

## **PROTECTION OF POLAR BEARS**

**Commission for Environmental Cooperation**

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**Response to Submission SEM 11-003**



Environment  
Canada

Environnement  
Canada

Prepared by:  
Environment Canada  
for the Government of Canada  
January 2013

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## INTRODUCTION

The Polar Bear is an icon of Canada's wildlife heritage and is of great cultural significance to the Canadian people. For the Inuit and many northern communities, polar bears are especially significant culturally, spiritually and economically. Canada is home to two-thirds of the world's polar bears and is committed to the conservation of this incredible species. In Canada, polar bears are managed through a collaborative approach that is shared with provinces, territories as well as regional wildlife management boards that are established pursuant to land claims agreements between various Aboriginal groups and the Government of Canada. The rights contained in these land claims agreements are recognized and affirmed by section 35 of the *Constitution Act, 1982*.

As part of its strategy for protecting wildlife species at risk, the Government of Canada proclaimed the *Species at Risk Act* ("SARA") on June 5, 2003 (Annex 1). Attached to the Act is Schedule 1 called the List of Wildlife Species at Risk ("the List"). The SARA also establishes a public registry for the purpose of facilitating access to SARA-related documents. This can be found at <http://www.sararegistry.gc.ca/>. Environment Canada manages the SARA Public Registry.

In addition to designing the SARA so that the scientific assessment process is separate from the listing decisions, the Government of Canada designed the SARA to conserve and protect Canadian wildlife species at risk while embracing Canadian values of participation. After receiving an assessment from the Committee on the Status of Endangered Wildlife in Canada ("COSEWIC" or "the Committee"), the Government consults with concerned ministers, relevant wildlife management boards and the public to consider many factors, including possible social and economic implications of listing the species. Of particular significance is the engagement of Aboriginal peoples, acknowledging constitutionally recognized rights in the management of the extensive traditional territories and settlement lands that contribute substantively to the support of Canada's biodiversity.

Following consultations, the Government then decides, on the basis of the Minister of the Environment's ("the Minister") recommendation, whether to add the species to the List of Wildlife Species at Risk ("the List"). Once a species is listed, the provisions under the SARA apply to conserve, protect and recover the species. The List continually evolves as species are added or removed or their status changes.

**On October 27, 2011, the Government of Canada added the polar bear to the List of Wildlife Species at Risk as a species of special concern** and continues to take action to ensure the polar bear's persistence on the Canadian landscape.

## KEY TERMS

The Species at Risk Public Registry contains a full glossary of terms relevant to the SARA at [http://www.sararegistry.gc.ca/about/glossary/default\\_e.cfm](http://www.sararegistry.gc.ca/about/glossary/default_e.cfm). Definitions of terms frequently used in this response are provided here.

- *Endangered species*: a wildlife species that is facing imminent extirpation or extinction.
- *Extended Consultation*: when it has been decided that adequate consultations cannot be conducted within normal timelines (usually between 2-3 months), the species assessment undergoes a period of extended consultation before it is forwarded to the Governor in Council. After a species assessment is forwarded to Governor in Council, a listing decision must be made within 9 months.
- *Extinct species*: a wildlife species that no longer exists.
- *Extirpated species*: a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild.
- *Schedule 1*: the official list of species that are designated under the SARA as extirpated, endangered, threatened, and of special concern.
- *Species at risk*: an extirpated, endangered, threatened species, or a species of special concern.
- *Species of special concern*: a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats.
- *Threatened species*: a wildlife species that is likely to become endangered if nothing is done to reverse the factors leading to its extirpation or extinction.

## **RESPONSE OF THE GOVERNMENT OF CANADA**

As recently as July 2012, CEC Council Members from Canada, Mexico and the United States confirmed the Submissions on Enforcement Matters (SEM) process as a mechanism to promote information-sharing, transparency and public participation and to enhance understanding regarding the enforcement of environmental legislation. Canada supports the implementation of a modern and effective SEM process, and is responding in keeping with this objective.

In particular, Canada notes the importance of providing the public with a clear understanding of the specific roles of the various bodies involved in the SARA listing process.

### COSEWIC is not Subject to the SEM Process

The Submitter claims that Canada failed to enforce subsection 15(2) of the SARA, on the charge that COSEWIC should have based its assessment on scientific sources other than those the Committee found to be the best available information.

**It is Canada's position that COSEWIC's actions concerning the listing of the polar bear are not subject to the SEM process, as: 1) COSEWIC is an independent body that operates at arm's length from government; and 2) the provision under SARA that covers its functions in considering the best available information does not constitute environmental law as defined by the *North American Agreement for Environmental Cooperation* ("the NAAEC" or "the Agreement").**

### *COSEWIC is Not a Party to the NAAEC*

In its determination, the Secretariat provides no explanation of how it concluded that COSEWIC was a Party to the Agreement. Guideline 7.2 of the submission process requires the Secretariat, when requesting a response from the Party, to explain how the submission meets or fails to meet the criteria under Article 14 of the Agreement. This includes that the "submission must assert that a Party is failing to enforce" (emphasis added). Canada notes that on 30 March 2012, Environment Canada informed COSEWIC in writing (Annex 2) that it had been named by the Submitter in the submission, and explained that the Committee was not subject to the Agreement. A copy of this letter was provided to the Secretariat.

#### 1. COSEWIC is an Independent Body

COSEWIC is not part of the Federal Government, but rather offers the government independent assessments based on the best available biological information, including scientific knowledge, community knowledge, and aboriginal traditional knowledge, as required under SARA subsection 15(2). Subsection 16(6) of the Act states that each

member of COSEWIC is entrusted to “exercise his or her discretion in an independent manner” in performing their functions. In addition, subsection 16(4) establishes that COSEWIC members are not part of the public service of Canada, by virtue of their membership on the Committee.

## 2. COSEWIC is a Scientific Authority

COSEWIC was established to provide Canadians with a single, scientifically sound classification of wildlife species at risk of extinction. The Committee’s assessments do not take into account political, social or economic factors. In accordance with the SARA, members of the COSEWIC must be able to provide expertise in their respective fields, including conservation biology, population dynamics, taxonomy, systematics or genetics, or from community knowledge or aboriginal traditional knowledge of the conservation of wildlife species (s.16(2)).

The SARA identifies COSEWIC as the only body of independent scientific and aboriginal traditional knowledge experts designated under the Act to assess the status of species at risk. No other body or organization, including government, has the mandate to determine what constitutes the “best available information” for wildlife species assessments. The Government of Canada trusts the expertise, independence and professionalism of the COSEWIC in determining the “best available information.” It is Canada’s view that in simply accepting the Submitter’s position that COSEWIC’s listing assessment was biased and flawed, the Secretariat failed in its responsibility to present a thorough and objective analysis of the submission.

## 3. Scientific Assessments and Listing Decisions as Distinct parts of the Listing Process

As noted above, COSEWIC is the authority for assessing the conservation status of wildlife species in Canada. The SARA specifically separates the scientific assessment process from the listing decision; the former lies exclusively in the hands of the COSEWIC and the latter is the responsibility of the Minister and the Governor in Council. The COSEWIC is not empowered to make final decisions regarding the legal protection of wildlife species under the SARA. Correspondingly, neither the Minister of the Environment who recommends, nor the Governor in Council who makes these decisions, is empowered under the Act to replace or vary a scientific assessment once it has been presented by COSEWIC. Specifically, the Act provides the Governor in Council, on the recommendation of the Minister, with three options:

- to accept COSEWIC’s assessment and add the species to the List (s.27(1.1)(a));
- to decide not to add the species to the List (s.27(1.1)(b)) ; or
- to refer the matter back to COSEWIC for further information or consideration (s.27 (1.1)(c)).

The Minister, in making his recommendation to the Governor in Council, must take the COSEWIC assessment into account (paragraph 27(2)(a)). It is not open to the Minister to reject the assessment and to substitute his own. Further, it is Canada's position that substituting the expert views of COSEWIC with those of an outside person or organization would be not only inappropriate, but entirely inconsistent with the provisions of the SARA.

#### *COSEWIC's Functions are not Environmental Law*

For the purposes of this Response, Canada is also of the view that s. 15(2) does not constitute environmental law in accordance with the Agreement, as it addresses COSEWIC's functional responsibilities. Subsection 45(2) of the Agreement defines environmental law as "any statute or regulation or provision thereof, the primary purpose of which is the protection of the environment through, [for example] the protection of wild flora or fauna." Further, the Agreement states that the primary purpose of a particular statutory or regulatory provision shall be determined by reference to its primary purpose, rather than to the primary purpose of the statute to which it is part.

While the SARA is environmental law, subsection 15(2) has the primary purpose of establishing the functions of COSEWIC as an independent scientific body, and therefore constitutes an administrative measure, not environmental law.

Canada notes that the Secretariat has determined in a past submission, *Quebec Mining* (SEM-09-004), that laws establishing requirements or powers for officials and bodies "although they may function within an overall regime which could broadly be described as focusing on environmental protection, may not be considered environmental law unless they fulfill the clarification offered in subsection 45(2)..."

#### The Minister Complied with all SARA-required Timelines

Timelines on several key obligations of the Government with respect to the listing of a species are an important aspect of SARA. For example:

- Under subsection 25(3), on receiving the completed, final assessment, the Minister must, within 90 days, include in the SARA Public Registry a report on how the Minister intends to respond to the assessment; and
- Subsection 27(1.1) provides that the Governor in Council, within nine months after receiving an assessment, may review that assessment and may, on the recommendation of the Minister, amend the List. Further, subsection 27(3) goes on to stipulate that where the Governor in Council has not acted within the nine months of receiving the assessment, the Minister shall amend the List in accordance with COSEWIC's assessment.



Another important aspect of the SARA involves acknowledging the constitutionally recognized rights of Canada's Aboriginal peoples in the management of the extensive traditional territories and settlement lands that contribute substantively to the support of Canada's biodiversity. For example, section 3 of the SARA states that nothing in the Act shall "abrogate or derogate from the protection provided for existing aboriginal or treaty rights" in section 35 of the *Constitution Act*. Therefore, the timelines stipulated in the SARA cannot be considered in isolation of the Government of Canada's broader responsibility for respecting consultation obligations under Land Claim Agreements ("LCAs") which it has signed with Aboriginal peoples in the Yukon, the Northwest Territories, northern Quebec, and Newfoundland and Labrador. A number of these LCAs establish wildlife management boards ("WMB") responsible for regulating access to and managing wildlife in their respective settlement areas. Paragraph 27(2)(c) of the SARA requires that the Minister consult WMBs before making a recommendation to the Governor in Council on the listing a wildlife species found within the settlement area.

More information on the SARA and Canada's duty to consult is contained in Annex 3.

*SARA section 25(3)*

The Submitter asserts that the Minister was late in issuing his Response Statement to COSEWIC's 2008 Assessment and Update Status Report, as required under SARA subsection 25(3).

**It is Canada's position that the Minister acted in compliance with the SARA with regard to the obligation contained in SARA subsection 25(3), by posting his intention within 90 days.**

Under the Act, the first step in the Government's listing decision process begins once COSEWIC sends its completed, final assessment and supporting evidence, including the rationale and status reports, for species classified as at risk (i.e., extirpated, endangered, threatened or of special concern) to the Minister of the Environment, who is the minister responsible for the administration of the SARA, and to the Canadian Endangered Species Conservation Council ("CESCC") as required under subsection 25(1) of the SARA.

As the result of an agreement reached through an exchange of correspondence between the Minister and COSEWIC in 2003 (Annexes 4 and 5), pursuant to SARA section 26, the chair of the COSEWIC sends annually a letter to the Minister and CESCC which includes the completed status report. Over 600 species status assessments have been received by the Minister from COSEWIC following this process.

Following receipt of the COSEWIC assessment and supporting evidence, the Minister has 90 days in which to publish a Response Statement on the SARA Public Registry, as required under SARA subsection 25(3). These statements indicate how the Minister

intends to respond to each COSEWIC assessment and, to the extent possible, provide timelines for action and the extent of consultations.

In the case of the polar bear, COSEWIC provided the Minister and the CESSC with the completed assessment and status report on August 28, 2008 (Annex 6 and Submitter's Exhibit A). The cover letter from the Chair of COSEWIC indicated that the report was being provided to fulfill "the obligations to COSEWIC under Sections 25 and 26 of the *Species at Risk Act*". In its report, and after considering the best available information on the biological status of the species, including scientific, community and aboriginal traditional knowledge, COSEWIC assessed the polar bear as a species of special concern. COSEWIC's rationale for the assessment is included in Annex 6.

The Minister's Response Statement (Annex 7) was issued on November 26, 2008, within 90 days of receiving COSEWIC's final assessment on August 28, 2008, as required under the SARA. The Minister indicated in his response statement that before making a recommendation to the Governor in Council based on COSEWIC's assessment he would undertake consultations with provincial and territorial governments, wildlife management boards, Aboriginal peoples, various stakeholders and the public. He also indicated that he would forward the COSEWIC assessment to the Governor in Council upon completion of those consultations. In January 2009, the Minister provided further details on consultations in the "Consultation on Amending the List of Species under the Species at Risk Act: Terrestrial Species" (Annex 8) which was posted on the SARA Public Registry. In that document, the Minister indicated that extended consultations would be undertaken for the polar bear.

*SARA section 27(3)*

The Submitter asserts that the Governor in Council was late in reviewing the 2008 Assessment and Update Status Report and that the Minister did not amend the List in accordance with COSEWIC's assessment when the Governor in Council failed to take action within nine months, as required under SARA subsection 27(3).

**It is Canada's position that the Governor in Council acted in compliance with the SARA with regard to the obligation contained in SARA subsection 27(1.1), by making its decision within nine months. As such, the provision in subsection 27(3) requiring the Minister to amend the List was not triggered.**

First, Canada wishes to clarify that the nine-month period provided for in subsections 27(1.1) and 27(3) of the SARA for making a decision in respect of a COSEWIC assessment starts when the Governor in Council receives the assessment, not when the Minister receives it. The Governor in Council is an entity distinct from the Minister. As defined by section 35 of the *Interpretation Act*, in every enactment, the Governor in Council means the Governor General of Canada, acting by and with the advice of, or in conjunction with, the Queen's Privy Council for Canada. The Privy Council is a body that

advises the Governor General, of which all Cabinet ministers are members. Even though the Minister is a member of the Privy Council, he cannot be equated to the Governor in Council. Further, the SARA distinguishes receipt of COSEWIC's assessment by the Minister of the Environment (subsection 25(3)) and receipt of that assessment by the Governor in Council (subsections 27(1.1) and (3)). Finally, the Governor in Council will make an order formally confirming receipt of the assessment once it receives an assessment, starting the nine month period within which the Governor in Council either makes its decision or the Minister amends Schedule 1 by order in accordance with the COSEWIC assessment.

In the case of the polar bear, following the posting of the Minister's Response Statement on November 26, 2008, the Minister began consultations to inform his recommendation to the Governor in Council. In considering the significant and widespread impacts the polar bear listing could have on the activities of Aboriginal peoples, the Minister proceeded with extended consultations, which took place between November 2008 and March 2010 and concluded in April 2010. Results of the consultations were shared with authorized WMBs, for their consideration, in accordance with the relevant LCAs. The last board decision was sent to the Minister on January 28, 2011.

Within the five days of concluding the extended consultations, and as described in the Response Statement and the January 2009 consultation document, the Minister then forwarded the COSEWIC assessment to the Governor in Council. The receipt of the Polar Bear Assessment was acknowledged by Governor in Council on February 3, published in Canada Gazette, Part II (Annex 9), and posted on the SARA public registry.

On October 27, 2011, the Governor in Council, on the recommendation of the Minister, accepted the COSEWIC assessment and listed the Polar Bear as a species of special concern in accordance with the assessment and within the nine months provided under the SARA. As previously noted, the Governor in Council did have the option to refer this matter back to COSEWIC to further consider the science. It is Canada's position that the Governor in Council acted reasonably in deciding to list the polar bear in this manner. The assessment considered various scientific threats, including climate change; and, in accepting the COSEWIC assessment at that moment, Canada could immediately list the Polar Bear as a species of special concern, rather than deferring this decision to a future, unscheduled COSEWIC assessment, as per section 24 of the SARA.

The final Order, effective on October 27, 2011 was published in the Canada Gazette, Part II on November 9, 2011 (Annex 10) along with comments that had come in during the 30 day comment period following the Canada Gazette, Part I publication in July 2011 (Annex 11).

Table 1 lays out Canada's compliance with all SARA-required timelines with respect to the posting of a response statement and the issuance of an Order to list the polar bear as a species of special concern.

**Table 1.** Canada’s performance in meeting the SARA’s statutory deadlines with regard to the listing of the polar bear as a species of special concern.

<b>Statutory Deadline</b>	<b>Receipt Date</b>	<b>SARA Deadline</b>	<b>Canada’s Timing</b>	<b>Status</b>
s. 25(3): The Minister’s Response Statement due 90 days after receiving the COSEWIC assessment	28 Aug 2008	26 Nov 2008	26 Nov 2008	On time ✓
s. 27(1.1): The GIC may, on the recommendation of the Minister, issue its order within nine months of receiving the COSEWIC assessment	3 Feb 2011	3 Nov 2011	27 Oct 2011	On time ✓
s. 27(3): Alternatively, the Minister will list the species if the GIC fails to act within nine months of receiving the COSEWIC assessment	N/A	N/A	N/A	N/A

*Summary Timeline of Canada’s Actions in Listing the Polar Bear*

- On **August 28, 2008**, the Committee on the Status of Endangered Wildlife in Canada (“COSEWIC”), an independent committee of wildlife experts, provided the Minister of the Environment with an assessment finding the polar bear as a species of special concern.
- Responding within the 90-day timeline established in the SARA, the Minister of the Environment posted a Response Statement on the SARA Public Registry on **November 26, 2008** detailing the Government’s plan to respond to COSEWIC’s polar bear assessment. This response included an outline for extended public consultations that would ultimately engage Canada’s Northern and Aboriginal communities, and secure decisions from Canada’s wildlife management boards between January 2009 and March 2010. This consultation process was detailed through the SARA Public Registry in the document “Consultation on Amending the List of Species under the Species at Risk Act: Terrestrial Species”
- The Minister of the Environment received the decision of the final wildlife management board on **January 28, 2011**, allowing him to forward his recommendation on the listing of the polar bear under the SARA and the COSEWIC assessment to the Governor in Council on **February 3, 2011**.
- On **October 27, 2011**, the Governor in Council, on recommendation of the Minister of the Environment, listed the polar bear as a species of special concern. The listing was completed within the nine month time period required under the SARA.

## **VIEWS ON OTHER ASPECTS OF THE DETERMINATION**

In providing a determination on public submissions under the Agreement, the Secretariat of the Commission on Environmental Cooperation plays an important role in ensuring that North Americans receive relevant, timely and transparent information regarding the enforcement of their environmental laws. As such, Canada wishes to address certain concerns with the Secretariat's analysis of SEM-11-003, as they relate to the substantive interpretation of the SARA and the scope of the Submission on Enforcement Matters process.

### Not an "ongoing issue" at the Time of the Submission

The Submission on Enforcement Matters process deals only with assertions that a Party is failing to effectively enforce its environmental law. The process is not intended to address assertions of prior or future failure, or the potential effects of alleged failures.

**The Government of Canada submits that the allegations concerning the timing of steps taken by the Minister and the Governor in Council in response to the 2008 COSEWIC Assessment and Update Status Report on the polar bear do not concern an ongoing failure to enforce environmental law, as understood in Article 14(1) of the Agreement, at the time of the Centre for Biological Diversity submission on December 5, 2011**

In the determination, the Secretariat indicates that there was an "ongoing situation at the time of the submission" (emphasis added). Canada maintains that this is simply not a fact. As explained above, the polar bear was listed on October 27, 2011. The Secretariat received the submission on December 5, 2011. To support this analysis, the Secretariat mentions "alleged effects of the asserted failures" (emphasis added) as being ongoing. This goes beyond the scope of the NAAEC, which focuses on the ongoing nature of actions or inactions of a Party with respect to environmental enforcement and not potential or alleged effects.

### Private Remedies

Article 14(2)(c) of the Agreement states that "in deciding whether to request a response, the Secretariat shall be guided by whether private remedies available under the Party's law have been pursued." In support of this criterion, the Guidelines for Submissions on Enforcement Matters also encourage the submitter to address in the submission the issue of available private remedies and whether they were accessed.

**Canada submits that private remedy options were available to the Submitter, including those provided under the SARA. Canada further submits that the Secretariat has failed to be guided by the existence of these different avenues in its analysis of the submission.**

The Submitter could have reasonably availed themselves of specific private remedies, namely the application for Wildlife Species Status Assessment and Unsolicited Wildlife Species Status Report processes, which are clearly set out in the SARA:

21. (1) COSEWIC's assessment of the status of a wildlife species must be based on a status report on the species that COSEWIC either has had prepared or has received with an application.

22. (1) Any person may apply to COSEWIC for an assessment of the status of a wildlife species.

28. (1) Any person who considers that there is an imminent threat to the survival of a wildlife species may apply to COSEWIC for an assessment of the threat for the purpose of having the species listed on an emergency basis under subsection 29(1) as an endangered species.

These provisions allow any person, without restriction on residency, to present to COSEWIC an application requesting the assessment of a wildlife species, an assessment application with a Wildlife Species Status Report or an emergency assessment of a wildlife species.

In reviewing the determination, Canada notes that the Secretariat has failed to review the extent to which the Submitter accessed existing private remedies. The Secretariat also failed to consider that the Submitters could have applied for judicial review of the timing of the Minister's recommendation, as well as the Governor in Council decision to list the polar bear as a species of special concern.

#### Broadening of the Submitter's Assertions by the Secretariat

In its determination, the Secretariat suggested that Canada provide information regarding "the nature, content and result of any consultations undertaken by the Minister pursuant to paragraphs 27(2) (a), (b), and (c) of the SARA." Based on a review of the submission, we wish to highlight that the Submitter does not include an assertion that Canada is failing to effectively enforce these provisions. Therefore, Canada views this request as a broadening of the Submitter's assertions and contrary to the impartial exercise of the Secretariat's duties, as envisioned by the Agreement and the SEM process.

#### Interpretation of the SARA

Several matters in question in this submission concern the legal interpretation of the SARA, including interpretation of the words "best available information", as well as the interpretation of the s. 27 timeline, particularly when that timeline commences. These matters are questions of law. As the Submission on Enforcement Matters process is ill-suited to deal with questions of law, it is Canada's position that these issues should not be

further considered by the Secretariat. It should be noted that the Secretariat was of the same view as Canada on this issue in the Species at Risk Act submission (SEM 06-005), having stated the following in its Determination dated 11 December 2006:

The question of whether the language and legislative history of s. 27 of the SARA supports the Government's interpretation regarding timelines, and the question of whether the Government is acting within the bounds of the law in taking into account socio-economic considerations in deciding on listing recommendations to the Governor in Council, are essentially questions of law. The Secretariat finds that the NAAEC's submissions on enforcement matters process, which is intended to shed light on facts regarding alleged failures to effectively enforce environmental laws, is ill-suited to assertions grounded to such an extent in threshold questions of law.

## CONCLUSION

The SARA is a major component of the Government of Canada's Strategy for the Protection of Species at Risk and is a key tool for the conservation and protection of Canada's biological diversity. The SARA accomplishes its goals through the combined efforts of the federal, provincial and territorial governments, the Canadian public, Aboriginal communities, and the COSEWIC, which operates at arms-length from the Government.

Public consultations with Aboriginal communities and the participation of relevant wildlife management boards are essential elements of SARA's wildlife species designation process, as mechanisms that allow the Minister to fulfill the Crown's legal obligations to provide Aboriginal community members a meaningful opportunity to present their views on how listing decisions affect their ability to maintain their way of life.

The SARA sets out COSEWIC's functions and the information it must consider in carrying out its functions. In accordance with the SARA requirements, COSEWIC provided the Minister with an assessment on the status of polar bear.

After considering COSEWIC's polar bear assessment and undertaking the required consultations, the Minister made a recommendation to the Governor in Council and the polar bear was added to the List as a species of special concern on 27 October 2011. The Minister complied with all SARA-required timelines in performing his duties with respect to the listing of the polar bear.

As home to two-thirds of the world's polar bears, Canada has a unique responsibility to conserve these iconic creatures. The Government of Canada, as a steward of Canada's polar bears, in cooperation with responsible provinces and territories, wildlife management boards and Inuit organizations, is taking other steps in the spirit and intent of the SARA to manage the species to prevent it from becoming threatened or endangered (Annex 12). This includes the finalization of Canada's National Polar Bear Conservation Strategy (Annex 13).

In addition, a management plan for the polar bear is being developed that aims to alleviate human threats and remove the polar bear from the List of Wildlife Species at Risk. Under the SARA, management plans for species of special concern must be included on the SARA public registry within three years of listing, in this case, by October 2014. Consistent with Canadian values of participation, a public consultation period is built into this timeline. Beyond that, the polar bear management plan will be evaluated every five years and updated as necessary.

**The Government of Canada is effectively enforcing the *Species at Risk Act* with respect to the listing of the polar bear as a species of special concern.**



## **ANNEXES**

- Annex 1 *Species at Risk Act*
- Annex 2 Letter from Environment Canada to COSEWIC Chair (30 Mar 2012)
- Annex 3 Overview of Canada's Species At Risk Act
- Annex 4 Letter from the Minister of the Environment to COSEWIC (20 Nov 2003)
- Annex 5 Letter from COSEWIC to the Minister of the Environment (12 Dec 2003)
- Annex 6 COSEWIC Annual Report (28 Aug 2008)
- Annex 7 Response Statement – Polar Bear (26 Nov 2008)
- Annex 8 Consultation on Amending the List of Species under the *Species at Risk Act*: Terrestrial Species (Jan 2009)
- Annex 9 Canada Gazette, Part II: Order Acknowledging Receipt of the Assessment (16 Feb 2011)
- Annex 10 Canada Gazette, Part II: Order Amending Schedule 1 to the Species at Risk Act (9 Nov 2011)
- Annex 11 Canada Gazette, Part I: Order Amending Schedule 1 to the Species at Risk Act (1 July 2011)
- Annex 12 Factsheet : “Conservation of Polar Bears in Canada”
- Annex 13 National Polar Bear Conservation Strategy