



Project planning: Applying for a *Fisheries Act* authorization acting as a *Species at Risk Act* (SARA) permit or a stand-alone SARA permit

Context

The SARA aims to:

- prevent wildlife species from disappearing, to provide for the recovery of species that are extirpated, endangered or threatened
- manage species of special concern

The Minister of Fisheries and Oceans is responsible for the administration and enforcement of SARA with respect to aquatic species at risk¹.

Under SARA it is prohibited to:

- kill, harm, harass, capture or take an individual of a listed species
- possess, collect, buy, sell or trade an individual of a listed species
- damage or destroy the residence² of a listed species
 - For extirpated species, this applies if a recovery strategy has recommended its reintroduction into the wild in Canada.
- destroy of any part of a listed species' critical habitat³

Use the [Aquatic species at risk map](#) to see if you are planning a project near aquatic species at risk.

It is recommended that you consult [Projects near water](#) before submitting a [request for Fisheries and Oceans Canada \(DFO\) to review your project](#).

For additional project planning support, please seek advice from a [professional with expertise in the management of impacts to fish and fish habitat](#).

If your project is likely to affect aquatic species at risk, you will need approval from DFO to proceed. You must meet several conditions in order to receive approval to proceed, including:

- All reasonable alternatives to the activity that would reduce the impact on the species have

1 Aquatic species at risk are [fish](#) and [marine plants](#) listed under Schedule 1 of SARA as endangered, threatened or extirpated
2 A [residence](#) is a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by 1 or more individuals during all or part of their life cycles.
3 Critical habitat 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 action plan for the species.



been considered and the best solution has been adopted.

- All feasible measures will be taken to minimize the impact on the species, its critical habitat or the residences of its individuals.
- The activity will not jeopardize the survival or recovery of the species.

Applying for a permit

Approval from DFO may take the form of a stand-alone SARA permit or a *Fisheries Act* authorization that also acts as a SARA permit.

If your project is likely to affect aquatic species at risk and will result in the harmful alteration, disruption or destruction of fish habitat or the death of fish by means other than fishing, [apply for a Fisheries Act authorization](#). This authorization may also act as a SARA permit. You must include the [Information required for the consideration of the approval of activities that are otherwise prohibited under the Species at Risk Act](#) with your application for authorization.

If your project is likely to affect aquatic species at risk, but will not result in the harmful alteration, disruption or destruction of fish habitat or the death of fish by means other than fishing, [apply for a stand-alone SARA permit](#). The [Guide for the completion of an application for a permit under the Species at Risk Act for listed aquatic species](#) will assist you in meeting the information requirements.

Time limits for processing applications

The time limit for DFO to process your application is established in the:

- [Authorizations Concerning Fish and Fish Habitat Protection Regulations](#)
- [Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations](#)

Applying for a Fisheries Act authorization acting as a SARA permit

When you are applying for a *Fisheries Act* authorization acting as a SARA permit, [DFO will notify you as to whether it is complete, incomplete or inadequate within 60 days of receiving your application](#).

For incomplete or inadequate applications, the time limit will start over once you submit all missing or additional information required.

Once your application is deemed complete and adequate, the time limit for DFO to issue or refuse to issue your authorization is 90 days. This time limit does not apply to time needed to allow DFO to complete certain federal legal requirements, notably consultation on behalf of the Crown with Indigenous peoples whose Aboriginal or treaty rights may be adversely affected by your project. You can learn more about the Crown duty to consult and, when appropriate, accommodate Indigenous Peoples for projects in or near water on the [Projects near water website](#).

The time limit will start over once consultation is adequate. DFO will either issue your authorization or notify you of the refusal to do so within 90 days, provided all other regulatory requirements are met.



Applying for a stand-alone SARA permit

DFO has [90 days to either issue or refuse to issue](#) a stand-alone SARA permit. This timeline starts on the date DFO sends you a notice indicating that the application was received. This time limit will be suspended if additional information is needed to assess the proposed activity. The time limit resumes from the day it was suspended once all the information is received.

The [Regulations list the circumstances under which the 90-day time limit does not apply](#), such as when Indigenous consultations are necessary during the application's review.

Consultation with Indigenous groups is not bound by specific timelines. You can visit the [Projects near water website](#) to learn more about the Crown duty to consult and, when appropriate, accommodate Indigenous Peoples for projects in or near water.

Tips to avoid delays

A complete and adequate application contains all of the documentation and information set out in the:

- [Permits Authorizing an Activity Affecting Listed Wildlife Species Regulations](#)
- [Authorizations Concerning Fish and Fish Habitat Protection Regulations](#)

Sufficient detail must be included for the minister to decide whether or not to issue a Fisheries Act authorization acting as a SARA permit or a stand-alone SARA permit.

The tips below will help you submit a complete application, reducing the likelihood of delays.

For additional support, please seek advice from a [professional with expertise in the management of fish and fish habitat, aquatic species at risk and DFO's regulatory processes](#).



Tips to avoid delays

Tip #1: Engage Indigenous Peoples early

Common mistakes

- The application does not account for Indigenous concerns.
- Indigenous communities are engaged only after the project design is completed.

Best practices

Begin communication with Indigenous Peoples early during the project design phase (including [offsetting measures](#)). Engage and work with Indigenous Peoples to identify and address concerns throughout the development of project plans.

A co-developed project is ideal. This could reduce the time it takes for DFO to:

- consult with Indigenous Peoples whose Aboriginal and treaty rights may potentially be adversely affected by your project
- make sure accommodations are made where necessary

Tip #2: Ensure sufficient detail

Common mistake

Insufficient detail provided in the application.

Best practices

Use the [Guide for the completion of an application for a permit under the Species at Risk Act for listed aquatic species](#) and the [Applicant's guide supporting the Authorizations Concerning Fish and Fish Habitat Protection Regulations](#) to build your application, ensuring the details you provide:

- reflect the scale and complexity of your project
- explain the measures taken to avoid, mitigate and offset risks to fish and fish habitat
- demonstrate how you meet the conditions of SARA when required

This will reduce the likelihood of delays as we review your application for completeness and adequacy.



Tip #3: Consult the recovery strategy and action plan of the species expected to be affected

Common mistake

Insufficient information on the potential effects of your project on aquatic species at risk, the residence of its individuals and its critical habitat.

Best practices

Determine whether an aquatic species at risk or critical habitat is found in the area of your proposed activity through:

- checking our [Aquatic species at risk map](#)
- consultation with a qualified professional
- discussion with DFO through a request for review

Then, consult the recovery strategy or action plan of the species in question if available.

These recovery documents are available on the [Species at risk public registry](#).

For listed species at risk that do not yet have a published recovery strategy or action plan, you can also consult the species' [Committee on the Status of Endangered Wildlife in Canada \(COSEWIC\)](#) assessment or other best available information.

You will find important information in these documents to better understand:

- the species and their needs
- the threats to their survival or recovery
- their critical habitat (including examples of activities that are likely to result in its destruction)

This will help you plan your proposed project in a manner that meets the SARA conditions, particularly that a species' survival or recovery is not jeopardized.