

PROPOSED

*Species at Risk Act*  
Policies and Guidelines Series

## *Species at Risk Act* Policies

Policy Regarding the Identification of  
Anthropogenic Structures as Critical Habitat  
under the *Species at Risk Act*

2016



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## Background

Some SARA-listed species are dependent, to varying degrees, upon human-constructed or maintained structures<sup>1</sup>, the primary purpose of which is not to provide habitat for wildlife. Examples include barns, bridges, and chimneys.

The definition of “habitat” for non-aquatic species in section 2(1) of SARA is:

“...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.”

The definition of “habitat” for aquatic species in section 2(1) of SARA is:

“...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;

The definition of “critical habitat” in section 2(1) of SARA is:

“...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.”

Whereas an anthropogenic structure may not constitute an area or type of site where an individual or wildlife species *naturally* occurs, it may nonetheless be an area or type of site upon which the species *depends directly or indirectly* in order to carry out its life processes.

If a given anthropogenic structure is necessary for the survival or recovery (as defined by the population and distribution objectives) of a listed wildlife species, its identification as critical habitat would be consistent with the purposes of the Act, which are to prevent wildlife species from being extirpated or becoming extinct, and to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity.

When determining if anthropogenic structures are required to meet the population and distribution objectives for that species, it is important to assess whether the structures

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<sup>1</sup> In this policy, structures are things that are built by humans for purposes other than the provision of habitat (e.g., barns, chimneys, silos, bridges). In some cases, features such as compost piles could be included if required for the survival or recovery of the species.

contribute positively to the survival or recovery of the species, because some artificial structures may attract individuals of a species but result in reduced individual level fitness and represent population-level sinks. This may ultimately undermine the long-term success of recovery efforts.

## Policy

1. Based on the definition of critical habitat in the *Species at Risk Act*, anthropogenic structures can be identified as critical habitat. If it is determined that anthropogenic structures are required for survival or recovery of the species, as defined by the population and distribution objectives, these structures will be identified as critical habitat.
2. In carrying out its responsibilities under SARA, the Government of Canada will apply precaution, consistent with the [Framework for the Application of Precaution in Science-based Decision Making about Risk \(Government of Canada, 2003\)](#); and the preamble and section 38 of SARA which state that if there are threats of a 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.
3. If the available information indicates that there is sufficient natural habitat available to achieve the population and distribution objectives, anthropogenic structures will not be identified as critical habitat. However, the potential contribution of these structures to recovery of the species can be noted in recovery documents in terms of stewardship opportunities and further study on the value of these structures can be noted in the recovery planning table.
4. If it is unknown whether there is sufficient natural habitat available to support survival or recovery of the species, recovery practitioners will need to consider the available information, while keeping in mind the purposes of the Act, in making a determination as to whether the anthropogenic structures in question are required for survival or recovery and should be identified as critical habitat. In these cases, the critical habitat schedule of studies can be used to address the knowledge gaps/uncertainty.
5. When anthropogenic structures are identified as critical habitat, the strategic direction for recovery will include measures regarding the provision of natural habitats to promote their use/selection, even if this process is expected to take a long time (e.g., regeneration of old-growth forest). In these cases, anthropogenic structures will serve as a bridge until natural habitat can be restored to allow for recovery of the species. Note that a return to a *recovered* state should not<sup>2</sup> involve ongoing dependence on anthropogenic structures. The recovery strategy will explain the species specific context for setting population and distribution objectives and considerations regarding the inclusion of anthropogenic structures in the identification of critical habitat.

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<sup>2</sup> Only in *exceptional* circumstances would recovery be considered feasible for a species permanently reliant upon anthropogenic structures.

6. When anthropogenic structures are identified as critical habitat, the recovery document will include a rationale for including these structures in the critical habitat identification. In these cases, there will be an emphasis on the use of stewardship, mitigation and other measures (e.g., offsets) enabled by SARA to conserve these habitats and minimize impacts on landowners and land managers.

7. With respect to the operation, maintenance or modification of existing anthropogenic structures, the Government of Canada will work with the owners/managers of those structures to achieve compliance under SARA and promote species recovery.

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