

# Too Valuable to Protect

## Socioeconomic Factors Hinder Listing of Marine Species Under SARA

### Box 1. How are species listed under SARA?

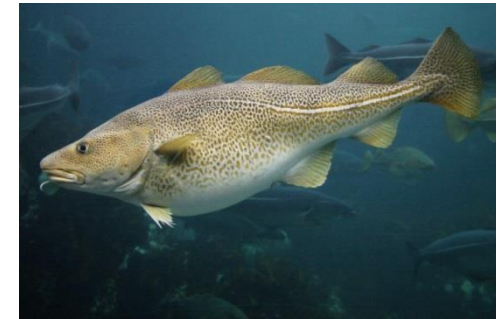
1. Candidate species are brought to the attention of the Committee of the Status Endangered Species in Canada (COSEWIC), an independent body of scientific experts
2. Status of candidate species is assessed by COSEWIC
3. If evidence of threat is found, status report is drafted and species may be designated as endangered, threatened, special concern, or data deficient.
4. Designation is communicated to the federal minister of the environment, who submits the assessment to the governor in council (GIC) in 90 days or declare period of extended consultation.
5. Upon receiving assessment, within 9 months, GIC will either (1) accept the assessment and list the candidate species (2) reject the species for listing with the reason for not doing so posted on the SARA public registry (3) refer back to COSEWIC for further consideration

When a species is listed, killing, harassing, capturing or harming the species in any way become illegal and critical habitats are protected from destruction. Furthermore, SARA requires immediate action toward the recovery of the species in the form of recovery strategies, action plans and management plans.

*The Species at Risk Act (SARA) of Canada represents a federal commitment to prevent wildlife species from becoming extinct and provides legislative framework in which to provide for their recovery. However, cost benefit analyses of listing decisions are done prior to listing species, a process which reduces the likelihood socio-economically valuable species are listed, most notably marine species<sup>1</sup>. Here in this paper, we highlight the implications of the bias in legal listing and provide suggestions for improvement.*

### What is SARA?

**The Species at Risk Act (SARA) was passed in 2002 and came into effect in 2003** as a part of the Canadian Biodiversity Strategy, in fulfilment of its mandate under the United Nations Convention on biological diversity<sup>2</sup>. The act offers a legal protection and a framework for recovery of species at risk, the purpose of which is to “prevent Canadian indigenous species, subspecies, and distinct populations from becoming extirpated or extinct” and “to provide for the recovery of endangered and threatened species”<sup>2</sup>.



*The Atlantic Cod Stocks of Newfoundland and Labrador was denied listing in 2006, despite a 99% decline<sup>4</sup>*

## Biases in Legal Listing

Amongst species submitted for listing under SARA, there is an apparent bias against marine species, attributed to socioeconomic considerations<sup>13</sup>. Before legal listing of a species, a regulatory impact analysis (RIAS), a cost benefit analysis which assesses the socio-economic impact of listing, is undertaken. If the species is deemed to be of significant socio-economic importance, legal listing may be denied and no legal obligations for recovery action and federal protection of the species will be given. Furthermore, these analyses are not subject to external review. This apparent bias has resulted in species clearly under threat to be denied listing and the protection required for recovery.

## Recommendations

Under the current system, marine species of socioeconomic importance may be either listed under SARA, compromising socioeconomic gains and putting substantial opportunity costs on sectors which depend on the species or not be listed and obtain no federally legislated protection under SARA for social and economic reasons.

**We recommend the following**

- 1) RIAS analysis be done after the listing process**
- 2) Relaxed laws for prohibition on harvest of a species listed under SARA**

The goal of these recommendations is first to provide legal protection for species purely on the basis of biological considerations. Our recommendations recognizes the importance of some species for social and economic gains and therefore, we recommend that the SARA, which prohibits harvest of a species once protected, be relaxed to allow for limited harvest.

- [1] Findlay, C.S., S. Elgie, B. Giles, L. Burr. 2009. Species listing under Canada's species at risk act Conservation Biology 23: 1609-1617
- [2] SARA (Species at Risk Act). 2002. Bill C-5, An act respecting the protection of wildlife species at risk in Canada. Available from <http://laws-lois.justice.gc.ca/eng/acts/S-15.3/page-1.html>
- [3] Mooers, A. O., L. R. Prugh, M. Festa-Bianchet, and J.A. Hutchings. 2007. Biases in legal listing under Canadian endangered species legislation. Conservation Biology 21: 572-575
- [4] Hutchings, J.A., and J.D. Reynolds. 2004. Marine fish population collapses: consequences for recovery and extinction risk. Bioscience 54: 297-309
- [5] COSEWIC (Committee on the Status of Wildlife in Canada). 2004b. COSEWIC's assessment process and criteria. Committee on the Status of Endangered Wildlife in Canada, Ottawa. Available from [www.cosewic.gc.ca/pdf/assessment\\_process\\_e.pdf](http://www.cosewic.gc.ca/pdf/assessment_process_e.pdf) (accessed November 2013)

## Potential Improvements from Recommendations

The current system in which SARA operates involves providing species either absolute protection or no protection, and which potentially responds to socio-economic concerns over biological concerns. Our recommendations for placing socioeconomic considerations after listing and allow for limited harvesting of socio-economically vital species would (1) place biological concerns as the apex consideration for listing and thereby provide protection and a plan for recovery and (2) balance social and economic concerns with biological concerns for sustainable harvest. These amendments would allow federal protection of the species and plans for recovery and monitoring as required under SARA while allowing some social and economic gains to continue for the species.



*The Porbeagle Shark was denied listing in 2004 despite nearly a 90% decline<sup>5</sup>*