



Guide for the completion of an application for a permit under the *Species at Risk Act* for listed aquatic species

Instructions

This information assists applicants in meeting the requirements of the *Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations* when applying for a permit affecting aquatic species listed as threatened, endangered, or extirpated on Schedule 1 of the *Species at Risk Act* (SARA). Please read carefully to ensure that your application contains all required information. Applications that are missing information may result in the application process being extended. If you have any concerns regarding the need for a SARA permit or if you require any additional information, please contact your DFO regional office.

The *Species at Risk Act*

The purposes of SARA are to prevent wildlife species from becoming extirpated or extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened.

SARA prohibits the killing, harming, harassing, capturing, taking, possessing, collecting, buying, selling or trading of individuals of endangered, threatened and extirpated species listed in Schedule 1 of SARA¹. SARA also prohibits damage or destruction of listed species' residences².

These prohibitions apply to individuals of listed endangered, threatened and extirpated aquatic species and their residences wherever they are found in Canada (including private lands and lands under provincial jurisdiction), and apply immediately upon the listing of such a species. SARA prohibitions do not apply to species listed as species of special concern. An "aquatic species" under SARA includes:

- Fish, shellfish, crustaceans and marine animals including any parts thereof;
- all of their life stages, such as eggs, sperm, spawn, larvae, spat and juvenile stages of fish; and
- marine plants, including algae and phytoplankton.

SARA also contains provisions that prohibit the destruction of any part of the critical habitat of aquatic species³. Critical habitat is the habitat necessary for the survival or

¹ see section 32 of SARA

² see section 33 of SARA

³ see section 58 of SARA



recovery of the species, and is identified and described in the recovery strategy or action plan for that species. Recovery strategies and action plans are available at http://www.sararegistry.gc.ca/sar/recovery/default_e.cfm.

Under SARA, permits may be issued to authorize certain activities that would otherwise contravene these prohibitions. SARA permits may only be issued when:

- a) the activity is scientific research relating to the conservation of the species and conducted by qualified persons;*
- b) the activity benefits the species or is required to enhance its chance of survival in the wild; or*
- c) affecting the species is incidental to the carrying out of the activity⁴.*

AND:

- a) all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;*
- b) all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and*
- c) the activity will not jeopardize the survival or recovery of the species⁵.*

Applying for a permit

If you plan to undertake activities affecting⁶ aquatic species at risk, the application must be sent to Fisheries and Oceans Canada. If the activity affects individuals of listed aquatic species located in a national park or other land administered by Parks Canada, you will need to apply to Parks Canada for a SARA permit. SARA permits are not needed for activities that only impact species listed as Special Concern.

If you are undertaking a construction or development project, prior to submitting a SARA Permit application, please review DFO's information for [Projects Near Water](#), and submit a [Request for Review](#) to DFO. In addition to determining whether your project will impact an aquatic species at risk, DFO will also review your project to determine if your activity may also result in [serious harm to fish](#) that are part of, or that support, a [commercial, recreational or Aboriginal fishery](#), in which case your project will also need authorization under the *Fisheries Act*. Under such circumstances it may be possible to get a *Fisheries Act* authorization that also acts as a SARA Permit⁷.

Depending on your activity, you may also need other federal, provincial or municipal permits, licences or other authorizations to proceed with your activity. A permit under SARA does not eliminate the obligation to obtain these other authorizations.

⁴ See subsection 73(2)

⁵ See subsection 73(3) of SARA

⁶ That is, undertake an activity that will contravene one or more of the prohibitions in SARA.

⁷ See section 74 of SARA



To avoid delays, please provide as much information as possible, demonstrating how your proposed activity meets the pre-conditions described above and as set out in the application form. Fisheries and Oceans Canada will notify you if additional information is required.

Permits will be considered on a case-by-case basis, and the decision whether or not to authorize the activity will take into account, among other things, the factors listed above.

Application Form Instructions

1. Applicant information

The applicant is the individual or incorporated organization undertaking the activity. If the applicant is an incorporated organization, please provide the name of the main contact person and the person who will act as the signing authority.

2. Qualifications of the applicant

State the qualifications of the applicant that demonstrate their ability to carry out or supervise this activity. For example, list similar previous project experience that demonstrates that the applicant has the necessary skills to conduct the activity in a manner that avoids or minimizes harm to the species at risk. Attach a *curriculum vitae* if applicable.

3. Preferred language of correspondence

Indicate the preferred language of correspondence.

4. Has the applicant received a SARA permit before?

Indicate if the applicant has received a permit before, and please provide the permit number(s).

5. Activity name

Provide the name of the activity to be used in all future correspondence. If another authorization or permit is being requested for this activity, please use the same name, and indicate the file number (if known).



6. Species affected

List the aquatic species at risk that will be affected by the activity. Include common and scientific names. Please ensure that the species identified in your permit application are currently listed on schedule 1 of SARA as either Endangered or Threatened.

7. Purpose of the proposed activity(ies)

Please check the option that most closely describes the purpose of your activity(ies), and explain why the activity(ies) fits that category:

- a) *Scientific research relating to the conservation of the species:* Check if the research is for the purpose of obtaining information that will contribute to the survival or recovery of the species, and is being conducted by qualified persons. Recovery strategies outline knowledge gaps related to species recovery and can be referenced in this application to support the assertion that the proposed activities are eligible for a SARA permit under this category.
- b) *The activity benefits the species or is required to enhance its chance of survival in the wild:* Check if the activity is expected to benefit the species or needs to be undertaken to contribute to its survival or recovery, but is not scientific research as described above in a). This could include activities related to habitat enhancement projects for the species' benefit, public education, reintroduction, etc. Recovery strategies outline the research and management activities that are needed to meet the population and distribution objectives, while action plans include measures that are to be taken to implement the recovery strategy. These documents can be referenced in this application to support the assertion that the proposed activities are eligible for a SARA permit under this category.
- c) *Affecting the species is incidental to the carrying out of the activity:* Check if the activity is one that is not directed at the species. Examples include:
 - any construction or maintenance activities work occurring in or around water that have the potential to affect a listed species (e.g., bridge construction, shoreline stabilization work, pipeline installations or repairs);
 - hydroelectric, mining, coastal, oil and gas, or other industrial developments
 - surveys being done as part of an environmental assessment or a general planning exercise;
 - habitat restoration that may benefit the species but is not directed at them;
 - scientific research directed at a non-listed species that may incidentally affect the species at risk.

Also indicate and explain if different purposes apply to different species at risk – for example if scientific research on “species A” will incidentally affect “species B”.



8. Description of proposed activity(ies)

Provide a detailed description of the activity(ies). If the activity is recurring, please provide the frequency of recurrence. If the activity is part of a larger project, provide a description of the project. Explain why the activity fits the category checked in question 7.

If specimens are to be taken, held in captivity, or subjected to invasive sampling, indicate the animal care protocols you will be following. Invasive sampling includes any methodology that involves capture and restraint of animals, direct or remote sampling of blood or tissues and the attachment of any apparatus to an animal.

Attach all supporting documents such as work plans, research methodology, construction plans, engineering documents, relevant photos, and vessel, platform or aircraft name and registration number.

9. Location of the proposed activity(ies)

Provide a description of the location of the activity(ies). Include, as appropriate, geographical co-ordinates (latitude/longitude or UTM coordinates), county, district, regional municipality, NAFO areas/sub-areas, or Fishery Management Zones or Areas. Include a map at a scale appropriate to identify the location(s) and boundaries, and/or a site plan indicating existing structures and geographic features.

If the activities will take place in proposed or identified critical habitat for a listed SARA species, please include map(s) delineating your project site in relation to the proposed or identified critical habitat or residence(s). Critical habitat and residence(s) are described in the recovery strategy or the action plan for the species in question. Recovery strategies and action plans are available at sararegistry.gc.ca/sar/recovery/recovery_e.cfm.

Indicate if the activity occurs in a land claim settlement area, on an Indian Reserve, or any other lands that are set apart for an Indian band. Describe any discussions / consultations you have had with the relevant Indian Band or Aboriginal community about the activity, and if applicable, provide any documentation demonstrating that they support the activity.

If the activity will take place at sea, please indicate Fishery Management Zones or Areas, and onboard which vessel(s), platform or aircraft information including photos, name and Commercial Fishing Vessel/Registration number, country of registration, and Foreign Vessel Clearance (if applicable).



10. Date of proposed activity(ies)

Indicate the start and end dates (day, month and year) of the activity. If applicable, describe the anticipated phases and their start and end dates.

11. Effects of the proposed activity(ies) on the species

The *Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations* state that applicants shall describe any changes that the activity may cause to the listed wildlife species, its critical habitat or the residences of its individuals, the possible effects of those changes and the significance of those effects.

You should assess what kind of changes will occur as a result of the activity on individuals of the species, their residences, and their habitat, taking into consideration whether and how the identified changes will affect the species as well as what those effects could mean for the survival or recovery of the species. For examples of the relationship between changes, effects, and their significance, refer to [Table 1](#).

Table 1: Examples of activities, showing the relationship between changes, effects, and their significance.

<i>Activity</i>	<i>Change</i>	<i>Effect</i>	<i>Significance</i>
<i>Dredging</i>	reduction in aquatic vegetation	reduction in cover leading to increased likelihood of predation upon the young of the year of a listed species	reduction in the age class and slower recovery of the population
<i>Marine seismic surveys</i>	increased noise in the acoustic environment	listed (and other) marine mammals avoid the area	marine mammals must use lower quality habitat for life processes thereby reducing fitness and recovery potential

Existing guidelines on impact assessment can also be consulted to assist with this analysis. In addition, DFO has developed a number of "Pathway of Effects" diagrams and guidance materials for evaluating the effects of works and undertakings on fish and fish habitat at www.dfo-mpo.gc.ca/pnw-ppe/pathways-sequences/index-eng.html. These can be applied to species at risk to help evaluate the link between changes and their effects and the significance of those effects.

11 a) Describe any changes that the proposed activity(ies) may cause to the individuals of the species, and the effect of those changes. Describe the potential significance of those effects on the population as a whole.



To the extent possible, include:

- estimated numbers of individuals of each species likely to be affected
- the nature of the effect (e.g., mortality, non-lethal bodily injury, stress, reproduction may be interrupted, species will likely move out of the area, prey food numbers will diminish)
- the duration of the effects
- life stages likely to be affected
- the likelihood or probability of the effect taking place after mitigation measures have been implemented
- how the information was derived, including the methods used to make estimations

11b) If applicable, describe the anticipated changes to the residences of individuals of the species at risk, and how those changes could affect individuals of the species at risk and the population⁸ as a whole.

To the extent possible, include:

- if any residences are to be affected (e.g., redds) indicate their number and location, if possible, and the nature and duration of the effect
- how the effects on residences could affect individuals of the species at risk (e.g., damage to a redd will reduce the likelihood of successful spawning)
- how the effect will impact the population (e.g., reduced likelihood of successful spawning could result in a decline in the population growth)
- the likelihood or probability of the effect taking place after mitigation measures have been put in place
- how the information was derived, including the methods used to make estimations

11 c) Describe any anticipated changes to the habitat of the species at risk, and how those changes could affect individuals of the species at risk or the population as a whole.

To the extent possible, include:

- type of habitat to be impacted and amount (m² or ha), and the life processes supported by the habitat
- whether any of the habitat to be impacted is identified as critical habitat in a recovery strategy or action plan
- the nature of the change(s) to the habitat functions, features and attributes (e.g., water quality, flow, noise levels, density of prey, obstructions, etc.), and how it

⁸ "Population" could refer to the species as a whole, the designated unit, or the local population, depending on the level at which population and distribution objectives are set and the species are managed. For more information, see the recovery strategy for that species.



relates to the baseline condition (e.g., how does the change compare to what is the “usual” range of flow, noise, prey density etc.)

- how habitat impacts could in turn affect individuals of the species at risk, including the ability of the habitat to support the life process of individuals of the species at risk over time
- how the effect could impact the population (e.g., increased noise levels interfere with marine mammal mating calls reducing the likelihood of successful reproduction that could result in a decline in the population growth)
- the duration of the effects
- the likelihood of the effect taking place after mitigation measures have been put in place
- how the information was derived, including the methods used to make estimations

Recovery strategies and action plans contain useful information about listed species at risk such as distribution, threats, critical habitat, examples of activities likely to result in the destruction of critical habitat, and measures that can be taken to avoid impacts to critical habitat. This information can be helpful in determining the relationship between changes, effects, and their significance. If a recovery strategy and/or action plan has been completed for the species being affected, it can be found at

http://www.sararegistry.gc.ca/sar/recovery/default_e.cfm

Attach any relevant documentation. If an environmental assessment has been done under the *Canadian Environmental Assessment Act 2012* (CEAA) or other environmental assessment legislation and contains the relevant information pertaining to your application, it should be included. Please indicate the page or section numbers in the document that are pertinent to the species at risk permit application.

For projects that involve multiple activities that may affect a species at risk, please identify the effects of each activity in 11 a) to c).

12. Alternatives considered

Describe, in detail, all the reasonable alternatives to the proposed activity(ies) that were considered to avoid or reduce the impact on the species, including:

- other locations that have been considered that are outside of the species’ range or outside of identified critical habitat (if applicable), and why these locations were rejected in favour of the current location. If no other locations were considered, please provide your rationale;
- all alternative activities, technical or research designs, equipment or processes that were considered in order to achieve the outcomes of the proposed activity, and why these were rejected in favour of the proposed activity, design, equipment, or process (e.g., directional drilling instead of a stream crossing using trenching);

- other timelines that were considered that would avoid periods when the species are present or sensitive to disturbance and why these were rejected in favour of the proposed timelines

If the activity is scientific research, describe:

- whether surrogate species or information was considered and why was their use rejected
- if other research projects are being conducted on similar species, whether collaboration was sought in order to reduce the number of individuals needed, and why collaboration deemed not feasible

Explain why the current proposal is the best reasonable alternative. If applicable, describe any selection criteria that were used, how the selection criteria were applied and how the alternatives were ranked. If any alternatives were deemed to be unreasonable, explain why they were considered so.

If multiple activities are included in your permit application, please describe, as set out above, alternatives for each activity.

It is expected that at least two alternatives are considered, including not undertaking the proposed activity(ies). For each alternative, describe the impact on individuals of the species, their residences, and their habitat using the approach described above, and explain why the alternative was rejected in favour of the current proposal. If alternatives are not available, please explain. If DFO is of the view that there are other reasonable alternatives available, but that were not addressed in the application, this might result in a delay in a decision.

13. Measures to Minimize Impacts

Describe all the measures that will be implemented to minimize the impact of the activity on the species, its habitat, or the residences of its individuals, including:

- a description of specific mitigation measures that will be taken to minimize the impacts of the activity on the species (e.g., fish/mussel salvage, sediment and erosion control etc.) and the extent to which the measures have been demonstrated to be effective;
- specific contingency measures in the event that the mitigation measures are not as effective as anticipated;
- use of appropriate personnel to conduct the activities (e.g., the applicant has qualifications from a recognized institution, demonstrated experience with the species, and/or demonstrated experience with the proposed methodology).



Provide references to any existing standards or best practices that will be used to minimize impacts. If there will be any deviation from existing standards or best practices, explain why this is considered preferable or necessary. If any other measures or approaches to minimizing the impact of the activity were rejected as not feasible, explain why they were considered to be so.

If multiple activities are included in your application, please describe the measures that will be taken to minimize the impacts of each activity.

14. Monitoring

Describe how you will monitor the effects of your proposed activity(ies) on the species, or attach your monitoring plan. This includes monitoring the effectiveness of mitigation measures and include as relevant:

- who will undertake the monitoring, and their credentials;
- what will be monitored, and the reason these indicators were chosen;
- how often monitoring will take place and over what time frame;
- the methods used to collect the data;
- how the data will be analysed;
- when reports will be submitted e.g., end of project, end of season, when a problem is detected.

15. Describe, to your best understanding, why the proposed activity(ies) will not jeopardize the survival or recovery of the species

In order for the Minister of Fisheries and Oceans Canada to issue a s. 73 permit, the Minister must be of the opinion that the proposed activities will not jeopardize a species' survival or recovery. Please explain, based on the information provided, why you anticipate that your activity will not jeopardize survival or recovery of the species.

16. Offsetting measures

In some cases, offsetting measures may be necessary to counterbalance residual adverse impacts that remain after implementing all reasonable alternatives to avoid impacts and all feasible measures to minimize impacts to the species. When offsetting is required, an offsetting plan must be attached to the permit application package.

Offsetting measures must be designed to contribute to the recovery of the species in question as described in the recovery strategy or action plan for the species. The selection of offsetting measures is guided by the recovery measures and research priorities identified in the recovery strategy or action plan. Offsetting for aquatic species at risk is undertaken on a case-by-case basis and is guided by DFO's ["Fisheries](#)



[Productivity Investment Policy: A Proponent's Guide to Offsetting](#)". In all cases, offsetting plans for species at risk must be discussed with DFO before they can be considered complete.

In particular, the offsetting plan for aquatic species at risk must also describe in detail:

- the baseline conditions at the site where the offset is to be created
- the measures that will be implemented to offset harm to species at risk, including location, anticipated timelines, cost estimates.
- any supporting documentation such as engineering drawings, feasibility studies, proof of access to land, etc.
- the short-term and long-term benefits to the listed species that are expected as a result of the offset, including how they support recovery
- the point in time at which the offset becomes fully effective relative to when the harmful impact of the activity will occur, and how any delays will affect the species
- whether these measures have been tried before under similar circumstances, and how well they worked
- how the offset may affect other species, and measures to avoid or mitigate any harm to species at risk or other species that could result from implementing the offsetting plan
- how the offset will be monitored for effectiveness
- contingency measures to be put into place if the offset is not effective
- the risk to the species in the case that the offset should fail to meet its objectives

NOTES OF IMPORTANCE

- Do sign the application form
- Do provide additional supporting documentation and attachments as appropriate **(missing or incomplete information may result in a delay in the application review process)**
- A permit under SARA does not eliminate your obligation to obtain any other permit, licence, certificate, or other Federal or Provincial authorization that may be required under any other legislation, including the *Fisheries Act* and its regulations.

If you have any concerns regarding the need for a SARA permit or if you require any additional information, please contact your DFO regional office.