or its habitat. When the competent minister is of the opinion that a listed wildlife species is facing imminent threats to its survival or recovery, he or she must recommend to the Governor in Council that an emergency order be issued. An emergency order can prohibit activities that may adversely affect the species or its habitat.

Sections 73 to 78 of SARA pertain to the issuance of agreements, permits, licences, orders and other similar documents that authorize people to carry out activities that would otherwise be an offence under SARA. The following activities may be allowed when it is established that all reasonable alternatives have been considered and the best solution has been adopted, when all feasible measures will be taken to minimize the impact of the activity, and when the survival or recovery of the species will not be jeopardized:

- research relating to the conservation of a species that is conducted by qualified scientists;
- activities that benefit a listed species or enhance its chances of survival in the wild; and
- activities that incidentally affect a listed species.

SARA Prohibitions Protecting Individuals and Residences and How They Apply

Sections 32 and 33 of SARA state that it is an offence to:

- kill, harm, harass, capture or take an individual of a species that is listed as extirpated, endangered or threatened;
- possess, collect, buy, sell or trade an individual of a species that is listed as extirpated, endangered or threatened, or any of its part or derivatives;
- damage or destroy the residence of one or more individuals of a species that is listed as endangered or threatened, or of a species listed as extirpated if a recovery strategy has recommended its reintroduction.

The federal government's responsibility for listed aquatic species and for birds covered by the *Migratory Birds Convention Act, 1994* means that the above SARA prohibitions, which came into force in June 2004, apply to these species wherever they are found. In addition, these prohibitions apply to all listed species where they occur on federal lands in a province and in federal lands in a territory under the authority of the Minister of the Environment or PCA.

For other listed species, the provinces and territories are given the first opportunity to protect them through their laws. If the province or territory does not act, the prohibitions available under SARA can be applied to lands in a province or territory. The GIC, on the recommendation of the Minister of the Environment, may order that the prohibitions in sections 32 and 33 apply for a given species in a province or territory. The Minister must make a recommendation if, after consultation with the provincial or territorial minister, he or she finds that the species or its residence is not effectively protected.

Activities

The sections of the Act dealing with prohibitions came into force in June 2004. During 2003, considerable effort was expended in laying the foundations for the administration of the Act. A draft permit policy was produced to support the relevant sections of SARA (sections 73 to 78). The paper considered options for addressing permitting and it considered aspects of the Act where a competent minister has discretion. The paper also addressed the interpretation of specific terms in SARA. The draft paper was reviewed by staff in EC, DFO, and PCA. No permits were issued in 2003.

Three orders were made under SARA in 2003. The first one made changes to related federal laws. Sections 134 to 136 and 138 to 141 of SARA set out amendments to the *Canada Wildlife Act*, the *Migratory Birds Convention Act, 1994* and the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*. These amendments came into force, by order, on March 24, 2003. The second and third orders were made on June 5, 2003. One established the phased implementation of the Act, and the other extended the deadlines for when species on Schedule 2 had to be reassessed to three years after the date of the first phase of implementation of the Act. The extension was necessary to ensure that COSEWIC would be able to meet its time commitments under the Act.

During 2003, the federal government developed a draft *Environmental Assessment Best Practice Guide for Wildlife at Risk in Canada*, which includes an appendix specific to SARA requirements. The draft guide was widely circulated among federal and provincial agencies, and it was published in early 2004. It can be accessed at http://www.cws-scf.ec.gc.ca/publications/eval/guide/index_e.cfm. In 2003, federal departments also developed a draft procedural guide specific to the federal environmental assessment process as it relates to SARA requirements.

In 2004, DFO issued approximately 9600 permits under paragraph 73(3)(c) of SARA in the Atlantic Region for wolffish and 72 for leatherback turtle to fishers whose activities might incidentally harm these listed species, after peer-reviewed assessments determined that the level of harm from bycatch would not jeopardize survival or recovery. Explanations of why the Minister of Fisheries and Oceans authorized these permits are available on the Public Registry. DFO developed a process for issuing scientific permits for activities that might affect listed species under section 73 of SARA. A total of 16 scientific permits were issued for research in freshwaters and six for research in marine waters. Posting of the explanations is under way.

EC issued 21 permits in order to allow monitoring, inventory and management work to proceed on a variety of species of birds, mammals, reptiles and plants. An additional 14 permits were issued to authorize banding of migratory birds.

In 2004, PCA launched a new on-line research and collection permit system that incorporates SARA requirements for research taking place on the lands administered by the Agency. PCA also provided guidance on SARA permitting requirements and has been developing detailed training for its employees. The Agency is ensuring that current permitting meets SARA guidelines.

Federal policy discussion papers on critical habitat and residence were written in 2003, and a federal-provincial/territorial workshop to discuss these issues was held in January 2004. The critical habitat discussion document was posted on the Public Registry on March 1, 2004, while the residence discussion paper was posted on April 1, 2004. The consultation period for both documents ended on May 15, 2004. In addition, a workshop with national industry and environmental NGOs was held in March 2004. Comments from all federal, provincial and non-governmental partners, as well as the public, were used to refine the documents.



PALLID BAT, *ANTROZOUS PALLIDUS*. THREATENED.

A proposed policy for describing residence was developed by a federal working group involving EC, DFO and PCA. The guidelines contain (1) an interpretation of SARA and policy directives on what a residence is, (2) guidance on determining whether the residence concept applies to a particular species, (3) guidance on the format and content of residence descriptions, (4) a process for developing and approving residence descriptions, (5) templates for writing, tracking, and evaluating residence descriptions, and (6) several examples of residence descriptions for a variety of taxa. The proposed policy was reviewed with provincial and territorial government representatives at two workshops in 2004 organized by Environment Canada. Pending final federal approval the process for describing residences is being implemented provisionally by EC, DFO, PCA, and the provinces and territories. Descriptions will be posted on the SARA Registry and included in Recovery Strategies.

Technical guidelines for establishing population and distribution objectives, and for identifying critical habitat, have been developed by a federal working group led by EC and including DFO and PCA. Fact sheets and draft technical guidance are available to recovery practitioners and are posted on the Public Registry. Use of quantitative case studies, literature review and formal consultations with the provinces and territories and the National Recovery Working Group have informed the development of these products.

SPECIES RECOVERY MEASURES

Background

Recovery measures include both planning and implementation. Under SARA, the competent ministers must prepare two recovery documents (a recovery strategy and an action plan) for each species listed as extirpated, endangered, or threatened, and a management plan for each species listed as of special concern. Considerable cooperation and consultation are required in the preparation of these documents. The federal government is aligning its recovery program with the national recovery program, commonly known as RENEW, involving federal, provincial and territorial governments. Recovery is implemented through a wide range of partnerships, as illustrated in the RENEW annual report. The 2003–2004 report is available at http://www.speciesatrisk.gc.ca/publications/default_e.cfm.

Activities

During this reporting period, no recovery strategies, action plans or management plans have been included in the Public Registry. However, recovery planning is under way to meet the requirements set out in SARA (see Table 1). The first SARA deadline for inclusion of recovery strategies on the Public Registry will be in January 2006, when recovery strategies will be due for some species that were added to Schedule 1 as endangered in January 2005. All strategies are being developed collaboratively by the federal, provincial and territorial jurisdictions with responsibility for the species under the 1996 Accord for the Protection of Species at Risk and/or under SARA, in cooperation or consultation with others.

Timelines for Recovery Planning

For all species included in the List of Wildlife Species at Risk on June 5, 2003:

- a recovery strategy must be prepared within three years for endangered species and within four years for threatened or extirpated species;
- a management plan must be prepared within five years for species of special concern.

For all newly assessed species added to the List of Wildlife Species at Risk after June 5, 2003:

- a recovery strategy must be prepared within one year of listing for endangered species and within two years for threatened or extirpated species;
- a management plan must be prepared within three years for species of special concern.

For all Schedule 2 and Schedule 3 species reassessed and added to the List of Wildlife Species at Risk after June 5, 2003 (sections 132 and 133 of SARA):

- a recovery strategy must be prepared within three years of listing for endangered species and within four years for threatened or extirpated species;
- a management plan must be prepared within five years for species of special concern.

Proposed recovery strategies, action plans and management plans are included in the Public Registry. The public has 60 days to comment on these documents after they are posted. These comments must be taken into consideration, and a final document posted on the Registry, within 30 days after the 60-day comment period has expired.

Five years after a recovery strategy, action plan or management plan comes into effect, the competent minister must report on progress toward stated objectives.

Table 1: Delivery Deadlines for Recovery Strategies by SARA Responsible Agency

SARA Responsible Agency	Number of Recovery Strategies Due by Date					
	2006		2007		2008	2009
	January	June	January	June	January	January
Environment Canada (EC)	12	78	7	56	7	7
Fisheries and Oceans Canada (DFO)	3	17	0	20	8	1
Parks Canada Agency (PCA)	1	10	4	9	0	3
Total	16	105	11	85	15	11

Throughout 2003 and 2004, EC, DFO and PCA officials have been working with provincial and territorial government staff to define what SARA-compliant recovery strategies will include. The National Recovery Handbook has also been revised to incorporate SARA requirements. Planning is under way by all involved parties to meet the challenge of producing the large number of strategies that will be required in June 2006 and June 2007 (for species listed as endangered, threatened or extirpated on Schedule 1 when SARA came into force).

Figure 1 shows the stage of development and the federal agencies responsible under SARA for the 105 recovery strategies due in June 2006. Environment Canada is overseeing the delivery of 78 strategies by this date. The provinces and territories are integrally involved in this effort, and have the lead on many strategies. Evidently, a high level of cooperation and coordination among the multiple partners involved will be required to accomplish this task. More strategies will be added to these totals over time, as species assessment and listing is an ongoing process.

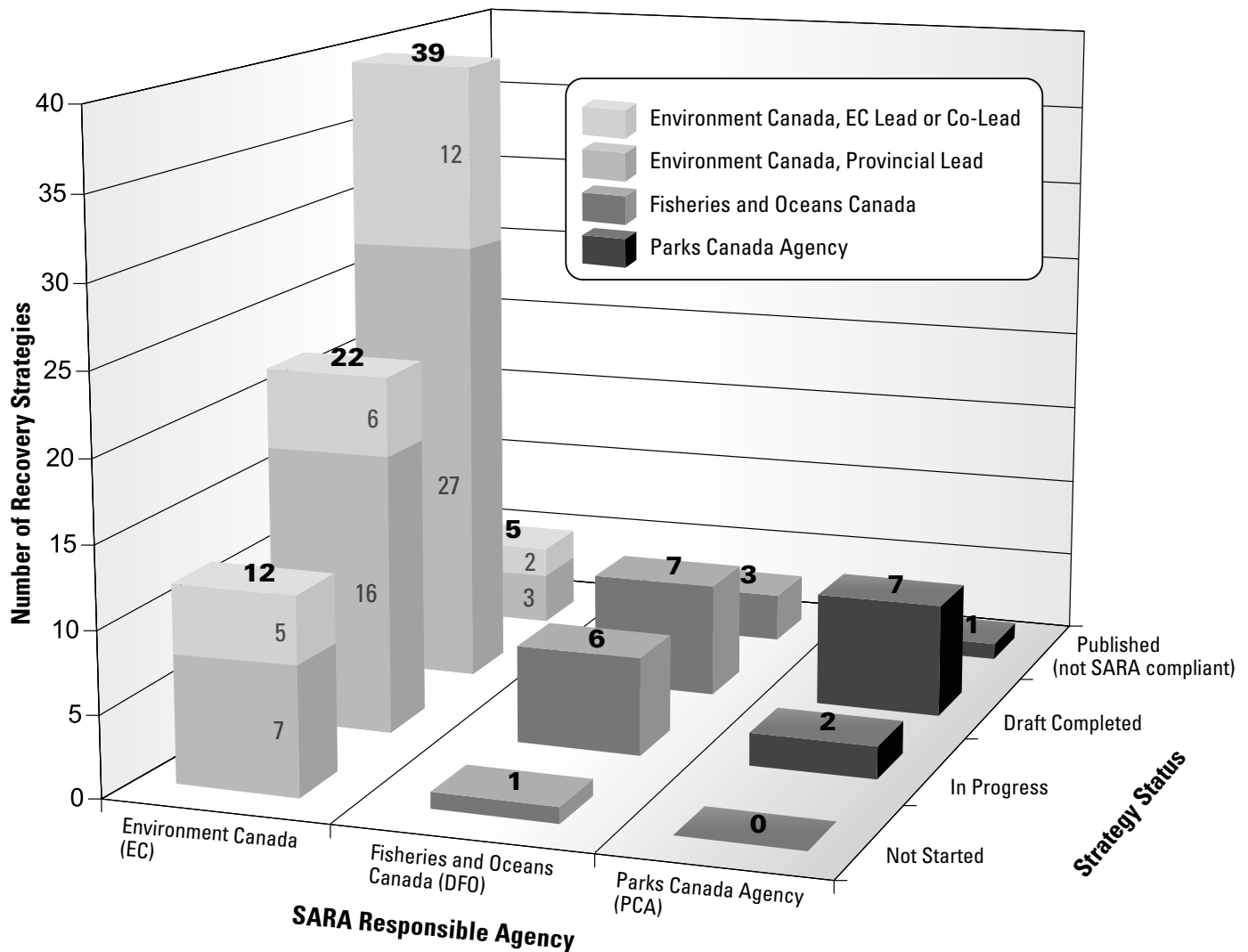
Work is also in progress to develop policies and guidelines for many aspects of recovery planning, including both critical habitat and residence identification and protection.

EC, DFO and PCA continued to invest significant funds and staff across the country in a large number of activities to support recovery of species under their jurisdictions, and to encourage partnerships with a variety of stakeholders. These include identification of habitat requirements, habitat protection and restoration, investigations of species resilience, gene banking, compliance promotion, development of management guidelines, and public outreach. Research into threats, threat mitigation and the assessment and monitoring of species condition remain a major domain of recovery activity.

In its second year of operation, the Interdepartmental Recovery Fund funded 58 recovery projects from seven federal departments and one Crown corporation, totalling \$2.15 million (http://www.speciesatrisk.gc.ca/support/irf_fir/default_e.cfm). A total of \$694,007 (60% from EC, 40% from World Wildlife Fund) was awarded to 52 projects through the Endangered Species Recovery Fund in 2003. These funds supported the research and education efforts of scientists and conservation advocates who are working to recover Canadian species at risk (http://www.speciesatrisk.gc.ca/support/esrf_frep/default_e.cfm).

National policies and operational guidelines on a number of recovery-related matters are being developed by a federal working group involving EC, DFO and PCA.

Figure 1: Status of Development of the 105 Recovery Strategies Due in June 2006



This effort covers determination of recovery feasibility, population objectives and recovery goals; identification of critical habitat; analysis of threats to species and of socio-economic factors in species recovery; and cooperation and consultation in the context of recovery planning. A number of consultation meetings with the provinces, territories, and stakeholder groups took place in 2004.

Work is under way towards developing a the National Conservation Ranking Scheme for Species at Risk, a common tool to provide a consistent national ranking system from a conservation perspective. The proposed ranking and weighting parameters include SARA status,

level of responsibility, global status, and taxonomic level of the unit assessed. Species will not be ordered from lowest to highest priority, but will be divided into ranked groups. The resulting conservation rank will be one of several inputs into decision making.

COMPLIANCE AND ENFORCEMENT

Background

The federal government recognizes the importance of compliance education. Staff at EC, DFO and PCA work together to ensure that Canadians have the opportunity to become aware of their responsibilities under the Act, and to learn how provisions under the Act will protect species at risk.



ACADIAN FLYCATCHER, *EMPIDONAX VIRESCENS*. ENDANGERED.

SARA describes what constitutes an offence and sets penalties for the commission of these offences. Offences can be prosecuted as indictable or summary conviction offences. The following is the range of penalties for a person or corporation found guilty of a SARA offence:

Summary conviction offence:

- Corporation – a fine of up to \$300,000 for each offence.
- Non-profit corporation – a fine of up to \$50,000 for each offence.
- Individual – a fine of up to \$50,000 and/or a prison term of up to one year for each offence.

Indictable offence:

- Corporation – a fine of up to \$1,000,000 for each offence.

- Non-profit corporation – a fine of up to \$250,000 for each offence.
- Individual – a fine of up to \$250,000 and/or a prison term of up to five years for each offence.

Activities

Public information sessions on SARA were held across Canada: one session in each province and territory. In 2003, sessions were held in Vancouver, Calgary, Regina and Winnipeg in June, and in September in Iqaluit, Whitehorse, Yellowknife, St. John's, Halifax, Charlottetown, Fredericton, Quebec City and Toronto.

The purposes of these sessions were to provide interested parties with information on the Act, to detail how this new law will affect Canadians, and to describe how EC, DFO and PCA intend to work with interested parties in implementing the Act.

The *Species at Risk Act: A Guide* was published in June 2003. Available on the Public Registry and as a print publication, this document provides a plain-language guide to the Act. Fact sheets explaining a variety of issues pertaining to SARA implementation were produced and are also available on the Public Registry.

No enforcement actions were taken under SARA in 2003 because the sections of the Act pertaining to prohibitions and enforcement did not come into force until 2004. However, certain preparatory work was undertaken.

Staff from EC, DFO and PCA met regularly to work toward a common enforcement approach for SARA. An enforcement training program was developed with the assistance of the Department of Justice. A trainers' session was held in Toronto for enforcement officers and biologists who were to deliver SARA training. Courses were delivered by all three organizations across the country. PCA delivered a modified version of the course that addressed specific needs in the context of national parks, national historic sites, national marine conservation areas and other federal lands administered

by the Agency. A large number of enforcement staff from EC, DFO and PCA had received SARA enforcement training by the end of 2004.

Individually, the three organizations were involved in a number of enforcement-related activities. These included community education efforts to encourage compliance, species protection requirements in northern Quebec, and forensic genetic work by DFO to support control of illegal harvests of northern abalone. PCA developed an information module on SARA for existing enforcement staff and park warden recruits.



WHITE PRAIRIE GENTIAN, *GENTIANA ALBA*. ENDANGERED.

EC also did preparatory work on policies and processes in support of enforcement under SARA. This effort included:

- drafting a process for investigations requested of the Minister of the Environment; and
- analyzing the process for using the alternative measures section of SARA.

PCA also did preparatory work on processes in support of enforcement under SARA. This effort included:

- drafting a process for responding to investigation requests from the Minister that were sent to the Agency; and

- identifying a process to manage SARA occurrences in the Agency's Occurrence Tracking System.

An analysis of Aboriginal community involvement in wildlife enforcement (including under SARA) is under way, and the appointment of Aboriginal officers is under review.

In January 2004, a compliance promotion working group was created. The working group is composed of representatives from EC, DFO and PCA. Its role is to coordinate EC regional and national SARA compliance promotion initiatives. Several initiatives, including fact sheets, feature articles, information sessions and Web pages, have been carried out, at both regional and national levels, to provide information and to encourage observance of the Act's requirements.

THE PUBLIC REGISTRY

Background

SARA requires the Minister of the Environment to publish SARA-related documents and decisions on a public registry. Developed as an on-line service, the Public Registry has been accessible since the proclamation of the Act. The Web site gives users easy access to documents and information related to SARA at any time and location with Internet access. It is also a convenient forum to submit comments on SARA-related documents being developed by the Government of Canada.

Section 123 of SARA identifies documents that are required to be published in the Public Registry. These include:

- regulations and orders made under the Act;
- agreements entered into under section 10;

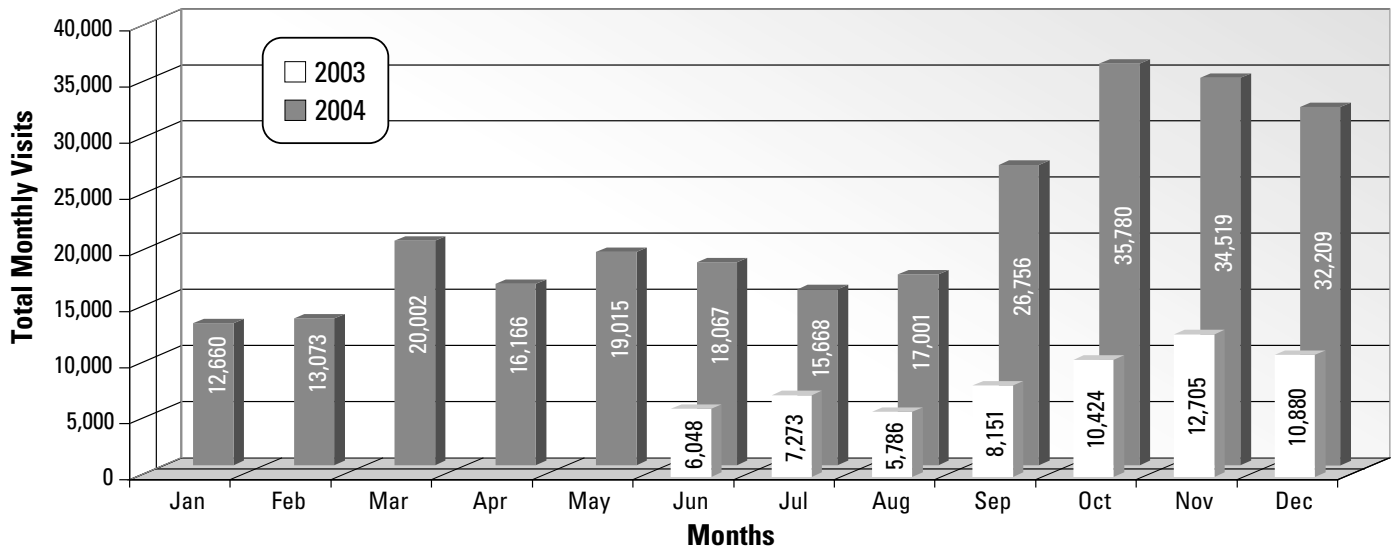
- COSEWIC's criteria for the classification of wildlife species;
- status reports on wildlife species that COSEWIC has had prepared or has received with an application;
- the List of Wildlife Species at Risk;
- codes of practice, national standards or guidelines established under the Act;
- agreements and reports filed under section 111 or subsection 113(2), or notices that those agreements or reports have been filed in court and are available to the public; and
- every report made under sections 126 and 128.

Documents specified in various sections of the Act, such as recovery strategies, action plans, management plans, COSEWIC classification criteria and status assessments,



NORTHERN RIFFLESHELL, *EPIOBLASMA TORULOSA RANGIANA*. ENDANGERED.

Figure 2: Monthly Visits to the SARA Public Registry, June 2003–December 2004



reports on round table meetings, as well as other SARA-related documents, are also included.

A result of the collaborative effort among many partners and stakeholders, the Public Registry is a key tool in supporting public participation in decision-making related to the Act. EC leads and maintains the Registry, but other organizations such as DFO and PCA play an important role in its ongoing development.

Activities

From June to December 2003, the Public Registry proved to be a valuable resource to partners, stakeholders and others interested in the new law. During this period, a number of documents were added to the Registry, including orders, COSEWIC status reports and species assessments, fact sheets and guides related to SARA. In addition, news releases related to activities under the Act

were posted and e-mail newsletters were distributed to subscribers. These activities led to a steady increase in the number of hits and visitors on the Public Registry, and indicated that overall reaction to it has been positive.

From January to December 2004, this trend continued as the Registry began being used as a tool for public consultations and an information source for newly published documents. New documents added during this period included orders, COSEWIC status reports and species assessments, response statements and permit explanations. In addition, the Registry was used for public consultations on policies and guidelines and the species listing process. Additional news releases were added and e-mail newsletters were sent to subscribers. As a result, the number of hits, visitors and newsletter subscribers to the Public Registry continued to increase, further indicating that the tool is meeting users' needs (see Figure 2).

The Public Registry can be accessed at <http://www.sararegistry.gc.ca>





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