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Chair

Mr. James Bezan

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• (1530)

[English]

The Chair (Mr. James Bezan (Selkirk—Interlake, CPC)): I call this meeting to order.

We're going to be starting our fifth meeting to continue our study, which is to do a statutory review of the Species at Risk Act pursuant to Standing Order 108(2) and section 129 of the Species at Risk Act and the motion adopted by our committee on March 16.

Coming back to give us a briefing again is the department. This time, on behalf of the Department of the Environment, we have with us Virginia Poter, the director general of the Canadian Wildlife Service. From the Parks Canada Agency, we have Gilles Seutin, who is in the ecological integrity branch. From the Department of Fisheries and Oceans, we have Pardeep Ahluwalia, who is the director general of the species at risk directorate.

Welcome, all of you.

I believe, Madam Poter, that you're going to bring us the opening comments. We look forward to hearing them.

Ms. Virginia Poter (Director General, Canadian Wildlife Service, Department of the Environment): Thank you very much, Mr. Chair.

Good afternoon. I'm here representing Environment Canada. As was noted, my two colleagues are with me from Fisheries and Oceans and Parks Canada. Together, the three departments work to implement the Species at Risk Act.

I'll provide the opening presentation and, together, my colleagues and I will do our best to answer your questions.

My opening comments will provide a fairly high-level background on the act as a refresher to the committee and also will provide an overview of the draft SARA policy suite that has been made publicly available since the officials last appeared before the committee.

Let me provide a bit of context for the Species at Risk Act, or SARA. A number of acts, federal, provincial, and territorial, seek to conserve and sustain wildlife. Earlier acts, such as the Migratory Birds Convention Act, focused on encouraging action that would keep common species common. However, it was recognized that the preventative approach was not enough and that a formal emergency room for wildlife was needed to complement the mosaic of laws. Accordingly, in 2003 SARA was promulgated, focusing on wildlife at risk.

Turning to slide 4 in our deck, we can see that SARA is premised on the view that it is in our interest to protect species at risk. Canada's biodiversity is essential to the health and well-being of Canadians and our economy. Almost 14% of Canada's GDP depends on healthy ecosystems: forestry, agriculture, fisheries, and recreation.

Healthy ecosystems also provide services that aren't formally reflected in our national accounts, including carbon sequestration, clean air and water, disease and pest control, pollination of food crops, and aesthetic and other spiritual benefits. Ecosystems that provide these benefits require diverse, viable populations of species, and these species require habitat. The loss and fragmentation of habitat is the leading cause of species at risk.

Species found at the edge of their ranges, like many Canadian species at risk, may harbour important genetic adaptations, potentially contributing to the bank of genetic material essential to innovation in key economic sectors such as agriculture, forestry, and the pharmaceutical industry. The presence of species at risk can also provide us with an early warning that the ecosystem is out of balance. It is in our interest to protect species at risk.

SARA, as slide 5 indicates, was put in place to prevent wildlife species from becoming extinct or being extirpated and to support their recovery. It addresses all wildlife in Canada, ranging from large mammals to fish, insects, plants, and other species. SARA establishes a process for conducting scientific assessments of the population status of species and a mechanism for listing species. SARA also includes provision for the protection of individuals of listed wildlife species, their residences, and critical habitat.

SARA is prescriptive in many ways about how these purposes are to be met. It sets out timelines for actions under the act and requires consultation at most key decision points.

I'll turn to slide 6. Species do not recognize jurisdictional boundaries, so cooperation is crucial to the conservation and protection of species at risk. SARA explicitly recognizes the shared responsibility for conservation and wildlife in Canada. It is not something the federal government can accomplish on its own.

The Accord for the Protection of Species at Risk was agreed to by the federal government and provinces and territories in 1996. The goal of the accord is to prevent species in Canada from becoming extinct as a consequence of human activity. SARA is the key legislation for the federal government to implement the accord.

Under SARA, accountability is shared by the Minister of Fisheries and Oceans and the Minister of the Environment, who is also the minister responsible for Parks Canada. The Minister of the Environment is responsible for overall implementation of the act, for terrestrial species on federal lands, and for making recommendations to the GIC, and, as the minister responsible for parks, is also responsible for all species, terrestrial and aquatic, found in parks.

The Minister of Fisheries and Oceans is responsible for implementing the act for all aquatic species outside national parks and for providing the Minister of the Environment with listing recommendations for aquatic species. Provinces and territories are key partners and are responsible for terrestrial species on provincial crown and private lands. Given the shared responsibility for species at risk in Canada, we have a number of governance, advisory, and supporting structures.

I won't go through the slide on page 7, other than to note that it was presented at a previous appearance by officials and illustrates the framework under which provinces, territories, and we ourselves operate. We have taken this "SARA cycle", as we call it, as the framework for the draft policy suite that I'll be speaking to next.

• (1535)

Let's turn to slide 8. Given the complexity of SARA, commitments were made early on to develop policies that would explain the federal government's understanding of the act and its obligations. Work started early after promulgation of SARA, but in light of the key role provinces and territories play regarding species at risk in Canada, policy development was suspended while the national framework just mentioned was developed.

Once the framework was complete, officials from Environment Canada, Fisheries and Oceans, Parks Canada, and the Department of Justice, and extensive engagement with provinces, territories, and other stakeholders as well, informed the development of draft policies. These draft policies were published in December 2009. We're currently finalizing the policy suite.

I will now step through each of the chapters of the policy suite, starting with page 9.

Chapter 1 focuses on assessment. Assessment is conducted by the Committee on the Status of Endangered Wildlife in Canada, or COSEWIC. COSEWIC is independent and is comprised of members from federal, provincial, and territorial governments, academia, aboriginal organizations, non-government organizations, and the private sector. COSEWIC assessments are based on quantitative criteria and draw on scientific knowledge, aboriginal traditional knowledge, and community knowledge.

I should highlight that COSEWIC assesses the status of wildlife in Canada, not globally, as is the case under American legislation. It is important to note that socio-economic considerations are not factored into COSEWIC's assessments and that COSEWIC's priorities are established by the committee and not by government.

Turning to slide 10, the second chapter of the policy suite describes the listing process and the protections that flow from listing under SARA. The next slide, which I won't go through, provides the listing steps as laid out in the policy.

One of the key points in this chapter relates to the nine-month SARA timeline for listing. The policy clearly states that the clock starts upon the receipt of the assessment by the Governor in Council, and not upon COSEWIC's delivery of the assessment to the Minister of the Environment. The policies also articulate that federal acts, such as fisheries acts, the Canada National Parks Act, and others will be used in addition to SARA as appropriate.

The chapter also clarifies the Government of Canada's interpretation of effective protection; that is, the protection that provinces and territories afford those species at risk for which they are accountable, i.e., not migratory birds, not aquatic species, but other species found on non-federal lands.

I would like to add a couple of points with regard to listing. First of all, listing is done through a regulatory process and, as such, is subject to the government policy on regulation, specifically the cabinet directive on streamlining regulation. One of the requirements of this directive is to include a regulatory impact assessment statement. Within it, you must consider socio-economic implications of the proposed regulatory change. In the case of SARA, it is at the listing point rather than at the assessment point that socio-economic factors come into play.

I'll turn to slide 12. This is the chapter that focuses on recovery planning and articulates that there is a two-step process for extirpated, endangered, and threatened species. We have to prepare a recovery strategy as well as an action plan, whereas for species of special concern we must only prepare management plans. Recovery strategies and action plans can...

I'm being told that I have one minute. I'm not quite sure where to go.

I think what would be important to flag here is that within recovery strategies we must identify critical habitat to the extent possible. This is a key consideration for the development of this document. The identification of critical habitat must specify both the location and the features that make it so important for species at risk.

The purpose of identifying critical habitat is to ensure that it is protected from human activities that would result in its destruction. As such, the amount, quality, and locations of habitat are derived from the stated population and distribution objective, but not from consideration of socio-economic factors. This is a key point that we remind many of our stakeholders about.

• (1540)

I will skip over slide 13 in the interests of time, other than to flag that over the five years—almost six years now—that SARA has been in force, we've developed a lot of understanding about what makes a good document. As such, we have recently updated our guidance to provide documents that are far more streamlined and practical.

The Chair: If I may interrupt you for a minute, Madam Potter, we just went over 10 minutes.

Is it okay, committee members, if we let the witness finish her presentation? Because this is a briefing, and we want to make sure that we're all well informed.

Some hon. members: Agreed.

The Chair: We'll allow you to continue since there's agreement.

Ms. Virginia Poter: Thanks very much.

I will turn now to slide 14, the draft implementation policy, the fourth step in the cycle. As was previously stated, the responsibility to protect species at risk in Canada is shared. Accordingly, as noted in this chapter of the policy suite, implementation is shared by various parties using various approaches.

SARA specifically stresses that the foundation of recovery planning is a stewardship approach. This chapter also lays out the variety of tools the federal government uses, including such things as federal funding programs, like the habitat stewardship program; our federal protected areas, including national parks; and also environmental assessment, regulation, permits, and so on.

Turning to slide 15, the last chapter of the SARA policy suite deals with monitoring and evaluation of the implementation of species protection, recovery, and management activity. Given that SARA is cyclical, monitoring and evaluation inform all of the SARA cycles through a variety of mechanisms. The objective is to assess progress toward achieving the recovery goals, the effectiveness of our actions, and the appropriateness of the goals and objectives we have set in the first place.

Turning to slide 16, I'd just like to conclude by providing a very short overview of the key protections afforded by SARA. First are the general prohibitions. These are laid out on the slide, and basically they say that no person shall kill, harm, harass, capture, possess, collect, buy, sell, or trade individual species at risk. As well, damaging or destroying the residence of one or more individuals is prohibited.

These general prohibitions apply only to extirpated, endangered, or threatened species, not to species of special concern. They automatically apply to migratory birds and aquatic species and to other species when they're found on federal lands.

The next key protection afforded by SARA is the protection of critical habitat, and that is the subject of much interest among many of our stakeholders. Once identified, critical habitat must be legally protected if found on federal lands. As for critical habitat found on non-federal lands, the laws of the province or territory must effectively protect it. The minister will consider that these laws effectively protect it when an instrument of a binding nature that is effective at producing the intended result under SARA is in place.

The final slide deals with the last two protections afforded by SARA, the first being the safety net order.

If, after consultation with the applicable province or territory, where the minister is of the opinion that the laws of the province or territory do not effectively protect the species, its residences or its critical habitat, the minister may recommend to the GIC that a prohibition be applied to protect the species, its residence, or any part of the critical habitat. This is what's known as the safety net order. In such instances, the minister will recommend to the GIC that an order be repealed once the province or territory has developed an instrument that provides effective protection.

The last provision is emergency protection orders. Under SARA, the GIC, on the recommendation of the competent minister, may make an emergency order in cases where protection under other SARA provisions will not be in place within a sufficiently timely manner to ensure the survival or recovery of the species. The minister would make this recommendation only after consultation with other competent ministers, i.e., the Minister of Fisheries and Oceans or the Minister of Environment, and may discuss this with aboriginal peoples or governments as appropriate.

Having provided a fairly high level overview of the act and the draft SARA policy suite, I will conclude my opening comments. My colleagues and I would be pleased to address the committee's questions.

● (1545)

The Chair: Thank you very much. I appreciate those opening comments.

Again, I want to draw the committee's attention to O'Brien and Bosc, chapter 20, page 1068, which states that "public servants have been excused from commenting on the policy decisions made by the government". We often tend to go down that road in questioning our public servants, so I would just ask that we keep our comments to the nature of the act itself and to the review we're undertaking here.

Mr. McGuinty, you may kick us off, please. You have seven minutes.

Mr. David McGuinty (Ottawa South, Lib.): Thanks, Chair.

I thank the witnesses for being here.

I want to start with science; I've seen "science" repeated here many times. You've alluded to the notion of natural capital; you haven't used the term, but you've alluded to it in terms of healthy ecosystems. In the last meeting we had on the estimates, we heard that there is some work going on, although not as much as we'd probably all like to see, on the indicators initiative that would lead to a new set of national accounts, for example, at Statistics Canada. I'm sure you would like to see that, but I want to talk to you about science.

Nowhere in this entire brief have you made a reference to climate change. I don't think you have. I followed you page by page, but there's no reference at all to climate change. Can you help Canadians understand how much science is now going on in the department under the act? Give us an idea of how many scientists there are and how much money is being spent. How have you connected species at risk to the overarching threat that the climate change crisis is presenting today? It is nowhere here, so can you give us some understanding?

Ms. Virginia Poter: I'll give it my best shot, but I think I'll need to have follow-up information. I don't have statistics as they relate to Environment Canada and the proportion of our resources that is expended on climate change; that is not within my remit, if you will, but if the committee desires that information, we can certainly see if we have it. I don't know if we collect information that way.

As it relates to species at risk, certainly climate change is a factor that for some species is one of the key threats to the survival and recovery of the species, but it's not the case for every species at risk. What I think is generally found is that the largest risk to a species becoming at risk relates to habitat loss and habitat fragmentation, as well as invasive species. In the case of terrestrial species, climate change is one of those factors that would perhaps lead to land alterations, which may be a contributing factor to habitat loss or fragmentation, but so far, in and of itself, it is not a leading threat overall for species at risk.

Mr. David McGuinty: How much science are we doing? I mean, I hear you: you're saying the two greatest sources of stress on species are habitat loss/fragmentation and invasive species. You've just also said that climate change is a major factor on both of those fronts.

Ms. Virginia Poter: It can be. Yes.

Mr. David McGuinty: It can be, so how much are we doing? What is your unit doing now? Do you know how much was done through the Canadian Foundation for Climate and Atmospheric Sciences, which, you may not know, is being wound up? How much is going on?

I would think the overarching risk to species is climate change. Am I wrong? Are Canadians wrong? In the immediate and maybe even in the middle term, that may not be the case, but over the longer term, temperature increases, desertification, and water temperature increases all have a major bearing on species going forward. I'm just trying to get a sense of this.

I have asked repeatedly, as the chair knows. I have been asking for five years for the climate change plan from the government. I've never seen one, so I'm wondering how you are taking the climate change crisis into account now under the implementation of the Species at Risk Act, much less its review.

I'm trying to get a sense of how we can improve this bill to make sure that we factor this in and that the appropriate amount of science will be going into climate change and effects on species. Can you help us connect these things?

• (1550)

Ms. Virginia Poter: I can try, but I'm hoping my colleagues can come up with some views also.

I would start by saying that our implementation of the Species at Risk Act is founded on the assessment phase, which is conducted by an independent committee, COSEWIC, the Committee on the Status of Endangered Wildlife in Canada. Those scientists, PhD types, are drawn from many walks of life, including government, NGOs, industry, and academia. They consider the species. What does it mean if you are talking about a polar bear, for example? Maybe that's one thing, while if you're talking about a bird, it's something else.

Mr. David McGuinty: Ms. Poter, my time is really short. I hear you loud and clear. What you're saying is that it really does boil down to the specificity of the species, isn't that right?

Ms. Virginia Poter: Yes, I think so.

Mr. David McGuinty: I understand that. Top researchers would be called in, COSEWIC's and others, to say that we have a species at risk here, or extirpated, or whatever the word might be.

I'm asking: do we know, do we have any information, and is SARA is compelling Canadians to get prepared for the inevitability of temperature increases because of the climate change crisis? Do you have a general indication? Is SARA is forcing us to get prepared, not after the damage has occurred or stresses are being identified and measured? But we know this is coming. Only a fool would not believe that this stage of climate is changing and that the temperature is increasing. Even the government has said that we're going to fight to hold temperature increases to two degrees Celsius. In Copenhagen, it signed every document that said so.

Are we not doing anything on this going forward? Isn't SARA really compelling us to deal with this huge natural capital asset—which will be at risk over time—not after the fact, but before?

Dr. Gilles Seutin (Ecological Integrity Branch, Parks Canada Agency): Let me try to add something. In its structure, SARA is quite prescriptive and is charging us largely to look at the immediate threats that species are facing. It's the emergency ward.

Understanding that in the spread of many invasive species, diseases, and things such as that, there are underlying long-term trends, SARA, in the way it is structured, is really telling us to tackle the immediate current urgency. In that case, it's actually pulling the invasive weeds that prevent the native grass from growing.

It's clear that a comprehensive environmental policy needs to look at the long-term underlying causes, but SARA itself, as legislation, is built for this current immediate response.

The Chair: Thank you.

Your time has expired, Mr. McGuinty.

We'll go to Monsieur Bigras, *s'il vous plaît*.

[Translation]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): Thank you, Mr. chair.

I thank the witnesses who are here today.

I am going to ask questions based on your diagram of page 7. I will limit myself to three issues: assessment, protection and recovery planning.

When a species is listed, it is largely based on a scientific analysis and report as well as on the reports of COSEWIC. That organization tries to assess the vulnerability of the species and to determine if it is threatened.

Is it standard procedure for the department to list a species which, according to scientists, is vulnerable or threatened? Is it automatic?

Let us take a specific example: marine fish. From what I understand, the government has always rejected the recommendation of COSEWIC to list species of marine fish as endangered species.

How can you explain that the department, which should in theory trust its scientists, can ignore their recommendation?

• (1555)

[English]

Ms. Virginia Poter: I can start, and then perhaps my colleague from Fisheries and Oceans would continue.

The way the act has been constructed is to look to COSEWIC to provide the scientific perspective on the needs of the species. Based on that, a socio-economic analysis is applied to it and a recommendation is provided that is then taken to the Governor in Council for a listing decision, based on the recommendation of the Minister of the Environment. In many cases, but not all cases, the assessment—not the recommendation, but the assessment—from COSEWIC is accepted and is reflected in the listing decision by the Governor in Council.

[Translation]

Mr. Bernard Bigras: So, it is not automatic. When the advice of scientists is ignored and the species is not listed as being at risk, in how many cases were the economic factors the key consideration in the decision? Is there not a species of salmon that has not been listed because of economic considerations? Is that possible?

[English]

Ms. Virginia Poter: One of the considerations the GIC would take into account is whether there are other acts of Parliament that can afford protection for the species at risk. This is some of the decision-making that will have taken place when the GIC comes to a decision in relation to listing.

[Translation]

Mr. Bernard Bigras: All right.

Is there a prescribed timeline in the Act for the listing of a species? I suppose there must be one in terms of months or years. I do not know what it is. I have only the average.

[English]

Ms. Virginia Poter: Slide 11 tries to lay out the process for listing, and in the interest of time I skipped over that slide. It tries to lay out in fairly clear terms, we hope, how long it takes from the time the assessment is received until the time when GIC can make a decision. Typically, it takes about a year. I'm trying to remember the dates.

[Translation]

Mr. Bernard Bigras: From the information I have, the average time required for listing a species under SARA is two and a half years. Is that correct? Generally speaking, does the department respect the timelines prescribed in the legislation?

[English]

Ms. Virginia Poter: Perhaps I could explain some of what has to happen once we receive the assessments from COSEWIC. That is the biological need of the species, and as I mentioned earlier, one of the requirements for the GIC to make regulatory decisions is to have a full understanding as laid out in the RIAS, the regulatory impact analysis statement.

In many instances, the federal government doesn't have the information with regard to the species. For terrestrial species, as a good example, the federal government has accountability for migratory birds, but when it comes to plant species, mammals, insects, or amphibians, in most cases they fall normally within the jurisdiction of the provinces and territories, and we have to work with them to collect information.

[Translation]

Mr. Bernard Bigras: As far as recovery planning is concerned, I have some figures dating from June 2007. I see here that there should have been recovery plans established for 228 species but that only 55 were completed. As I said, these are 2007 figures. I do not have anything more recent.

Is the situation any better now, in 2009-10?

• (1600)

[English]

Ms. Virginia Poter: Yes. We have more recovery strategies now. I believe the number is 119. I'll get the specific number for you in a moment; I know you don't have much time.

So it has improved. I would just flag, though, that when the act came into force, there were 233 species already listed. After that, more species were added to the list every year. Now we have over 400 species. Obviously, when that many species are at the start of the coming into effect of the law, you have a backlog, which you must start working through.

[Translation]

Mr. Bernard Bigras: I would like to know for what percentage of species have recovery plans been drafted. You said that there are now 119 of them but, even if the number of species listed has increased, it is quite possible that the percentage has remained the same. It seems to me that it was 23% or 24% at the time, i.e. about a quarter. Has the percentage of recovery plans increased?

[English]

Ms. Virginia Poter: Right now it's about 25%.

Mr. Bernard Bigras: Okay.

Ms. Virginia Poter: However, I would flag that there are many recovery strategies in development. I would also flag that the early days were spent building the processes. For example, when we had species occurring on the land claim settlement area in Nunavut, we had to establish a process whereby we could engage with the Nunavut Wildlife Management Board and lay out the many processes to respect the NLCA. It takes time to build that relationship, to build that tool. Well, now we have the tool, so we can start pushing through our northern species.

[Translation]

Mr. Bernard Bigras: Thank you.

[English]

The Chair: Mr. Hyer, welcome back. I understand you're pinch-hitting today for Ms. Duncan. You have the floor.

Mr. Bruce Hyer (Thunder Bay—Superior North, NDP): It's my pleasure. As a caribou biologist, it's fun to be here and think about them and 7,700 other species.

I'm going to build on what Mr. Bigras said. When SARA became law, 233 species were listed in schedule 1. I just heard you say that recovery strategies were required by June 2007 for 119. That was going to be one of my questions; you gave the answer, which you think is 119, although I thought it was 106. My homework indicates 106, but it's in that order of magnitude, so it's about half of what should be done. As well, management plans for a further 43 species of special concern were required by June 2008, and I think about 20 of those have been done.

Last year Ms. Wright came here and told us that the pace of implementation was improving. That's not really what I'm hearing, unless I'm not understanding it properly. Have you really improved in 2008, particularly relative to the expanding growth?

When are you going to catch up with the backlog, when are you going to be in compliance with the act, and why aren't the targets being met? Do you not have the resources you need? Do you not have the organization within the department? Do you not have the political will within the department? Are you getting interference from outside the department? There seems to be a problem.

Second, under SARA, it's up to the government to legally protect wildlife species designated by COSEWIC. You've assessed only 775 out of 7,700 designated species, if I'm correct. That's a tiny fraction—maybe 10% or worse—of the species in Canada. Again my question would be, “Why?”, and when and how will we make better progress?

My third question bothers me the most. There are two strategies for dealing with endangered species: one is to protect gene pools and population—short-term survival strategy to medium-term survival strategy—and the other, equally important, is long-term habitat protection. As of last year, if I understand this correctly, only 22 species have had their critical habitat even identified, never mind protected.

Let me give you an example that's near and dear to my heart. Caribou, according to your document, or according to Ms. Wright last year, are primarily managed by provincial jurisdiction. Trust me: in Ontario it's just not happening very well. It's a dubious assumption to say that provinces are doing this accurately. The West Moberly First Nations had to go to B.C. Supreme Court on this. They're near Chetwynd, B.C. They had to go to court to get a decision to protect critical habitat there, so the first nation actually had to do your job for you.

I'd like you to leave me at least a minute for a quick question for Gilles. I realize it's a “have you stopped beating your wife” type of question, but what's necessary here for Environment Canada to really start to move decisively and more quickly to protect critical habitat and identify the species and the habitats that are required?

• (1605)

Ms. Virginia Potter: I'm not sure we have enough time to address all your questions, so—

Mr. Bruce Hyer: You can call me or write to me later, if you like.

Ms. Virginia Potter: I will speak to some of the challenges around critical habitat identification, to start off, and then move on from there.

Identifying the habitat that species need sounds straightforward, but in some cases it is not so straightforward. The woodland caribou boreal population is an example, and I'm sure you're very familiar with it. We've done quite a bit of work in trying to figure out what the habitat is that needs to be protected—that is, what the critical habitat is—but the species is, as you know, wide-ranging and uses large swaths of land, essentially the boreal area, or about one-third of Canada. It would be pretty hard to say that all of that is off limits, so the instinctive notion that there's a plot of land...

One of my colleagues always talks about the Banff Springs snail. It's fairly easy—protect this little patch of land and you've nailed it—but it's not the same thing when you're talking about a species such as the caribou. This is a species that's wide-ranging and can tolerate disturbance on the landscape, but how much disturbance, and in what conditions? We are spending a fair bit of effort trying to make sure we understand that, because our belief is that if we can get it right for the boreal woodland caribou, we can probably get it all right.

Mr. Bruce Hyer: But you've delegated it to the provinces.

Ms. Virginia Potter: No. As we speak, the federal government has a lot of work under way on the woodland boreal caribou. We are doing three types of activities. We have science work under way, we're currently collecting aboriginal traditional knowledge and community knowledge, and we have a lot of consultation under way across the country as it relates to the population objectives and distribution and to the threats and the practices that can help mitigate them. As well, there is scientific work that is trying to come up with what the relationship is between the disturbance on the ground and the needs and implications for the caribou.

Our expectation is that for this species, which is very challenging from a biological perspective, we will have a recovery strategy, with critical habitat identified, in at least a draft stage in the summer of 2011. I know that this is perhaps a longer delay than all of us would like, but this is the reality. This is a biologically challenging species.

Mr. Bruce Hyer: Thank you.

I have a really quick question for Gilles.

Gilles, I'm concerned at directions I've seen lately. Environment Canada, Parks Canada, did a survey about how people would tolerate improved partnerships within national parks. I was concerned that it was code for more human activities and less protection in national parks.

I have a specific example that you may be able to update me on, and that is the Marmot Basin in Jasper, just as an example. The ski development there would like to take some parkland and do a swap for other land that's at best equal and at worst not as good. Do you know what point that idea has reached? Has that been quashed? Is this still at risk?

The reason I'm asking is that it's important in its own right, but it's also indicative of whether we are going to hold to the guidelines, which say that any swaps have to result in significant improvement in the status of endangered species.

Dr. Gilles Seutin: I was expecting... The last time we were called here, we had a question about park establishment. This is about park management and the primacy of the ecological integrity rule that it has to be maintained—

Mr. Bruce Hyer: And protecting critical habitat.

Dr. Gilles Seutin: Yes—and the need for protecting critical habitat.

I have to mention first that critical habitat for the southern mountain caribou, which we're talking about in this case, has not yet been defined. Work is under way. It is absolutely clear that any and all discussions of the Marmot Basin development must take into full account the fact that this is probably the last strong herd, the southernmost one, of southern mountain caribou, and Parks Canada will not do anything that will jeopardize that herd.

• (1610)

The Chair: Your time has expired, Mr. Hyer.

Mr. Bruce Hyer: Thank you. That's perfect.

The Chair: We're going to continue.

Mr. Warawa, you can clean us up on the seven-minute round.

Mr. Mark Warawa (Langley, CPC): Thank you, Chair.

Thank you to the witnesses for being here today.

This is the first review of SARA, or a continuation of it; we started it almost a year ago now, I think. As a little bit of history, it was in the early 2000s that the Liberal government made a number of attempts to get SARA through. There were three failed attempts, I think, because there was a lot of concern that SARA be written right and that there be appropriate compensation for properties that were identified as part of a critical habitat. SARA has a history of being difficult to get through.

Now we have SARA, and our duty is to find out what works, what doesn't work, and how SARA can be improved. That's our job, so we appreciate your sharing with us how the process is working.

You talked about the critical habitat. Are there socio-economic considerations when you identify a critical habitat or are there no socio-economic considerations?

There are none...?

Ms. Virginia Potter: There are none. Critical habitat is identified strictly on the biological needs of the species.

Mr. Mark Warawa: Okay. So when COSEWIC identifies a species, there are no socio-economic considerations, right?

Ms. Virginia Potter: That's correct.

Mr. Mark Warawa: Okay.

Could you take us through the process by which a species is listed? You've touched on it, but maybe you could give us an example of how a species is being listed, how the habitat or the recovery planning would happen, and then how you would let the public know. It could be the provincial, territorial, or federal government that would be managing it, but let's assume for our discussion that it is federal, that it is a species that has been listed, and that there's a recovery. How do you notify the public that this is now a critical habitat so that the public knows?

The reason I ask this is that I had a photographer come into my office who had set up a blind and was taking pictures. He damaged some of the habitat—he took down a rosebush—and got into big trouble. He was not aware that it was critical habitat for a species. That is why my question is relevant.

The government has seen that if you have legislation you must have an enforcement component of it, too, if it is to be successfully used to protect the habitat and protect the species. The government made a commitment a couple of years ago and, as of about a year ago, we have a lot of new environmental officers out there.

So again, I think the question that is very important is this one. We want to make SARA practical and effective to protect species that need protection, but how does that process happen and how do we notify the general public that this is an area that is off limits for certain activities?

Ms. Virginia Potter: I can start, but certainly my colleagues should jump in.

Critical habitat identification is not easy. It starts, first and foremost, with the COSEWIC assessment. The COSEWIC assessment lays out the biology of the species, the type of habitat it needs, and the threats that are leading to the species being at risk. Then the job is done; they make their decision based on these quantitative criteria and indicate if it's threatened, endangered, or extirpated. It's only for those three categories that you would have critical habitat requirements.

They also provide a general notion of where you would find the species, such as in southern B.C. or up in the north, but it's pretty much at a jurisdiction level. We then receive that information, and that's what starts the recovery planning process.

For a federal species, as opposed to a species within the jurisdiction of a province or territory, we would look at who the right people would be to put on a recovery team. The Wildlife Service that I lead has staff across the country in five regions. If it's a species that's primarily in the Atlantic region, obviously folks in the Atlantic region would lead with this. Is it a species found only in parks? If that's the case, then Parks Canada would lead. If it's broader than what's found in parks, typically the Wildlife Service would lead if it's a federal species. If it's a federal species—for example, a migratory bird—we typically have the expertise that we need, but we like to involve the province and territory to the extent that they can participate.

We form a team. Then we take the information from the COSEWIC assessment and start to look at the key threats and the critical habitat. They've given us a sense of the biological needs and the features of the habitat; now we have to put the marker on the land, if you will. You have to be able to actually identify it. It's not enough to say that it's generally over here; it has to be these coordinates, or at the edge of this lake. It has to be something that would easily tell somebody who is not a biologist whether they were in critical habitat or not.

We also have to identify the features of that particular landscape that make it so important to the species. That work takes some time. It requires fieldwork, with biologists going out and looking at the field, and it requires pulling out information that exists in literature, information beyond what was provided to us from COSEWIC. That definitely takes some time. Quite often, two or three field seasons are needed before you can start to understand whether it is critical habitat or whether the bird laid an egg there once and never came back and it's not really critical to the bird. That takes some time to work through.

Once we have that piece, the other parts of the recovery strategy can be developed in parallel. You need to look at what can cause destruction of the critical habitat. That's what the biologists spend many hours and many weeks on. Quite often, they have to go out onto landscapes, and if that landscape is owned by a private individual or is aboriginal land, there are some challenges around that. We need to work with people, we need to build awareness, and we need to build understanding.

We eventually get to the point of having a recovery strategy. We have 119 recovery strategies, some of which have critical habitat identified.

Then we need to do what's called compliance promotion. We need to develop materials that speak to the landowner or the aboriginal band or whomever, explaining that they have critical habitat on their land. It doesn't mean it's a no-go zone, but we indicate the kinds of activities that they should not do on the land because they would destroy this critical habitat, which is prohibited under SARA. We work on compliance promotion materials; then we get the enforcement boots on the ground to follow up and ensure that the compliance is happening.

It does take time. It's a bit complicated, because biology is never easy.

• (1615)

The Chair: Monsieur Trudeau, could you kick us off on the five-minute round?

Mr. Justin Trudeau (Papineau, Lib.): Thank you very much, Mr. Chair.

To follow up right away and to understand the process, first COSEWIC does the evaluation, but that does not include any socio-economic impacts. Then it's referred to the minister for a recommendation. That takes three months, ideally, but more realistically, it takes a year or even two years for the socio-economic evaluation at that point...

Ms. Virginia Potter: Also, there's a requirement under the act to consult, so—

Mr. Justin Trudeau: To consult...?

Ms. Virginia Potter: —at every step of the way we must consult with aboriginal people, because that's a requirement in the act. Also, to the extent that we can, we need to consult with the provinces, the territories, and private landowners.

Mr. Justin Trudeau: But the evaluation of critical habitat only happens once the Governor in Council has received a recommendation to have the specific species listed. The way you detailed it,

obviously the critical habitat evaluation is the key to SARA to a certain extent.

I'm wondering about the consultation during the time that it's on the minister's desk. This is something we saw in the caribou case and in many other cases; it seems to drag on, perhaps for political reasons as much as anything else. Is there a possibility of streamlining that ministerial step because there's still so much left to work through on the habitat end of things?

• (1620)

Ms. Virginia Potter: Perhaps I wasn't clear, so I'll try to make sure that I am. The listing process requires the minister's recommendation to Governor in Council. It's a decision of the Governor in Council to put the species on the list, but the development of recovery strategies is done by officials, often with academics who will provide insight—and so will other team members.

We write the document and we inform the minister in most cases. The approval within Environment Canada sits with me for publication.

Mr. Justin Trudeau: Why does it take so long on the minister's desk, then? Why is there that perception, perhaps?

Ms. Virginia Potter: Do you mean the listing?

Mr. Justin Trudeau: Why does it take so long to get listed? If it's just an almost administrative step, how has it become such a stumbling block?

Ms. Virginia Potter: Quite often, I think, if you're outside the bureaucracy trying to feed the processes... There's quite a strict process involved in putting in place new regulations. I've briefly mentioned the cabinet directive on streamlining regulation. I think the government wants to assure itself, or the Governor in Council wants to assure itself, that only regulations that are required are put into law.

To ensure that the Governor in Council has all of the required information they need to make a decision, officials like me and my colleagues have to collect that information and package it in a way that speaks not to a biologist but to somebody who does many other things besides read biology reports. That takes some time.

Mr. Justin Trudeau: Okay.

I have a question for Mr. Ahluwalia.

One of the issues that has come back a number of times is the difference between protecting individuals of the species at risk and the desire to protect the entire species at risk. There's a concern that some of the conservation efforts—for example, restocking with fish a river around a hydro plant—are actually creating more risk for them, because there's more of an opportunity to have a fish turn up in one of the turbines even though it was fish that they were trying to reintroduce through stewardship.

There were some questions around that the last time we looked at SARA. I wonder whether we have come up with some tweaks or improvements to SARA that might speak to this or recognize conservation efforts and allow room for them.

Mr. Pardeep Ahluwalia (Director General, Species at Risk Directorate, Department of Fisheries and Oceans): I'm not sure I'd call them tweaks to SARA. The legislation is what the legislation is. Working with our regional colleagues who actually implement on the ground for us and with people who are engaged, involved, and affected by the decisions made under SARA, we are trying to find ways of achieving species conservation and recovery while respecting the strictures of the legislation.

What this means, in many cases, is trying to do new things so that we don't have a legal risk either for the government or for, as in the example used, hydro operators, but at the same time, we want to achieve the end objective, which is recovery. I would love to be able to sit here and say we've found the answer. We haven't yet.

We do, however, have a number of ideas that we are trying to work through with some of the hydro operators to see whether we can achieve the end objective of SARA while at the same time respecting the requirements of the legislation.

The Chair: Your time has expired, Mr. Trudeau.

Mr. Trudeau raises a point that I have been concerned about as well: the unintended consequences of good corporate responsibility by some of these hydro operators and other resource developers that want to enhance wildlife and habitat. Down the road, reintroduction of species into those areas in part of the recovery plan could actually cause their operations to be shut down. Essentially, how do we meet them and encourage them to continue doing this without that having negative impacts on their business?

Mr. Pardeep Ahluwalia: You're absolutely correct; there is the potential for perverse results that were obviously not intended when the drafters put the legislation together. But as we're working our way through—as Virginia has already commented, this is still a fairly new piece of legislation—in many cases what we're finding as we try to do something is that it is the first time it has been tried within the construct of this legislation, and that brings a number of challenges with it. Part of that is legal interpretation of what the legislation actually means and the intent of Parliament when the legislation was promulgated.

The example you have raised is one that is very real for us. We understand it. What we are trying to do is work with folks, with organizations, and with companies that are potentially implicated and affected by the implementation of SARA while at the same time they are undertaking conservation measures.

The last thing I think any of us wants, either government or the companies involved, is a situation in which people stop undertaking conservation measures because of the potential unintended consequences. So we're working with such organizations as the Canadian Hydropower Association and others to see whether we can find ways of working within the legislation as it currently exists and avoid some of the unintended consequences, and also to try to find ways to ensure that there are no disincentives to stewardship and conservation activities on the part of concerned Canadians.

• (1625)

The Chair: I think this is one of the concerns the committee is going to have to address when we finish our report.

Mr. Armstrong, you have the floor.

Mr. Scott Armstrong (Cumberland—Colchester—Musquodoboit Valley, CPC): Thank you very much for coming. I enjoyed your presentation today.

I know that SARA was implemented in 2002, and I think it came into force in 2004, so it has been around for almost six years now. As a new member of this committee, I'm wondering what types of things that are produced by humans, from your experience, put species in the most danger. What are the top three things that humans are doing in Canada that are putting species in the most danger?

Ms. Virginia Potter: As I perhaps mentioned earlier, the leading cause of species at risk, by far, is habitat destruction and fragmentation. Human activities that lead to destruction of habitat or its fragmentation, whether it's extending a city, or roads, or whatever, are what leads to species at risk. How we minimize the impact of our actions on the landscape is what the whole goal of recovery planning is about.

Mr. Scott Armstrong: Hearing that, have you ever in your departmental experience seen any quantifiable evidence produced for you that climate change has placed an endangered species at risk in Canada? If most species are being threatened by road expansion, city expansion, and urban crawl, can you relate anything that has happened to species in Canada directly to some sort of quantifiable evidence that climate change has caused it?

Ms. Virginia Potter: If we're talking about SARA, and then one of the factors that is leading to the listing of the species, SARA is very much focused on the here and the now, as Gilles pointed out. But that doesn't say that climate change doesn't have an impact; it does. It will have an impact over the longer term. So certainly COSEWIC, when they do an assessment, will focus on the short-term implications, but for some species will point to climate change as something that in the long term we need to think about.

I would just add one other thing. Climate change isn't only negative for species; it will also favour other species. Biology is amazing, you know. As one type of habitat becomes less appealing for one type of species, other species move in. As warming occurs, I think more species actually will come north. So it's not, I don't think, very straightforward to understand that climate change is all negative for species or all positive. It's a mix. It really does depend on the particular species at hand.

Dr. Gilles Seutin: I can add one specific example. A particular plant is susceptible to a newly introduced beetle. That beetle eats up the plant and puts it at risk. That insect survives because in certain parts of Canada we have slightly warmer winters. It would have died a century ago because the mid-winter average night temperature was lower. It would have been killed.

Now, is it climate change that has put that plant species at risk, or is it the person who accidentally introduced that bug to North America from Asia? The change of climate leading to vegetation change, change in water regime—rain, snow, and all of that—is an important factor, but it's the consequences of that change that lead to the species being threatened. It's not exactly the change in the water regime; it's the consequences of that.

•(1630)

Mr. Scott Armstrong: So really, to make a list for most species, there are going to be factors other than climate change that are more immediately threatening to that species in that particular area, which you would deal with more from the perspective of SARA.

Ms. Virginia Potter: I believe that would be a correct statement.

Mr. Scott Armstrong: Thank you.

I have one more question, if I have time, Mr. Chair.

I'm from Nova Scotia so I'm a coastal person. Given a recent article in the *Ottawa Citizen* on March 19, 2010, on the dietary habits of killer whales, how does the Department of Fisheries and Oceans manage species-at-risk issues in the marine environment?

Mr. Pardeep Ahluwalia: As you can recognize, working in the marine environment is very challenging. From a Department of Fisheries and Oceans perspective, SARA is one of the tools we have to protect species at risk. There are others. The Fisheries Act also provides a fairly powerful approach to protecting species at risk through a number of regimes. We have, for example, fishery licences for protection of habitat. There are a number of examples there.

Under SARA we have the ability to identify critical habitat and protect the critical habitat. In the case you raise about the killer whale, one of the elements that is used to identify the area as critical habitat is the availability of prey for a species. Under the Fisheries Act, we have the ability to manage salmon stocks through integrated fishery management plans to ensure that prey is available for the species.

If we move to the Atlantic coast and the case of the North Atlantic right whale, we've identified the Roseway Basin as critical habitat for the North Atlantic right whale. One of the main threats to that species has been ship strikes. In order to manage that, through working with the International Maritime Organization, there was a voluntary agreement to change shipping lanes during the period that the right whale occupied that area. Had that not happened, we have the ability to use the transportation acts to require changes in shipping lanes.

So there are a number of different ways we can try to get to the same end objective required under SARA, by using either SARA provisions or those available to us through other pieces of legislation. The primary one, obviously, for the Department of Fisheries and Oceans, is the Fisheries Act.

Mr. Scott Armstrong: Thank you.

The Chair: *Monsieur Ouellet, pour cinq minutes.*

[Translation]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): I thank you for helping us to understand this legislation better.

The Species at Risk Act applies to the Department of Fisheries and Oceans, which means that it applies to oceans. As a matter of fact, you have just referred to whales.

The government recently expressed the opinion that the bluefin tuna is not a threatened species. Was that opinion based on your assessments? Did the government take the legislation into account when expressing that opinion? Are there other issues to be taken into

account? Are we not supposed to take account of all threatened species?

I fail to understand what happened in the case of the bluefin tuna. It is just an example.

•(1635)

[English]

Mr. Pardeep Ahluwalia: I think we have two different issues with respect to the tuna. One is the assessment and potential listing under the Species at Risk Act. As far as I recall, the tuna has not yet been assessed by COSEWIC and therefore is not being considered for potential listing under the Species at Risk Act.

More recently, there has been discussion under the Convention on International Trade in Endangered Species, which looked at the question of listing tuna under CITES. That was more to do with the question of international trade in tuna.

To look at tuna from a Canadian perspective, we have, we believe, the best-managed bluefin tuna fishery in the world. It's very well managed and very well organized, and we have what is recognized, I believe, as a model tuna-fishing nation that uses science and fishes tuna sustainably. This is not necessarily the case in other parts of the world. In fact, we know that in certain parts of the world, in the Mediterranean and the eastern Atlantic, there has been significant overfishing, which is what has caused the concern in terms of global tuna population.

[Translation]

Mr. Christian Ouellet: If I understand correctly, you just said that there are trade considerations.

[English]

Mr. Pardeep Ahluwalia: Well, for—

[Translation]

Mr. Christian Ouellet: Several environmental organizations have stated that, on the contrary, the bluefin tuna in particular is a threatened species in Canada.

[English]

Mr. Pardeep Ahluwalia: This has not been assessed by COSEWIC. As Virginia mentioned earlier, the trigger for consideration for listing under the Species at Risk Act is a COSEWIC scientific assessment, which, it's my understanding, has not been done for tuna.

On the global scale, the international scale, there has been concern about the global levels of tuna, which have been considered under the Convention on International Trade in Endangered Species. That is a very different environment. It's a very different construct.

[Translation]

Mr. Christian Ouellet: What would have happened if the minister had told you that he had to give an answer over the next six months? Would you have taken into account the fact that the minister wanted your advice on a species at risk such as the bluefin tuna? Would you have decided to obtain a speedy assessment in order to provide him with an answer? Do you ever do that?

[English]

Mr. Pardeep Ahluwalia: We do assessments on fishery stocks. This is part of the standard business of Fisheries and Oceans Canada. This is an area that is not within my purview, so forgive me if I don't get too detailed on this. The department does have a very good understanding of tuna stocks in Canadian waters, of the manner in which the harvest is undertaken, and of the science advice that leads to the limits on harvesting in Canadian waters.

So we have that. Now, for the Species at Risk Act, the trigger for Species at Risk Act consideration is a COSEWIC assessment. As my colleague has already mentioned, COSEWIC is independent of government and sets its own agenda. My understanding is that bluefin tuna is on the forward list for COSEWIC consideration, but I don't believe it has yet been assessed.

[Translation]

Mr. Christian Ouellet: And where...

[English]

The Chair: *Ton temps est écoulé.*

Ms. Hoepfner, please.

Ms. Candice Hoepfner (Portage—Lisgar, CPC): Thank you, Chair.

I do have a quick question. When you list endangered species, do you actually divide it into northern species that are endangered and non-northern species that are endangered? Could you explain that to me?

Ms. Virginia Potter: COSEWIC assesses the status of species overall in Canada. My point when I was speaking about northern species was that, particularly in Nunavut under the Nunavut Land Claims Agreement, there are particular obligations that the federal government must respect as they relate to consultation.

So if a species such as the ivory gull, for example, occurs in Nunavut, we have a special process that we must follow to engage with the Nunavut Wildlife Management Board to respect the NLC decision-making process. We must complete that before we can move forward for the listing overall for Canada. We can't separate out the Nunavut listing. We have to look at the entire listing as COSEWIC has defined it.

Sometimes COSEWIC will subdivide a species, but it is based on genetics. It's based on movement between populations. It's not based on saying, "Oh, there's like a jurisdictional boundary".

• (1640)

Ms. Candice Hoepfner: I'll tell you the context. About 20 years ago, I lived in a place called Grand Rapids, in Manitoba, which is considered northern Manitoba but really isn't that far north. It was very abundant in junipers. A lot of people from the southern part of the province would come to visit and say, "Boy, we pay \$15 or \$20 for a juniper, but instead we'll dig one up and take it home".

So there are two things. Obviously, there's a differentiation between north and south. Also, to go back to Mr. Warawa's question, how do we inform the public very specifically and give them the idea that something could be endangered by any chance, or could be in the process of being endangered?

Ms. Virginia Potter: One of our standard tools is the Species at Risk Act registry. It's a publicly accessible website. It has all of the information. We're looking at how we can make it even more user friendly so that it's easier to click in.

One of the features we're looking at that would be very helpful for the SARA registry is a map-based approach. You could go to your part of the country, click on it, and then find all of the species at risk and so on. That work is under way, but it takes a while to work out the bugs, if you will, in that type of an approach. We certainly see the SARA registry as a key tool for us.

Another key tool, obviously, is the gazetting process. It's part of any regulatory regime. For every regulatory package that we put forward, we have to include a compliance promotion plan. Within that plan, it lists how we're going to communicate with target audiences. Clearly, if you're up in the north and that's where the endangered or threatened species is, well, we had better target communications to the north versus going down into the south, where it's a bit irrelevant. We try to lay out what those plans are.

On going forward for listing, I'll let my colleague speak for aquatics, but certainly for terrestrial, we go out on a pre-consultation package. We have lists of groups and people we try to contact to say, "Here's the list of species". It's particularly helpful, for example, for industry groups. We let them know what the species are and ask them for their views and feedback. That's part of how they become aware.

Ms. Candice Hoepfner: It would also be helpful... There are a lot of tour operators, for example, who host tourists from the States and from different parts of southern Canada. Do you think it would be helpful to have a bit of a strategy whereby they might even have a list right in their lodges? They can let people know, then, when they're heading out, what is actually an endangered species, to make sure they're not digging it up, or pulling it out of the ground, or trying to kill it.

Ms. Virginia Potter: Yes.

Mr. Pardeep Ahluwalia: If I may, there's another thing we do as well. It is slightly regionally variable; we haven't quite nailed down the same process across the country. We produce brochures in plain language that are readily available to people such as tour operator groups and others. These give an identification or at least a listing of species in that area and give the way in which people should behave in order to not put those species at risk.

Ms. Candice Hoepfner: So there is that.

Mr. Pardeep Ahluwalia: It may not go quite as far as you're suggesting yet, but there is some movement we are making toward that.

Ms. Candice Hoepfner: That's good.

That's all I have. Thank you.

The Chair: Thank you. That was five minutes.

Just to follow up, you made a comment, Ms. Potter, about clicking on a map and actually being able to see what species might be at risk. Has any interactive media been developed in that format online, so that essentially you could actually click in your area to find out what plant and animal species may be listed or endangered?

Ms. Virginia Poter: On what we have had on the web, we have the SARA registry. As for the way it's organized, it's the name of the species. You come into it that way. For all of us who use the web in our day-to-day life, that's not as user friendly, so you need to change what they call the user interface and how you connect in to get the information. A map approach to finding out about what species are in your part of the world is work that's under way. It just takes a while to get the technical bits to work well and then to make sure you have information that's up to date.

We had a previous application on the SARA registry that provided some range information about those species, but we found that the information sometimes was a bit out of date. Also, it wasn't very fine-grained information; it was in pretty broad swaths. So how helpful was it? We weren't really sure.

There is work under way. It's not going to be coming out in a month's time or two months' time; it's going to take a little while to put that in place.

• (1645)

Dr. Gilles Seutin: If I may add to that, the devil is in the details, as usual. Some species are overharvested or poached, so you don't want those to be mapped, right?

For peregrine falcon nests, are you going to post where the nests are? No. That's one example.

Another thing that becomes a real problem, especially in southern and eastern Canada where you have a lot of private land, is the nature of the land, of it being private land. If I have a woodlot there, I'm not sure that I want everybody to know that the species is there. I'm a very good citizen and I'll do all the good stewardship, but I may not want all the birdwatchers to know that they could come to my woodlot to check out that rare bird.

There is a number of difficulties with implementing such tools—and it's going to be species-dependent.

The Chair: I can appreciate that as a landowner myself, but the other side of it may be how we do that education of the citizens, so that they understand what's in their neighbourhood and what they might want to watch out for so they're not disturbing that environment.

Mr. Eyking, it's your turn.

Hon. Mark Eyking (Sydney—Victoria, Lib.): Mr. McGuinty is going to take my questions.

The Chair: Mr. McGuinty, you have five minutes.

Mr. David McGuinty: Thanks, Chair.

Can I go back to some questions I asked earlier, which deal with the thinking that underpins this act? I think Mr. Warawa rightly pointed out that it was a difficult piece of legislation to craft and that it does have a bearing on people's interests—private interests and public interests.

It hearkens back to what I was alluding to earlier, which is that as long as we keep pretending that eco-services and the species that reside in this country are free, that they have no value, that they're not costed, and that they're not part of the national accounts, then it will be business as usual. We will continue to draw down that capital

with impunity and, every so often, because of SARA, we'll catch a species that is in trouble and we'll go through a detailed scientific process to say, "Houston, we have a problem", and we'll send a flare up into the sky.

But the reality on the 2008 report that was just tabled here, if I understand it, is that the second report in the wild species series, "Wild Species 2005", says we have "general status assessments" for a total of 7,732 species. That's 7,732, but then it goes on to say that the total number of species in Canada is estimated at more than 70,000—and we don't even know if that number is accurate. So we're being told that 10% of the estimated species in this country has had some kind of application of scientific analysis; that's nowhere, so I want to ask you a question.

You may not be able to answer this question. I'm just thinking out loud. But how are we expected to believe that SARA as presently constituted is going to be anything more than a band-aid solution at the back end, frankly, when we see that there are stressors on particular species, we deploy scientific capacity, and we report back to the state that we have a problem? This seems to be absolutely a losing battle.

If we don't overhaul the approach to species, and I would go further... I asked questions about this before, in the last round, Mr. Chair, to witnesses that came here about SARA. I asked a series of questions about compensation. If I'm a landowner and I have several hundred acres, or a thousand acres, or fifty acres, and there are species of plants and animals on that land, and I'm expected to be a steward of those species, is society not expected to compensate me for that good stewardship, whether it's through a tax credit, compensation in cash, or as part of revenue?

How do you ask this of private landowners? I mean, this whole system was a beginning. The best way to start is to start; we had nothing before. Now we have something to work off. You're on the front lines as practitioners. You deal with this act every day. I'm just trying to get a sense of what we have to do here to deal with a shortfall. What are the next steps you would propose as practitioners on the front lines who are in the business of applying this act?

What do we have to do to improve the situation, given what I've just put out on the compensation angle and the fact that it's a losing battle? We don't even have the science. For example, we have a *Geological Survey of Canada*, but we don't have a biological survey of Canada. What would you say are the next two or three steps that as legislators we can recommend to the government in order to be able to say that this is how we can improve this act on the front lines?

• (1650)

Ms. Virginia Poter: As an official, my job is to implement the act I have. When I look at the Species at Risk Act and realize that it's five or six years old now and there are approaches and flexibilities that we have yet to try within the existing act, it would be hard for me, as an official, to speculate on how the act might be or should be changed.

I take your point about what we know about the natural world around us. There's a lot we don't know, but I think it's not necessary to know everything to have a sense of what's happening. I very much take your point. We think there are about 70,000 species in Canada, and we know something about 7,000 of them. We've had COSEWIC particularly assess maybe about 800 of them now, so it's stepping down...

But on the other hand, if you have a handle on what's happening across the country in all of the main ecoregions, many of the species are interrelated, so one of the approaches that is certainly possible within SARA recovery planning is an ecosystem or multi-species approach. We've recently been working on one that deals with 20 or more plants in part of Nova Scotia. That allows you to look more holistically at what's happening in that part of the country. Maybe you're focused one species or a group of species, but I would imagine that in most instances you're also benefiting many other species in that same area.

I take your point. We don't know a lot. We know something about some of the species. I think we can take action that can benefit all, even without perfect knowledge. At some time, I have to make that trade-off between how much I need to know before I can take action.

The Chair: Your time has expired, Mr. McGuinty.

Mr. Watson.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for appearing today.

That was an interesting question by Mr. McGuinty with respect to compensation. I hope he shares those same thoughts with another Mr. McGuinty with respect to greenbelt legislation.

But I'll go on to the matter at hand, which is the Species at Risk Act. My question revolves around how SARA does or doesn't act with respect to municipal land. How do we protect species at risk on lands that are municipally zoned? Or can we? I'm thinking of my region, which has the most plant and animal species at risk of anywhere in Canada.

What if a plant that's particularly rare to Canada is located on municipal land? Can SARA help protect that or not? Is that left to things like environmental assessments when proponents decide they want to build something on a particular piece of land?

• (1655)

Ms. Virginia Potter: Perhaps I could start. Under SARA, as I tried to explain, there are the prohibitions that come into play, whether they're for critical habitat or the general prohibitions that protect the species themselves.

The provinces have first call on those species for which they're responsible. Other than migratory birds and aquatics, if species at risk are found on provincial crown land or on private land, which would cover municipal lands, we look to the provinces to have in place effective instruments to ensure that there is protection of the species at risk. That, to me, would be the first step.

Mr. Jeff Watson: What types of instruments would they be? Are we talking about an environmental assessment or other tools with the province?

Ms. Virginia Potter: For an instrument to provide effective protection, it must be a legally binding instrument. Licences, regulation permits, and laws, those types of enforceable instruments, are what would be considered as to whether or not effective protection is being provided.

Mr. Jeff Watson: Okay. Let me think on that a little bit longer.

If I have any time left, could Mr. Shipley take it? I want to reflect on that. I may come back with another question.

An hon. member: You may not have any time.

The Chair: You have two minutes.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Thank you very much.

Let me go straight to an example. We have a situation in a river where there used to be a port. The port has been closed. It needs to be reopened; there's silt in the port. It has been determined that there is a species at risk.

This species at risk is a particular mussel. We've been trying to bring a business into an area that had a population of 12,000 and has lost over 6,000 jobs, and we've basically lost that business coming in. In your presentation, you talk about how you cannot "Kill, harm, harass, capture or take [an] individual" or "Damage or destroy the residence of one or more individuals".

DFO's own engineers have said that the habitat that is there now because of silt isn't one that this particular individual would live in. We could take you up the stream, where there are millions of them plugging up drains, and yet this was about the law. It was about the written word. The field people—not all of them—don't seem to have any co-relationship, quite honestly, between the balance of an economy and the balance of a species at risk. I mean, we don't even do this to humans. We can't have laws that say that if I were to harm or harass, it almost becomes criminal.

Then we were asked for not tens of thousands of dollars, but tens of thousands of dollars plus, up to \$100,000, and it was, "Well, you can do this scientific research". We had an individual who said, "I can do that for \$2,500". That individual said, "I'll take my boat out, I've lived here all my life, I know what the river is like, I know what's in the bottom, and I know there aren't any". Said that individual, "I'll put the small pole down and I'll measure the bottom because I can feel it".

All I'm saying is I that agree with the species at risk, but somewhere along the way we've lost our perspective about the balance in some cases. We always talk about the difficulty in listing. I'm asking about how we delist those species that are not at risk. I would just ask you this: how do you determine the thresholds of species at risk in regions and areas where I can take you and would be glad to show you? I don't know what the threshold is; it must be beyond...

But if the people I was dealing with harmed or harassed one of these little mussels, it was almost to the point that there were going to be criminal charges, or a \$200,000 fine, I think it was. How do we get to a threshold in areas? Who determines what that threshold is? Who determines the critical habitat evaluation? Who does that and is it in fact a stumbling block to delist?

So there are four questions for you, and then I have another one.

● (1700)

Mr. Pardeep Ahluwalia: It was an interesting set of questions. I'll take a shot at some of them. My colleagues, I'm sure, will help me out.

I'd rather talk in general than on the very specific example you gave, because the questions you asked—

Mr. Bev Shipley: I've used the specifics...[Inaudible—Editor].

Mr. Pardeep Ahluwalia: I understand that. That's why I'd rather move it away from the specific.

In terms of thresholds, the threshold for an assessment of a species to be determined to be at risk is developed by COSEWIC using a series of criteria that COSEWIC has based on international criteria. These are not criteria that are arbitrary; they are well understood and well utilized in the international environment. The population decline and the population threat criteria are established by COSEWIC and used by COSEWIC in its scientific assessment as to whether the species is deemed to be at risk.

The critical habitat identification is guided, at least to some degree, by the COSEWIC assessment, the COSEWIC report, but the final identification is the minister's prerogative. The work done is led by government officials to determine what is the critical habitat component, i.e., the piece that is essential for survival and recovery over the overall habitat of the species. That's very much led by government officials.

When we come to what might be a determination, that's published for public commentary. As my colleagues mentioned, in many cases it's done in very close collaboration with scientists and stakeholders as we try to determine what this is.

The delisting question has been raised a number of times. As far as I can understand the process—because we've not got there yet—it's essentially the same as the listing process. It's a change in the regulation, which would take a species off schedule 1 of SARA. Unless my colleagues have different views, I would see this as being triggered by the same process that we would use to list a species, i.e., we would need an evaluation by COSEWIC, either as part of its 10-year re-evaluation of every species, or if the committee is of the view that the population status has changed substantially and requires an earlier review.

When we get that assessment, if COSEWIC were to say, for example—and this has happened—that they have not taken them off, but have downgraded the threat status of species, that would be where the scientific assessment has said that this species is no longer at the risk level that they thought it was, and they would assess it as being less at risk. We would take that into account and that could become a delisting decision.

Mr. Bev Shipley: How do you get to—

The Chair: Your time has expired, Bev, but you can have a very short response.

Ms. Virginia Potter: I would just like to offer one point. In cases such as the one you were talking about, it brings to my mind the permitting provisions within SARA. Under section 73 and a variety of other sections in the act, “incidental take” can be permitted in

certain circumstances as long as it does not jeopardize the survival or recovery of the species.

The Chair: This is a concern that has been raised with me just recently. The Species at Risk Act is one piece of legislation, but the federal government has more powers, under both the Fisheries and Oceans Act and the Migratory Birds Convention Act.

What if there is incidental take of, say, a piping plover that accidentally decides to nest on the side of a lake where there's a cattle pasture? What if a herd of cattle goes walking through there and destroys the habitat and the nests? What type of penalty might be faced? Or are there going to be regulations on incidental take that would allow in the process some of these things that are quite accidental? Because with migratory birds, you never know where they're going to land.

● (1705)

Ms. Virginia Potter: We already have provisions in SARA to permit incidental take. A number of considerations must be followed before you could provide a permit. You must avoid and you must mitigate. You don't really have any other choice; this is what you have to do. Then, if that is the circumstance, you must be doing it in a way that is posing the least harm or having the least impact on the species. It is quite specific to the circumstance at hand and it must not jeopardize the survival or recovery of the species.

So if you wanted to dredge this particular place and it was the home of the last set of mussels, or you couldn't remove those mussels and put them in a different place and expect that they would recover, if those were the circumstances, then no, you wouldn't be able to dredge there. It sounds to me like that's not the case, but I don't have the particulars.

The Chair: We do have time for a third round.

Mr. McGuinty, do you want to take the next five minutes?

Mr. David McGuinty: I'm just going to pick up on this very quickly. Then, I think, Mr. Trudeau wanted to ask you about parks and connectivity.

Does SARA address the question of compensation now in any way?

Ms. Virginia Potter: There is a provision in the act for regulatory authority. Regulations have not yet been developed.

Mr. David McGuinty: What does that regulatory power permit?

Ms. Virginia Potter: Let me just dig it out. Section 64 of the act states: “The Minister may, in accordance with the regulations, provide fair and reasonable compensation to any person for losses suffered as a result of any extraordinary impact of the application of...”. Then it goes through a fairly detailed list of provisions.

Mr. David McGuinty: “Extraordinary” being the test...?

Ms. Virginia Potter: Yes.

Mr. David McGuinty: Were any deals struck for compensation between the federal and provincial governments?

Ms. Virginia Potter: I am unaware of any compensation related to SARA having been afforded any party.

Mr. David McGuinty: Thank you.

Mr. Trudeau.

Mr. Justin Trudeau: Thank you.

Monsieur Seutin, j'ai une question pour vous.

In regard to national parks, the minister has made much hay about his expansion of the national parks system. There's a question I always ask about parks. As nice as it is to protect 3% of our land mass, we know what we're saying when we say that we protect 3%, which is, "Are we leaving the 97% unprotected?"

I think there's a question around habitat that is relevant to this when we talk about ranges of large mammals. Whether we're talking about caribou or about grizzly bears, for example, the amount of ground covered becomes essential. What is Parks Canada doing to continue to look at a stewardship model that will go beyond Parks Canada boundaries to help with some of the issues around protecting critical habitat specifically for large mammals?

Dr. Gilles Seutin: Specifically for large mammals...?

Mr. Justin Trudeau: Well, for me, I mean—

Dr. Gilles Seutin: In general, Parks Canada is involved where there are opportunities. It's very active in creating the linkages with provincial parks or other parks managed or protected by other authorities. For the Mountain Parks block, if you take it as a block, the world heritage designation is actually not just for the Parks Canada holdings; it includes Alberta and British Columbia holdings. All together, they form a much larger contiguous group of protected areas.

Those types of opportunities are exploited. There's a very clear relationship with a good number of model forests off Jasper, off Fundy, and off Terra Nova, to name some of them, so the model forest system has great value in terms of management of land for multiple purposes. It's not a protected area model, but it provides a good buffering.

I have to say that there is a clear international agenda in the protected area world for the promotion of the connectivity. It's all about habitat fragmentation. We know that 3% is not going to work, and that even if this 3% is made up of little bits here and there, they need to be connected. There is a very clear international agenda. Do the protected-area communities...? From the leaders, the practitioners, the promoters, and the science, is it all there for us to really have a good set of tools to create this connectivity? No. It's not from failure of interest, but because it's the infancy of this.

We still have not figured out all of the science of it and all of the policy of it. This will have major implications into land ownership and all sorts of other areas of regulated parts of our world. That will need to be explored before we really can have a good model.

• (1710)

Ms. Virginia Potter: If I may, I'll just add a couple of small points to Gilles' answer.

We think of parks as the federal contribution to our protected areas network, but within my group, we also have national wildlife areas and migratory bird sanctuaries. Together, we have a land mass twice the size of Nova Scotia, so it's quite significant what is managed.

In addition, there are other programs inside the federal government, such as the ecological gifts program, for which people can

receive a tax credit when they donate land to approved organizations. Similarly, the government—I believe it was a year ago or two years ago—launched the natural areas conservation program, with almost a quarter of a billion dollars for the Nature Conservancy of Canada and Ducks Unlimited. So again, trying to acquire those lands...

The final point I would make is that within SARA we have the habitat stewardship program, as well as a couple of other funding programs that also seek to promote stewardship of the landscape, even if it is not acquisition of landscapes. I just wanted to put that out there as well.

The Chair: Thank you.

Monsieur Bigras.

[Translation]

Mr. Bernard Bigras: Mr. Chair, I would like to come back to the status of woodland caribou because it is a very important species. Half its roaming territory has disappeared, which is significant. The boreal forest represents about a third of the territory of Quebec and one can therefore easily appreciate its significance.

If I am not mistaken, a report prepared by scientists had been tabled in April 2009. Was it a COSEWIC report?

Some hon. member: No.

Mr. Bernard Bigras: It was not a COSEWIC report.

[English]

Ms. Virginia Potter: No. This was a report that was produced by Environment Canada staff, our researchers, and they also engaged with academics and scientists from provinces and territories to develop a first cut at the scientific review for the habitat requirements for the boreal caribou.

[Translation]

Mr. Bernard Bigras: I believe that one of the recommendations was to protect half the boreal forests of Canada. Was that one of the recommendations?

[English]

Ms. Virginia Potter: I don't recall that conclusion. I don't believe that was there, but I would have to read it again. I think what was acknowledged was that when you look at the habitat needs of the boreal caribou, you see that they need large tracts of land, and it's not enough to think about, for example, the calving islands that you want to protect. You have to think about the range of the caribou, but that does not equate to "you can't do anything inside that range".

They did quite a bit of work on demonstrating the relationship between the level of disturbance and the recruitment rates for the boreal caribou, i.e., the survival rates, to demonstrate that the higher the disturbance inside a range, the less likely the caribou would persist into the future.

[Translation]

Mr. Bernard Bigras: You stated earlier that the deadline would be the summer of 2011. Was that relating to a recovery plan? Do you wish that there would be a recovery plan?

[English]

Ms. Virginia Potter: Yes.

[Translation]

Mr. Bernard Bigras: So, this means that you are consulting stakeholders, one of them being the forestry industry, I suppose.

• (1715)

[English]

Ms. Virginia Poter: Yes, absolutely.

[Translation]

Mr. Bernard Bigras: Are aboriginal communities consulted at the same time or will they be consulted later on?

[English]

Ms. Virginia Poter: No. I think it's been known since SARA came into force that the boreal caribou was an important species to develop a recovery strategy for, so early work was undertaken, but aboriginal peoples were not engaged right from the beginning.

So what we've done is to say, okay, the work that has been done is helpful and will be useful, but from here forward, we're going to engage with our aboriginal people, who really live in harmony with the caribou, as well as engaging with industry and science. So we have this three-pronged approach of getting new science to help us define how we operationalize the critical habitat identification. We have a stream of work collecting aboriginal traditional knowledge and community knowledge, as well as consultations more broadly, and it's under way as we speak.

[Translation]

Mr. Bernard Bigras: Are you recommending putting an end to logging, partially or totally, in some parts of Canada?

Is that one of the options for an action plan, a recovery plan, in order to try to prevent the extinction of the species which, from the assessments, would happen before the end of the century?

[English]

Ms. Virginia Poter: I don't foresee that being a recommended option because the biology of the caribou means that it moves around on the landscape; it doesn't always live in the same part of the forest. It is a species that has adapted to forest fires, so leaving aside the impact of humans on the landscape, fire regimes are part of the biology of the caribou.

They move on the landscape, so what I imagine we'll have is an identification of critical habitat that says this outer perimeter, if you will, must be managed so that at any one time you don't have more disturbance than so much of this certain type. That's how I think it will come forward, but I'm waiting for the science to inform us particularly of that—as well as aboriginal knowledge, community knowledge, and consultations with groups like FPAC and others.

[Translation]

Mr. Bernard Bigras: Thank you.

[English]

The Chair: *Ton temps est écoulé.*

Mr. Hyer.

Mr. Bruce Hyer: Thank you.

We're back to caribou. I have a rhetorical question that you don't have to answer.

With caribou, we have scientists who have already given Environment Canada recommendations on critical habitat, and repeatedly, in my understanding. It seems to me that the real problem is that the recommendations are not being implemented. They're being ignored. You can let me know later if I'm wrong about that.

It's not easy and it's a big issue, but it's really pretty simple. You're on the right track with what you've just said. I would agree with it. But as for all we need to protect, again, it's simple, but not easy. We need to protect winter habitat currently used, winter habitat supply for the future—to maintain or create that future habitat—and calving habitat and corridors, and we need to avoid trails, roads, and seismic corridors and things that allow humans and predators to access the caribou. It's a simple prescription. And it's not a third of the land base and not an eighth of the land base; it's probably way less than that. It's doable, so please get on with it.

The critical habitat is what this is all about. As you can probably hear, I am feeling a little frustrated that we're moving so slowly in this area. For example, to move away from caribou, the Federal Court found that in the Pacific region, Fisheries and Oceans Canada made a policy decision not to include critical habitat in recovery strategies—I'll quote—"in clear contravention of the law". It was apparent in that judgment that the main reason the government delayed identifying critical habitat was that they prejudged, illegally, that there were socio-economic constraints. Again, we just have to get past that.

Then, on the last thing, which will lead to a question here, could you, Ms. Poter, give me, today or later, examples of enforcement of prohibitions against destroying critical habitat for any species under any agency, anywhere, at any time?

Ms. Virginia Poter: I'm not aware of enforcement actions yet, and it's a reflection of... As has been pointed out, there is not a lot of critical habitat that has been identified yet, but we're in train of doing so. I'm trying to explain. It's not that easy to identify it.

But I do want to flag for you, just on two points you made, that the draft policies really do speak to how critical habitat is based on the biological needs of the species, *point final*, and there's a clarification that socio-economic factors are not considered in the identification of critical habitat.

That lesson, I think, has been learned well. We're clear, and it is reflected in the draft policies that were out and will be finalized, so we're very much, I think, in the same place that you are.

On the caribou, if I could just give a short response, that's where I thought we were going several years ago, which was: "Here are your calving islands, give me a few corridors, and let's have a chunk here and we're done". But that's not what the scientists advised. They are very clear: you need to manage at the level of the landscape and you need to allow such that the disturbance can move around, because that's part of the biology of the caribou. But you need to ensure that there's enough intact landscape at any one time. That's what we've been told. So the question is, how much is enough and what does it look like and so on? That's where we're at.

● (1720)

Mr. Bruce Hyer: Maybe I need to not run in the next election and go back into caribou research and consultation again, because I thought that's where we were—

An hon. member: Hear, hear!

Some hon. members: Oh, oh!

Mr. Bruce Hyer: Thank you, Ms. Poter.

The Chair: You actually have about a minute left, Bruce, if you want it.

Mr. Bruce Hyer: No. My rant is done. I just want to say that I think Ms. Poter in particular has been very lucid today.

Your sincerity comes through. I believe you care, and you're a very bright person, but my frustration with the entire agency remains. It's time to get on with identifying these critical habitats: make some hard decisions, step on a few toes, start saving some species, and turn this around.

The Chair: Thank you.

Mr. Warawa, you're batting cleanup.

Mr. Mark Warawa: Thank you.

I found this very interesting. I think each of us has.

I have more questions than I have time, so I'll try to be precise. I want to focus on two things. One is the time restraints and what are realistic times; it's very prescriptive to the minister. Also, what would be fair in compensation?

Before I get into that, I just want to make a quick comment on the importance of adequate notice to the public. I love to hike. With new technologies like GPS, if you're out hiking... Let's say you get out into an area and you use GPS, what if you had some sort of GPS warning that you were in a critical habitat area instead of having maps? A hiker might be using a five-year-old map that was handed to them from a friend or whoever. If hikers are using GPS, which is a very common tool when they're out, you could have a warning on there that would give you a little notice. Use of markers at the head of a trail may have very limited success, because you might be getting onto that trail by parking your car somewhere, and if you know a shortcut, you could miss all the markers.

I think that one of the big controversies at the beginning of SARA was fair market compensation for land. Mr. Trudeau touched on it. What if a good corporate citizen is going to restock a stream with a species that is at risk? If they restock the stream and that fish gets caught in a turbine, if there are no socio-economic considerations in critical habitat, you could have a multi-billion-dollar facility shut down permanently.

Under SARA, the only place right now that you have socio-economic considerations is where it's in the hands of the minister. That's my understanding. You do not have, through COSEWIC, the critical habitat.

I'm running out of time very quickly, but you mentioned extraordinary loss. What is the definition of "extraordinary" loss? Is it fair market compensation? I don't think so, because I think that was what was asked for at the beginning of SARA. SARA did get

through and now it's under review, but could you give me the definition of "extraordinary" loss?

If a hydroelectric plant is going to have to be shut down because of an endangered species in that stream and it is in critical habitat, who is going to pay for the shutting down of that plant? Would that be extraordinary loss? What about a farmer who didn't realize, in plowing his field, that he had destroyed the habitat of a migratory bird? Is he now in big trouble? He didn't know the bird was there, but under SARA, under *mens rea*, he is still in big trouble.

In the very short period of time I've left you, I think those are two very big considerations that were concerns at the beginning of SARA, too.

● (1725)

Ms. Virginia Poter: If I may, I will just reflect on one comment that was made. The consideration of socio-economic factors is not done by the minister; it's by Governor in Council. I just want to make sure that is clear. It's not the minister alone who considers that.

For compensation, the definition of extraordinary loss is pretty key. It's not the only question, and that's what would need to be clarified, I believe, in regulation. I am not able to answer for you what would be meant by extraordinary loss. There are many ways to define it.

Mr. Mark Warawa: Okay.

On the time restraints, they're very prescriptive. The minister has to report within a certain time of when the clock starts ticking. You get consultation with the provinces, territories, and first nations. Is that one of the stressors, one of the difficulties, in meeting these timeframes?

Ms. Virginia Poter: I would say again that our job as officials is to implement the act we've been given. Timelines are a challenge because there are many obligations that must be met within short periods of time.

Mr. Mark Warawa: Am I all done, Mr. Chair?

I have just one quick comment. I see that Nature Canada is here, Chair. They gave me a trading card. It was a snail. I appreciate that they're here, and they do good work, but sometimes we have to move slowly, like a snail, and it has to be realistic so that we do protect those species.

Thank you.

The Chair: Thank you.

I have one final question. In the assessment process that COSEWIC undertakes, do they look at the entire species internationally or do they look at specifically the herds that exist?

For example, there has been a lot of discussion today about woodland caribou, but what about the barren ground caribou in the north, particularly in the western Arctic and across into Alaska and Yukon? There are some concerns with migratory routes. Or you can look at how the western Hudson Bay polar bear herd is also in decline, but overall the worldwide polar bear population is static.

I'm just wondering about that. Are we going to go after the subspecies or the specific herd? Or are we looking at the bigger picture?

Ms. Virginia Poter: I'll try to be very brief. COSEWIC assessments are based on status in Canada, but when they're making that determination, there is some consideration of global status. You can have situations where it's deemed to be of special concern, threatened, or even endangered in Canada and perhaps only vulnerable—or even secure—globally. That's just the COSEWIC process.

Mr. Pardeep Ahluwalia: If I could just add to that, Chairman, as Virginia said, it's the Canadian population, but COSEWIC also looks to see whether there are actually subpopulations that should be assessed independently. We do have situations in which we have a single species but the COSEWIC assessment is by population, so we

could end up and we do end up in situations where we'll have multiple assessments with multiple populations of a single species.

The Chair: I want to thank all of our witnesses for appearing today. I know that I, for one, am glad to get back to work on SARA and the great work that I believe we're going to do as a committee in the review of the act. I'm looking forward to bringing those recommendations forward to Parliament.

With that, I'll now entertain a motion to adjourn.

An hon. member: So moved.

The Chair: The meeting is adjourned. Have a great weekend.

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