

REGIONAL MANAGEMENT COMMITTEE

DECISION PAPER

Security Classification: Unclassified

Title: Current SARA Implementation Issues

Issue: As SARA implementation progresses, a number of issues have arisen requiring RMC decision:

- Due to workload and capacity issues, as well as lack of a formalized process, it is becoming more difficult to identify required species/recovery leads.
- There is confusion as to the requirements and expectations for non listed species and a regional approach is required.
- An approach to critical habitat identification in recovery strategies has been taken requiring RMC support.

Background: Recovery teams with species leads (chair) are required to produce recovery strategies and action plans. To date, recovery/species lead identification has been on an adhoc basis and a variety of options have been utilized. This includes using existing staff on a volunteer basis, using SARA core staff, and directed internal staff. The final alternative of contract support has not yet been explored. To date, significant resources from both programs and areas have been directed to recovery and action planning as follows:

South Coast FAM (Laurie Convey) – 7 species	OHEB RHQ (Dan Sneep) – 12 species
FAM RHQ (Marilyn Joyce) – 8 species	South Coast FAM (Bill Shaw) – 1 species
Lower Fraser StAD (Neil Schubert) – 1 species	BC I StAD (Richard Bailey) – 1 species

Currently, there is no standard process as to what is required when a species is not listed for socio-economic reasons. Questions have arisen as to whether recovery strategies should be completed in advance of a final listing decision, if species leads and recovery teams should be formed or remain in place and if recovery strategies or action plans are required at all.

The *Species at Risk Act* s.41(c) (c1) states that a recovery strategy must include an identification of the species critical habitat to the extent possible, based on the best available information, including the information provided by COSEWIC and examples of activities that are likely to result in its destruction; or a schedule of studies to identify critical habitat, where available information is inadequate. To date, recovery teams have been trying to identify critical habitat in the recovery strategy phase. This work has been undertaken in the absence of any policy direction resulting in concerns now being raised as to the implications of doing so. Of the six recovery strategies currently posted on the SARA Public Registry, only 1 recovery strategy, aurora trout in C&A, has identified critical habitat. Since then, C&A has removed the reference to critical habitat in two recovery strategies prior to posting on the SARA Public Registry.

Current Status: There are significant SARA obligations on the horizon, as 22 species are expected to be assessed by COSEWIC in the next 2 years. Currently identified leads have reached and likely exceeded their capacity to deliver on Recovery Strategy and Action Plan obligations under SARA. As a result, soliciting volunteers from programs and areas will continue to be difficult given experience to date and expected workload increases. A more formal process is required to ensure consistent and timely identification of species leads when required.

Even though some species may not be SARA listed, it may be the intent of the region to continue to work towards recovery of the species. With recent decisions to not list certain species, it has become apparent that a standardized approach is required. The process and requirements for non listed species is unclear, particularly if programs are funded through SARA (i.e. Interior Fraser Coho received SARA funding of \$80K to develop an action plan) or if it is the region's intent to work towards recovery of the species. In addition, field staff have identified issues stemming from a lack of coordination for non listed species, since some recovery teams have disbanded and species leads are no longer in place. In some cases, there seems to be a continued need for species leads as well as a need to develop SARA like action plans to clearly identify the way forward; to show regional commitment to conservation, protection and recovery; to identify priorities; to provide direction for staff; and to ensure consistency in regional approaches to recovery.

Also, current draft recovery strategies for Hotwater Physa, Nooksack Dace, and Resident Killer Whales due in June/06 have identified critical habitat. In the case of Resident Killer Whales the proposed critical habitat has undergone scientific peer review. These strategies are the first for the region to identify critical habitat, which has legal protection once identified in a recovery strategy. Concerns have been raised around the consistency of identification of critical habitat in the absence of a finalized policy framework, as well as the uncertainty as to the potential impacts of doing so. A legal review has been initiated as to whether critical habitat can be excluded from a recovery strategy if it has already undergone scientific peer review (Resident Killer Whales) as well as a review of the charging provisions available under SARA. An opinion is expected shortly.

Recommendation(s):

- It is recommended that a formalized cross sectoral SARA coordinating team consisting of core representatives from Policy, FAM, OHEB and Science, with augmented representation from other sectors or areas depending on the species or issue being addressed. This team would be responsible for recommending species leads based on a process which would include guiding criteria and an evaluation of which lead identification option would be the best fit based on the species at hand. In addition, it is recommended that species leads be re-established for Cultus and Sakinaw sockeye and Interior Fraser coho.
- It is recommended that SARA like action plans be developed for non listed species (Sakinaw and Cultus sockeye, Interior Fraser coho, and white sturgeon). These plans would include prioritized activities for implementation, start dates and estimated costs. They would not include other SARA requirements such as critical habitat identification and s/e evaluations due to workload and resource capacity considerations.

- It is recommended that RMC support the current direction to exclude critical habitat identification from the recovery strategy stage, pending any further policy or legal guidance.

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