

# Species at Risk Act

S.C. 2002, c. 29

Assented to 2002-12-12

An Act respecting the protection of wildlife species at risk in Canada

## *Preamble*

Recognizing that

Canada's natural heritage is an integral part of our national identity and history,

wildlife, in all its forms, has value in and of itself and is valued by Canadians for aesthetic, cultural, spiritual, recreational, educational, historical, economic, medical, ecological and scientific reasons,

Canadian wildlife species and ecosystems are also part of the world's heritage and the Government of Canada has ratified the United Nations Convention on the Conservation of Biological Diversity,

providing legal protection for species at risk will complement existing legislation and will, in part, meet Canada's commitments under that Convention,

the Government of Canada is committed to conserving biological diversity and to the principle that, if there are threats of serious or irreversible damage to a wildlife species, cost-effective measures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty,

responsibility for the conservation of wildlife in Canada is shared among the governments in this country and that it is important for them to work cooperatively to pursue the establishment of complementary legislation and programs for the protection and recovery of species at risk in Canada,

it is important that there be cooperation between the governments in this country to maintain and strengthen national standards of environmental conservation and that the Government of Canada is committed to the principles set out in intergovernmental agreements respecting environmental conservation,

the Canadian Endangered Species Conservation Council is to provide national leadership for the protection of species at risk, including the provision of general direction to the Committee on the Status of Endangered Wildlife in Canada in respect of that Committee's activities and general directions in respect of the development, coordination and implementation of recovery efforts,

the roles of the aboriginal peoples of Canada and of wildlife management boards established under land claims agreements in the conservation of wildlife in this country are essential,

all Canadians have a role to play in the conservation of wildlife in this country, including the prevention of wildlife species from becoming extirpated or extinct,

there will be circumstances under which the cost of conserving species at risk should be shared,

the conservation efforts of individual Canadians and communities should be encouraged and supported,

stewardship activities contributing to the conservation of wildlife species and their habitat should be supported to prevent species from becoming at risk,

community knowledge and interests, including socio-economic interests, should be considered in developing and implementing recovery measures,

the traditional knowledge of the aboriginal peoples of Canada should be considered in the assessment of which species may be at risk and in developing and implementing recovery measures,

knowledge of wildlife species and ecosystems is critical to their conservation,

the habitat of species at risk is key to their conservation, and

Canada's protected areas, especially national parks, are vital to the protection and recovery of species at risk,

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

## SHORT TITLE

*Marginal note: Short title*

1. This Act may be cited as the [\*Species at Risk Act\*](#).

## INTERPRETATION

*Marginal note: Definitions*

- 2. (1) The definitions in this subsection apply in this Act.

*“action plan”*

« plan d'action »

“*action plan*” means an action plan included in the public registry under subsection 50(3) and includes any amendment to it included in the public registry under section 52.

“*alternative measures*”

« mesures de rechange »

“*alternative measures*” means measures, other than judicial proceedings, that are used to deal with a person who is alleged to have committed an offence.

“*aquatic species*”

« espèce aquatique »

“*aquatic species*” means a wildlife species that is a fish, as defined in section 2 of the [Fisheries Act](#), or a marine plant, as defined in section 47 of that Act.

“*Attorney General*”

« procureur général »

“*Attorney General*” means the Attorney General of Canada or, for the purposes of sections 108 to 113, an agent of the Attorney General of Canada.

“*Canadian Endangered Species Conservation Council*”

« Conseil canadien pour la conservation des espèces en péril »

“*Canadian Endangered Species Conservation Council*” means the Council referred to in subsection 7(1).

“*competent minister*”

« ministre compétent »

“*competent minister*” means

- (a) the Minister responsible for the Parks Canada Agency with respect to individuals in or on federal lands administered by that Agency;
- (b) the Minister of Fisheries and Oceans with respect to aquatic species, other than individuals mentioned in paragraph (a); and
- (c) the Minister of the Environment with respect to all other individuals.

“*conveyance*”

« moyen de transport »

“*conveyance*” means a vehicle, aircraft or water-borne craft or any other contrivance that is used to move persons or goods.

“*COSEWIC*”

« COSEPAC »

“*COSEWIC*” means the Committee on the Status of Endangered Wildlife in Canada established by section 14.

“*critical habitat*”

« habitat essentiel »

“*critical habitat*” means the habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species’ critical habitat in the recovery strategy or in an action plan for the species.

“*emergency order*”

« décret d’urgence »

“*emergency order*” means an order made under section 80.

“*endangered species*”

« espèce en voie de disparition »

“*endangered species*” means a wildlife species that is facing imminent extirpation or extinction.

“*extirpated species*”

« espèce disparue du pays »

“*extirpated species*” means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild.

“*federal land*”

« territoire domanial »

“*federal land*” means

- (a) land that belongs to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all waters on and airspace above that land;
- (b) the internal waters of Canada and the territorial sea of Canada; and
- (c) reserves and any other lands that are set apart for the use and benefit of a band under the [Indian Act](#), and all waters on and airspace above those reserves and lands.

*“habitat”*

« habitat »

*“habitat”* means

- (a) in respect of aquatic species, spawning grounds and nursery, rearing, food supply, migration and any other areas on which aquatic species depend directly or indirectly in order to carry out their life processes, or areas where aquatic species formerly occurred and have the potential to be reintroduced; and
- (b) in respect of other wildlife species, the area or type of site where an individual or wildlife species naturally occurs or depends on directly or indirectly in order to carry out its life processes or formerly occurred and has the potential to be reintroduced.

*“individual”*

« individu »

*“individual”* means an individual of a wildlife species, whether living or dead, at any developmental stage and includes larvae, embryos, eggs, sperm, seeds, pollen, spores and asexual propagules.

*“land claims agreement”*

« accord sur des revendications territoriales »

*“land claims agreement”* means a land claims agreement within the meaning of section 35 of the [Constitution Act, 1982](#).

*“List”*

« liste »

*“List”* means the List of Wildlife Species at Risk set out in Schedule 1.

*“listed”*

« inscribe »

“*listed*” means listed on the List.

“*Minister*”

« ministre »

“*Minister*” means the Minister of the Environment.

“*offence*”

« infraction »

“*offence*” means an offence under this Act.

“*provincial minister*”

« ministre provincial »

“*provincial minister*” means any minister of the government of a province who is responsible for the conservation and management of a wildlife species in that province.

“*public registry*”

« registre »

“*public registry*” means the registry established under section 120.

“*recovery strategy*”

« programme de rétablissement »

“*recovery strategy*” means a recovery strategy included in the public registry under subsection 43(2), and includes any amendment to it included in the public registry under section 45.

“*residence*”

« résidence »

“*residence*” means a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating.

“*sell*”

« vente »

“*sell*” includes to offer for sale or lease, have in possession for sale or lease or deliver for sale or lease.

“*species at risk*”

« espèce en péril »

“*species at risk*” means an extirpated, endangered or threatened species or a species of special concern.

“*species of special concern*”

« espèce préoccupante »

“*species of special concern*” means a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats.

“*status report*”

« rapport de situation »

“*status report*” means a report, prepared in accordance with the requirements of regulations made under subsection 21(2), that contains a summary of the best available information on the status of a wildlife species, including scientific knowledge, community knowledge and aboriginal traditional knowledge.

“*territorial minister*”

« ministre territorial »

“*territorial minister*” means any minister of the government of a territory who is responsible for the conservation and management of a wildlife species in that territory.

“*threatened species*”

« espèce menacée »

“*threatened species*” means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction.

“*treaty*”

« traité »

“*treaty*” means a treaty within the meaning of section 35 of the [Constitution Act, 1982](#).

“*wildlife management board*”

« conseil de gestion des ressources fauniques »

“*wildlife management board*” means any board or other body established under a land claims agreement that is authorized by the agreement to perform functions in respect of wildlife species.

“*wildlife species*”

« espèce sauvage »

“*wildlife species*” means a species, subspecies, variety or geographically or genetically distinct population of animal, plant or other organism, other than a bacterium or virus, that is wild by nature and

- (a) is native to Canada; or
- (b) has extended its range into Canada without human intervention and has been present in Canada for at least 50 years.

- *Marginal note: Deeming*

(2) For the purposes of the definition “*wildlife species*” in subsection (1), a species, subspecies, variety or geographically or genetically distinct population is, in the absence of evidence to the contrary, presumed to have been present in Canada for at least 50 years.

- *Marginal note: Competent minister*

(3) A reference to a competent minister in any provision of this Act is to be read as a reference to the competent minister in respect of the wildlife species, or the individuals of the wildlife species, to which the provision relates.

- 2002, c. 29, ss. 2, 141.1;
- 2005, c. 2, s. 14.