

SPECIES AT RISK ACT POLICIES

POLICY ON RECOVERY
AND SURVIVAL

Cat. No.: CW66-616/2020E-PDF
ISBN: 978-0-660-35801-7

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1.0 Preface

The purposes of the *Species at Risk Act* (section 6) are to: 1) prevent wildlife species¹ from being extirpated or becoming extinct; 2) provide for the *recovery* of wildlife species that are extirpated, endangered or threatened as a result of human activity; and 3) manage species of special concern to prevent them from becoming endangered or threatened.

The terms “*recovery*” and “*survival*” are key concepts under the *Species at Risk Act* (SARA). Although these terms are used frequently throughout the Act, and their interpretation has implications for key steps in the SARA cycle (e.g., determining recovery feasibility, setting population and distribution objectives, the identification of threats and of critical habitat, jeopardy determinations for permitting decisions, imminent threat assessments for emergency listing and protection orders, and understanding the purposes of SARA), the Act does not provide definitions for these terms.

The primary distinction between the concept of recovery and that of survival for the purposes of implementing SARA is that the focus of recovery is to address the increased risk resulting from human activity, whereas the focus of survival is the consideration of what a species needs to persist in the long term. *Recovery* implies that eventually human interventions to support the species can be minimized. Ensuring *survival*, on the other hand, may require significant, direct, ongoing human intervention where recovery is not feasible.

Determining the feasibility of recovery and setting the population and distribution objectives happens through the recovery planning process. The terms recovery and survival, are not used in SARA in direct reference to species of special concern, however the application of these concepts as set out in this policy may be useful in developing management objectives that support the conservation of species of special concern.

Depending on where the listed species is found, the federal recovery strategies and action plans or management plans are prepared by the competent minister(s) to the extent possible in cooperation with the appropriate federal, provincial and territorial ministers, wildlife management boards, Indigenous organizations that are considered to be directly affected by a recovery strategy and action plan or management plan, as well as other persons or organizations considered appropriate. To the extent possible, consultation on the preparation of the document will also take place with landowners, and other persons considered to be directly affected by the recovery strategy and action plan or management plan, including lessees, municipalities and the government of any another country in which the species is found.

¹ Under SARA, the term “species” refers to the listed designatable unit which may be a subspecies or population of a species or subspecies.

The best available science advice and Aboriginal traditional knowledge² will be considered when applying the policy.

2.0 Policy Objectives

The purpose of this policy is to outline how the terms *recovery* and *survival* will be interpreted and applied in implementing SARA, in particular in:

- determining the feasibility of recovery (section 40);
- developing the population and distribution objectives within a recovery strategy such that they will assist the recovery and survival of the species in accordance with SARA paragraph 41(1)(d); and,
- ensuring that population and distribution objectives are consistent with the purposes of SARA.

These interpretations also apply to all other provisions of SARA that reference the concepts of recovery and survival, including imminent threat assessments, emergency listings (sections 28, 29 and 80), permitting and agreements (section 73) and emergency orders (section 80). These sections of SARA will be further clarified in other policies.

The concepts set out in this policy may be useful in developing management objectives in a management plan (section 65), to support the conservation of species of special concern.

This policy replaces guidance in the Draft SARA Policies (2009) related to recovery feasibility and setting population and distribution objectives.

3.0 Policy Statements

3.1 Recovery

*Recovery*³ of a species at risk under SARA is interpreted to mean:

A return to a state in which the risk of extinction or extirpation is within the normal range of variability for the species, as indicated in part by its population and distribution characteristics. This is informed by the species' natural condition in Canada, which is defined as its condition prior to the significant impact of human activities that led to the species being listed as Endangered, Threatened, or Extirpated under SARA.

² Aboriginal traditional knowledge is the term used in SARA to refer to the knowledge of Indigenous peoples.

³ For further details on the interpretation of *recovery* please refer to *Guidelines on Characterizing Recovery and Developing Population and Distribution Objectives*.

The condition of the species refers to the combination of factors that contribute to a species' risk of extinction or extirpation. The difference between a species' *natural condition* and its current condition forms the basis for what recovery means for any given species.

There are widely varying scenarios across the hundreds of species listed under SARA. The natural condition for one species in Canada may have been abundant and wide-ranging, while another may have been naturally present with very limited numbers and narrow distribution; perhaps even only intermittently present in Canada (for example, a southern species with only the northern fringe of its range in southern Canada, that only enters Canada under certain circumstances).

The objective of recovery is to return the species to whatever its natural condition was in Canada prior to being put at risk by human activities. For a given species, a return to natural condition is not necessarily the same as a return to the population size and distribution it would have had in the absence of human activity. For certain species with naturally limited or low abundance and distribution in Canada, a "recovered" condition under SARA may be a state in which the species still has a high natural risk of extinction/ extirpation, even after the significant impacts of human activities have been successfully addressed. Ultimately the factor(s) that must be addressed in recovery will depend on the species and the particular reason(s) why it is now considered to be at risk.

Guidance on characterizing a species' natural condition as well as other elements of this policy can be found in *Characterizing Recovery and Developing Population and Distribution Objectives*.

Aboriginal traditional knowledge, where available, can add a valuable long term perspective to augment historical information.

3.2 Feasibility of Recovery

The *recovery feasibility threshold* is the least secure condition that would qualify as *recovery*.

- When a species' condition can be improved to the extent that it meets or exceeds the *recovery feasibility threshold*, recovery will be considered to be **feasible**.
- When a species' condition cannot be improved to the extent that it meets or exceeds the *recovery feasibility threshold*, recovery will be considered to be **not feasible**.

The competent minister(s) will consider the *recovery feasibility threshold* as characterized by the following criteria:

- **Survival:** Survival characteristics can be met to the extent that the species is no longer at significant risk of extinction or extirpation as a *result of human* activity in relation to the definition below; and,
- **Improvement:** The condition of the species can be improved over when it was assessed as at risk; and,
- **Not reliant on human intervention:** When the above conditions are met, perpetuation of the recovered state can become not reliant on significant, direct and ongoing intervention such as feeding, vaccinating or breeding individuals, to maintain populations. This requirement does not refer to indirect habitat management activities even if they are significant and/or ongoing, because many habitats are managed to some degree by humans.

The purpose of determining the recovery feasibility of the species under section 40 of SARA is to establish whether it is *biologically and technically* feasible, after accounting for *persistent limitations*, to improve a species' condition enough for that improvement to reasonably constitute recovery.

- *Technically feasible* means that the scientific/management techniques and technology required to attain the targeted condition for the species in Canada exist, or can be reasonably anticipated to be available in time to support attainment of a recovered state.
- *Biologically feasible* means that the biological prerequisites (e.g. characteristics of habitat, population or distribution) of recovery for the species in Canada are still present or can be reasonably expected to be recreated in time to support attainment of a recovered state.
- A *persistent limitation*⁴ is a constraint on the ability to return a species' to its natural condition. Persistent limitations include irreversible changes that result in the establishment of a new set of ecological or biological conditions that cannot be reasonably reversed or mitigated within a time-frame that will benefit the species. In assessing whether changes are fully or partially reversible, consideration will be given to the biological and technical feasibility of reversing changes to the species, its habitat, and the ecosystems on which it depends. Persistent limitations may also arise from constraints on Canadian populations acting or originating outside of Canada. Examples of persistent limitations may include urbanization, major infrastructure and the effects of climate change.

The determination of recovery feasibility under section 40 of SARA will be limited to considerations of whether the biological and technical necessities of attaining a recovered state exist, or are reasonably likely to exist in a time frame necessary to attain recovery. Political, socio-economic, and administrative considerations play no direct role in this determination.

⁴ Persistent limitations are not the same as biologically "limiting factors" that are considered during the COSEWIC assessment process, although there could be some overlap.

The determination of recovery feasibility has implications for the content requirements of a recovery strategy (subsections 41(1) and (2)) and whether or not an action plan is required.

The competent minister may choose to prepare an action plan for a species even when recovery is not feasible.

3.3 Survival

A species at risk will be considered to have an acceptable likelihood for long-term **survival** in Canada when it has achieved a stable (or increasing) state, exists in the wild in Canada, and is not at significant risk of extirpation or extinction.

The factors and characteristics that contribute to a species likelihood of survival are:

- **Stability:** A species that has a stable (or increasing) population and distribution is more likely to survive over the long term.
- **Resilience:** A species that has large enough population size(s) to rebound from periodic disturbance and avoid demographic and genetic collapse is more likely to survive over the long-term.
- **Redundance:** A species that has multiple (sub) populations or locations, or a distribution that is very widespread, is more likely to survive over the long term because of reduced risk of catastrophic loss or extirpation from a single, local event.
- **Connectivity:** A species that has more continuity (less fragmentation) in Canada is in general, more likely to survive in the long-term since recolonization would be facilitated following a local extirpation event.
- **Protection from human-caused threats:** A species for which significant impacts caused by humans are ceased, avoided, or mitigated, is more likely to survive over the long-term.

In some circumstances other requirements, as appropriate to the species' context, life history and ecology may be necessary toward ensuring a species' survival in Canada. For example, in cases where it is not possible to reach and maintain all of the above conditions, including circumstances where recovery is not feasible, it may be possible to facilitate survival by ensuring connectivity with populations outside Canada, and/or by undertaking species interventions or habitat interventions.

3.4 Setting Objectives

- In general, population and distribution objectives will be set at the *best achievable condition* for a species.
- The best achievable condition will be determined in cooperation with partners to the extent possible, as per SARA subsection 39(1), consistent with the criteria laid out below.

Furthermore:

- When recovery is feasible, the population and distribution objectives will be set to assist the recovery and survival of the species.
- When recovery is not feasible, population and distribution objectives may be set to support or improve a species' likelihood of survival to the extent possible.
- When the recovery feasibility determination is uncertain, the recovery strategy will be prepared in accordance with requirements for a species for which recovery is feasible, and will aim among other things to reduce this uncertainty.

In all cases where recovery is biologically and technically feasible, the population and distribution objectives will assist achieving the best achievable condition by aiming to:

- Exceed the recovery feasibility threshold;
- Maintain the species above the recovery feasibility threshold over the long-term;
- Retain or regain representation associated with the natural condition to the extent possible and as appropriate to the species; and
- Consider additional conservation initiatives led by partners.

Population and distribution objectives may also take into account other conservation objectives that the competent minister(s) has for the species, such as objectives developed under the *Migratory Birds Convention Act, 1994*, the *Fisheries Act*, the *Oceans Act*, the *Canada National Parks Act* and/or those required to address the Crown's fiduciary obligations to Indigenous peoples.

Species may naturally shift their range over time in response to changing ecological conditions caused by natural factors, or anthropogenic factors including climate change. Population and distribution objectives will be developed in a manner that takes this into account where appropriate.

In general, where there is a lack of data or lack of confidence in the data on the species or the efficacy of recovery actions, the precautionary-based approach will be applied, consistent with: the [Framework for the Application of Precaution in Science-based Decision Making about Risk \(Government of Canada, 2003\)](#); and the preamble and section 38 of SARA which state that: "...if there are threats of serious or irreversible damage to a wildlife species, cost-effective measures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty." For the purposes of this policy statement, the best available information will be weighed and precaution will be applied during the determination of population and distribution with full disclosure of assumptions and uncertainties.

Management objectives for a species of special concern will address the reasons the species was assessed as special concern. In general, management objectives will be set either to prevent the species from becoming threatened or endangered or to bring the species to the point where it is no longer at risk.

In the case of species that are down-listed to special concern that were previously

endangered or threatened, the best achievable condition and long-term population and distribution objective that had been identified within the species' recovery strategy may be used to inform the development of management objectives within a management plan.

4.0 Application

This policy applies when interpreting provisions of the Act related to survival and recovery. It applies to decisions made, and in particular to recovery strategies and management plans developed, amended, updated or revised after the date of publication of this policy.