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Species at Risk & Critical Habitat in the Okanagan



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February 20, 2019

Outline

- Overview of Federal Wildlife Laws
- Species at Risk (SAR) and Critical Habitat (CH)
- Update on SAR in the Okanagan
- CH Protection
- Permits
- SARA Process and Consultation
- Environmental Assessments and Effective Mitigation



As a QEP, what do you need to know?

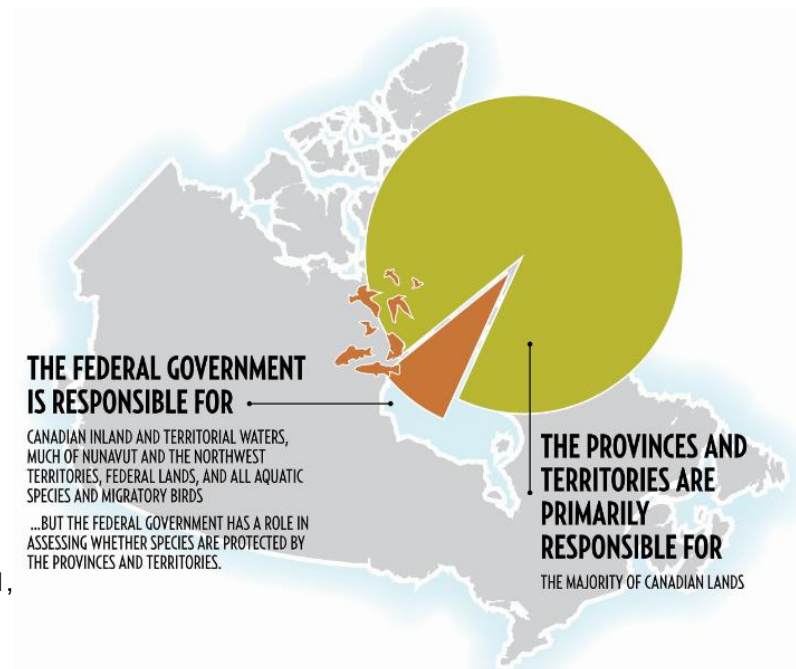
- Which species are SARA-listed?
- Which SARA-listed species / habitat occur or may occur on your project site?
- Has critical habitat been identified for those species?
- What legal protection mechanisms are in place for identified CH?
- If no legal protection, what are the *activities likely to destroy* CH?

Federal Wildlife Laws

- **Migratory Birds Convention Act (MBCA)**
 - Migratory Bird Regulations (MBR)
 - Migratory Bird Sanctuary Regulations (MBSR)
- **Canada Wildlife Act (CWA)**
 - Wildlife Area Regulations (WAR)
- **Species at Risk Act (SARA)**

Where do these laws apply in B.C.?

- **MBCA and MBR** – Everywhere
- **MBSR, CWA & WAR** – Federal bird sanctuaries and wildlife areas
- **SARA** – Applies on all lands and waters in Canada. *How it applies depends on species and land tenure*

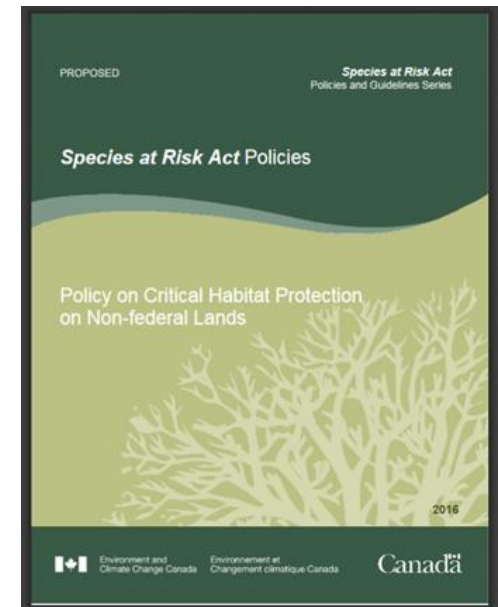


Where do these laws apply in B.C.?

- **SARA:**
 - General prohibitions apply to aquatic species and migratory birds listed as Threatened, Endangered, or Extirpated wherever they are found
 - General prohibitions apply to all species listed as Threatened, Endangered, or Extirpated on federal lands
 - Protection on non-federal lands occurs in different ways:
 - Provincial or municipal laws
 - Conservation agreements
 - Stewardship
 - A federal “safety net” order
 - E.g. “Emergency orders” for Sage Grouse and Western Chorus Frog

Where do these laws apply in B.C.?

- **SARA:**
 - **Legal Protection:** term often used to describe the type of protection required under s. 58 when critical habitat is located on **federal land**
 - **Effective Protection:** term often used to describe the type of protection required under s. 61 when critical habitat is located on **non-federal land**



What are the prohibitions?

Migratory Birds

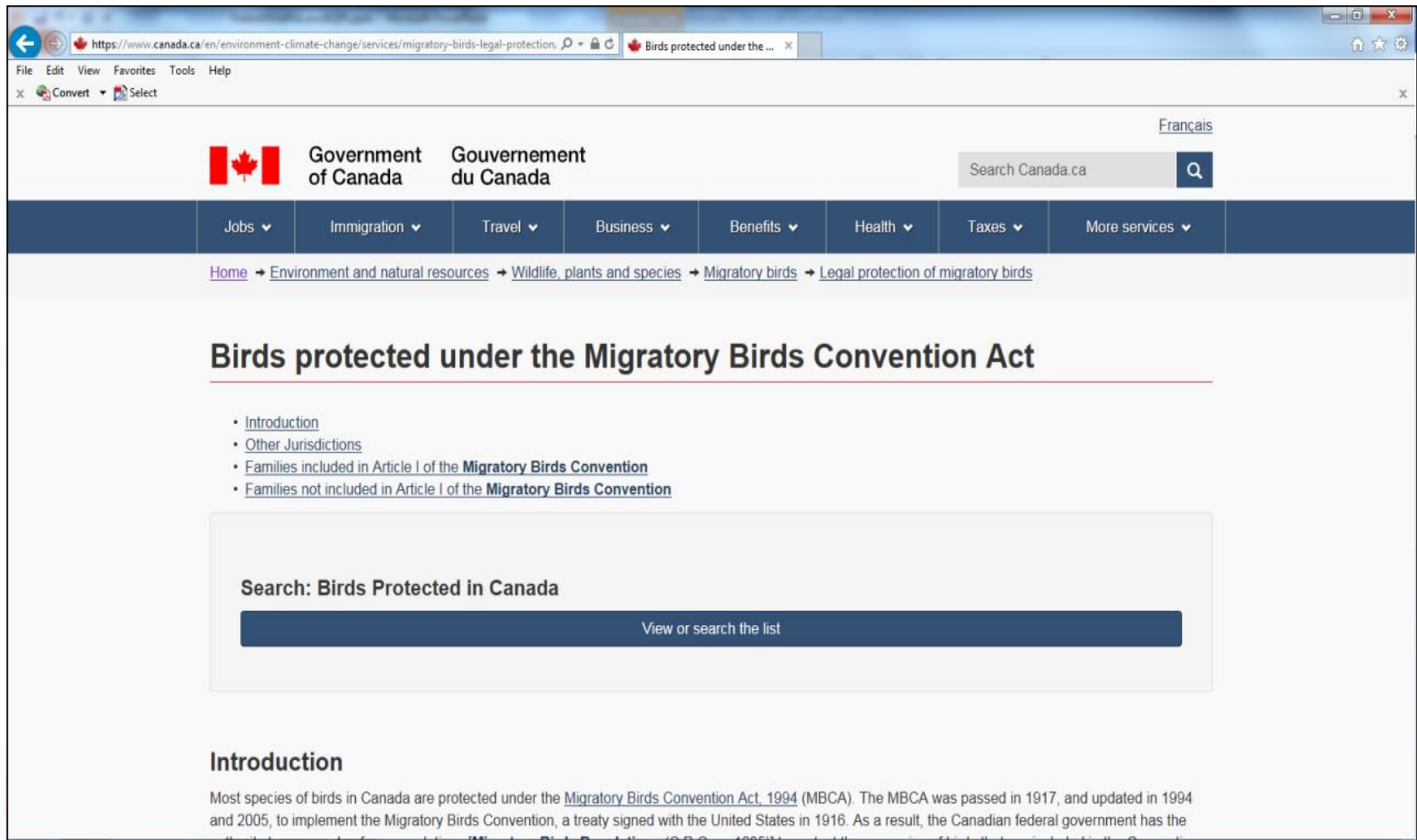
- Possession or sale of any part of a live or dead migratory bird (*MBCA s. 5*)
- Deposit harmful substances in waters or areas frequented by migratory birds (*MBCA s. 5.1*)
- Hunting without a permit (*MBR s. 5*)
- Disturb, destroy, take or possess a nest, egg or carcass (*MBR s. 6*)

Species at Risk

- Kill, harm, harass, capture, possess, buy, sell, trade individuals (*SARA s. 32*)
- Damage or destroy the residence of one or more individuals (*SARA s. 33*)
 - **residence**: a dwelling-place, such as a den, nest or other similar area, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles
- Destroy any part of critical habitat for a listed species (*SARA s. 58*)

Migratory Bird or Species at Risk?

<https://www.canada.ca/en/environment-climate-change/services/migratory-birds-legal-protection/convention-act.html>



The screenshot shows a web browser window displaying the Government of Canada website. The address bar shows the URL: <https://www.canada.ca/en/environment-climate-change/services/migratory-birds-legal-protection/convention-act.html>. The page header includes the Government of Canada logo and the text "Government of Canada" and "Gouvernement du Canada". A search bar is visible with the text "Search Canada.ca". Below the header, there is a navigation menu with links to Jobs, Immigration, Travel, Business, Benefits, Health, Taxes, and More services. The main content area features a breadcrumb trail: Home → Environment and natural resources → Wildlife, plants and species → Migratory birds → Legal protection of migratory birds. The title of the page is "Birds protected under the Migratory Birds Convention Act". Below the title, there is a list of links: Introduction, Other Jurisdictions, Families included in Article I of the Migratory Birds Convention, and Families not included in Article I of the Migratory Birds Convention. A search box is present with the text "Search: Birds Protected in Canada" and a button labeled "View or search the list". The introduction section begins with the text: "Most species of birds in Canada are protected under the Migratory Birds Convention Act, 1994 (MBCA). The MBCA was passed in 1917, and updated in 1994 and 2005, to implement the Migratory Birds Convention, a treaty signed with the United States in 1916. As a result, the Canadian federal government has the authority to protect migratory birds and their habitats." The text is partially cut off at the bottom of the image.

https://www.canada.ca/en/environment-climate-change/services/migratory-birds-legal-protection/convention-act.html

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Home → Environment and natural resources → Wildlife, plants and species → Migratory birds → Legal protection of migratory birds

Birds protected under the Migratory Birds Convention Act

- [Introduction](#)
- [Other Jurisdictions](#)
- [Families included in Article I of the Migratory Birds Convention](#)
- [Families not included in Article I of the Migratory Birds Convention](#)

Search: Birds Protected in Canada

View or search the list

Introduction

Most species of birds in Canada are protected under the [Migratory Birds Convention Act, 1994](#) (MBCA). The MBCA was passed in 1917, and updated in 1994 and 2005, to implement the Migratory Birds Convention, a treaty signed with the United States in 1916. As a result, the Canadian federal government has the authority to protect migratory birds and their habitats.

Migratory Bird or Species at Risk?

https://wildlife-species.canada.ca/species-risk-registry/sar/index/default_e.cfm

The screenshot shows the 'Species at Risk Public Registry' website. The header includes the Government of Canada logo and navigation links. The main content area features a search bar and a navigation menu with 'A to Z Species Index' selected. Below the menu, there is a breadcrumb trail 'Home > A to Z Species Index' and a heading 'A to Z Species Index'. A paragraph explains the Act and provides links for more information. A 'Total: 1028 record(s) found.' message is displayed. A 'Species Index' table is shown with columns for Common name, Scientific name, Population, Taxon, Range, COSEWIC status, Schedule, and SARA status. The table includes filters for each column and a 'Filter Again' button. Two rows are visible: 'Acadian Flycatcher' and 'Acadian Redfish'. A footnote explains the search criteria for common names.

Species at Risk Public Registry

Canada.ca | Services | Departments | Français

Our Approach · SARA Components · Get Involved · Advanced Search · **A to Z Species Index**

Home > A to Z Species Index

A to Z Species Index

The Act establishes Schedule 1 as the official list of wildlife species at risk. However, please note that while Schedule 1 lists species that are extirpated, endangered, threatened and of special concern, the [prohibitions](#) do not apply to species of special concern. The [SARA and You guides](#) can help you determine the presence of these SARA Schedule 1 species in any region of Canada.

Total: 1028 record(s) found.

Species Index


Common name *	Scientific name	Population	Taxon	Range	COSEWIC status	Schedule	SARA status
<input type="text"/>	<input type="text"/>	<input type="text"/>	All <input type="button" value="v"/>	All <input type="button" value="v"/>	All <input type="button" value="v"/>	All <input type="button" value="v"/>	All <input type="button" value="v"/>
<input type="button" value="Filter Again"/>							
* A common name search will search all common names in English and French as well as aliases and former names which are not displayed below.							
Acadian Flycatcher	Empidonax virescens		Birds	Ontario	Endangered	Schedule 1	Endangered
Acadian Redfish	Sebastes fasciatus	Atlantic population	Fishes	Atlantic Ocean	Threatened	No schedule	No Status



Migratory Bird or Species at Risk?

<http://a100.gov.bc.ca/pub/eswp/>

[Ministry Home](#)GOVERNMENT OF BRITISH COLUMBIA

**BC Species and Ecosystems Explorer**Ministry of Environment

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Search

Quick Search [?](#)

[Red List](#) [Red & Blue List](#) [SARA List](#)

Basic Search

Name [?](#)

☒ Scientific ☒ English ☐ Species Code

[Search](#)

Groups [?](#)

▶ ☐ Animals

▶ ☐ Plants

▶ ☐ Fungi (Lichens and Mushrooms)

▶ ☐ Ecological Communities

What is critical habitat?

Critical Habitat:

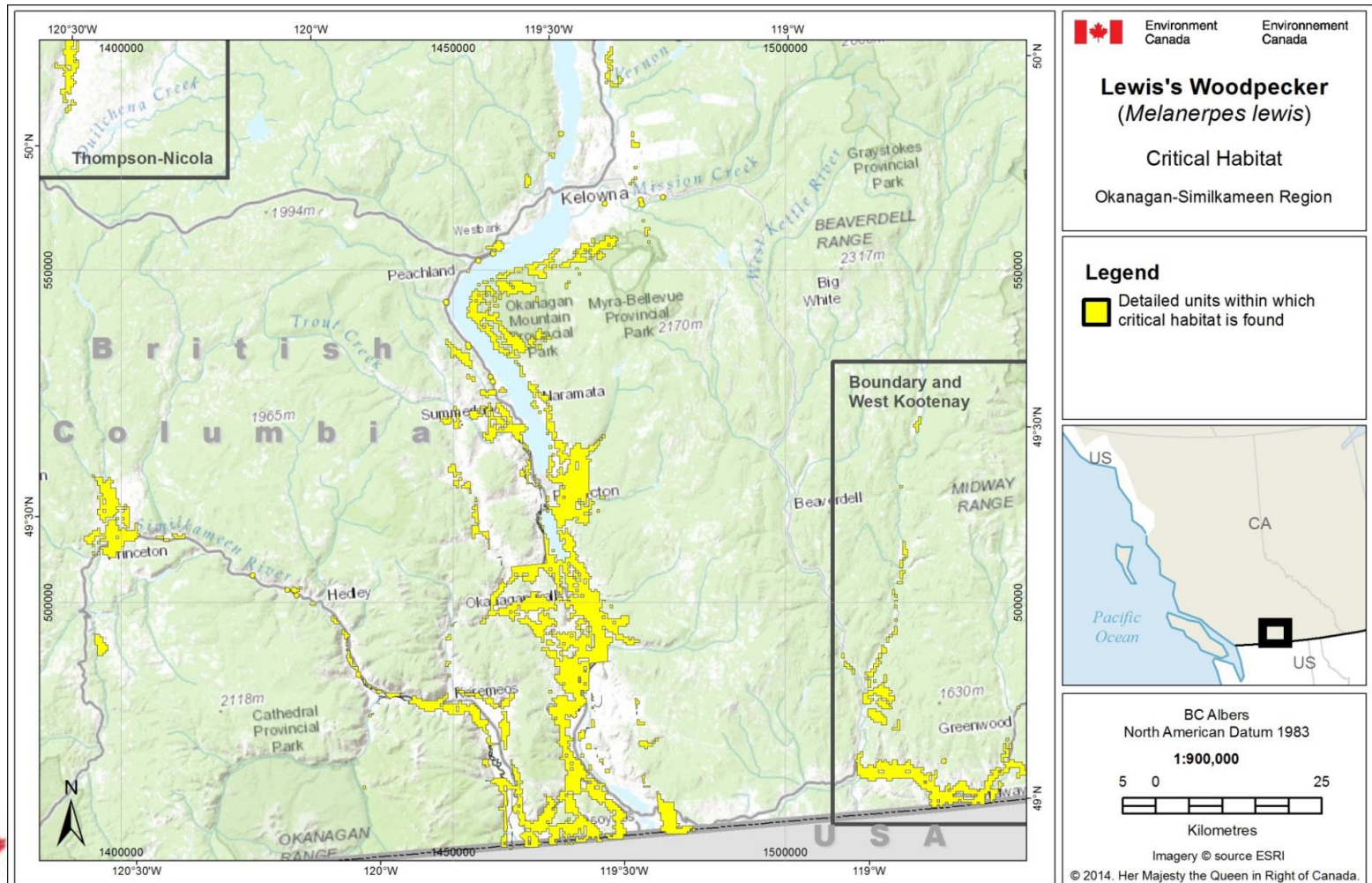
*“the habitat that is **necessary for the survival or recovery** of a listed wildlife species and that is identified ... in the recovery strategy or in an action plan for the species.”*

Critical Habitat has 3 parts:

1. Map of the boundaries
2. List of biophysical attributes necessary for survival and recovery within boundaries
3. Examples of activities likely to destroy attributes within the boundaries

What is critical habitat?

1) Map boundaries



What is critical habitat?

2) Biophysical attributes

Nesting

- Known nest trees alive or standing dead, occupied by Lewis's Woodpecker at any time in the past (includes some utility poles); or
- Potential nest trees, alive or standing dead:
 - Ponderosa Pine, Black Cottonwood, or Douglas Fir, Trembling Aspen, Paper Birch, Western Larch, or Subalpine Fir; and
 - >30 cm dbh in Ponderosa Pine or Black Cottonwood stands, or >24 cm dbh in burned stands; and
 - with cavities ≥ 5 cm in diameter, or decay class 2 or higher

Foraging (within 400m of a known or potential nest tree)

- Stands of trees <35% canopy closure; and
- Presence of fruit-bearing shrubs and perennial grasses
 - Presence constitutes a single fruit-bearing shrub (e.g., Saskatoon, currant, Chokecherry or a 10m² or larger patch with >20% cover of perennial grasses).

What is critical habitat?

3) Activities Likely to Destroy Critical Habitat

Description of Activity	Description of Effect	Additional Information
Significant removal of 'potential nest trees'	This can result in direct loss of nesting habitat because some of those trees may be currently used but not known (due to imperfect survey coverage) and others have the potential to be used in the future.	Related threats: IUCN 1.1 housing & urban areas, IUCN 2.1 annual & perennial non-timber crops, IUCN 4.2 utility & service lines, IUCN 5.3 logging & wood harvesting. Applies anytime.
Significant removal of standing mature trees within 400 m of a known or potential nest tree	This will result in loss of perching, foraging and food caching substrate.	Related threats: IUCN 1.1 housing & urban areas, IUCN 2.1 annual & perennial non-timber crops, IUCN 4.2 utility & service lines, IUCN 5.3 logging & wood harvesting. Applies anytime.

Update on SAR in the Okanagan

Recent recovery document postings:

- Little Brown Myotis, Northern Myotis and Tri-coloured Bat

Species with upcoming Recovery Strategies:

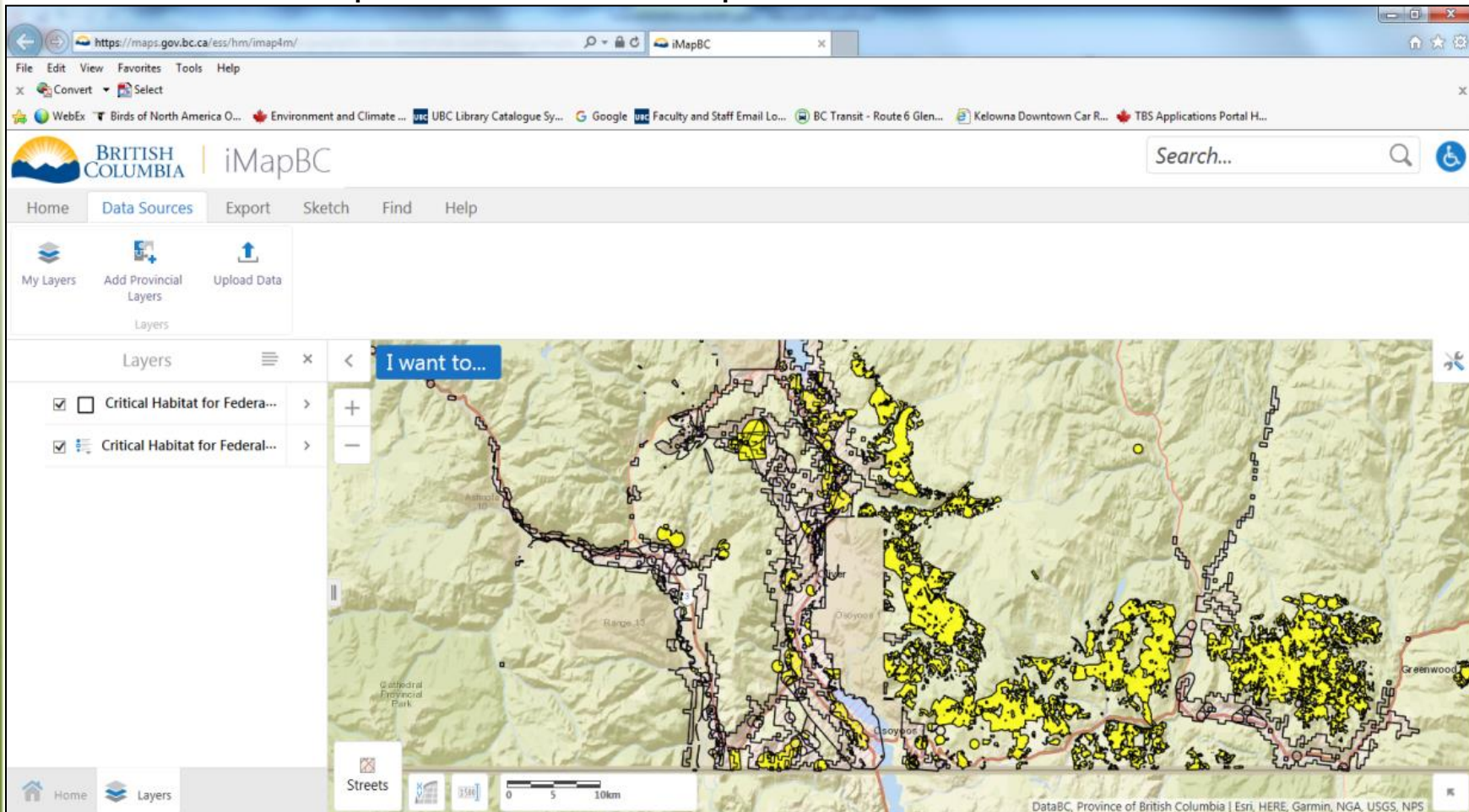
- American Badger *jeffersonii* (Western population)
- Western Screech Owl *macfarlanei*
- Okanagan Efferia
- Olive Clubtail
- Black Swift

Proposed listing changes:

- Monarch: Reclassification from Special Concern to Threatened
- Western Yellow-bellied Racer: Reclassification from Special Concern to Threatened
- Rusty-cord Moss: Reclassification from Endangered to Special Concern

Where do I find critical habitat info?

1. iMap @ maps.gov.bc.ca/ess/hm/imap4m/
2. SARA Public Registry @ sararegistry.gc.ca/
3. Open Data Portal @ open.canada.ca/



Where do I find critical habitat info?

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The screenshot shows a web browser window displaying the SARA Public Registry website. The address bar shows the URL http://www.sararegistry.gc.ca/search/advSearchResults_e.cfm?sttype=doc&lng=e&advkeywords=&doc. The website header includes the Government of Canada logo and navigation links for Canada.ca, Services, Departments, and Français. The main heading is "Species at Risk Public Registry" with a red maple leaf logo. Below the heading is a search bar and a navigation menu with links: Our Approach, SARA Components, Get Involved, Advanced Search, and A to Z Species Index. The "Advanced Search" link is highlighted. The search results section shows "Searching documents for: ''" and "652 record(s) found." A list of results is displayed, starting with "Recovery Strategies (652 record(s) found.)". The first result is "Recovery Strategy for the Misty Lake Sticklebacks (Gasterosteus aculeatus) in Canada (2018)", followed by "Recovery Strategy for the Misty Lake Sticklebacks (Gasterosteus aculeatus) in Canada [Proposed] (2018)", and "Recovery Strategy for the Offshore Killer Whale (Orcinus orca) in Canada [Proposed] (2018)".

Species at Risk Public Registry

Canada

Our Approach | SARA Components | Get Involved | **Advanced Search** | A to Z Species Index

Home > Advanced Search > Advanced Search

Searching documents for: ""

652 record(s) found.

- [Recovery Strategies](#) (652 record(s) found.)

Recovery Strategies

[Recovery Strategy for the Misty Lake Sticklebacks \(Gasterosteus aculeatus\) in Canada](#) (2018)
Descended from the marine Threespine Stickleback (Gasterosteus aculeatus), parapatric (meaning species living adjacent to each other) lake-stream stickleback species are of considerable scientific interest and value due to their recent and unique evolutionary history. Although they live in contiguous geographic ranges, they interbreed relatively little in the overlapping habitat, and are genetically, ecologically and morphologically distinct. Par ...

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[Recovery Strategy for the Offshore Killer Whale \(Orcinus orca\) in Canada \[Proposed\]](#) (2018)
The offshore population of killer whales is dissimilar from its sympatric resident and transient ecotypes in behaviour, diet, morphology, acoustics and genetics. Encounters with offshore killer whales have been relatively infrequent, and efforts to catalogue members of this population have been challenging given sparse sightings, their large group sizes and more pelagic habitat.

Where do I find critical habitat info?

1. iMap @ maps.gov.bc.ca/ess/hm/imap4m/
2. SARA Public Registry @ sararegistry.gc.ca/
3. **Open Data Portal @ open.canada.ca/**

The screenshot shows a web browser window displaying the Open Data Portal page for 'Critical Habitat for Species at Risk, British Columbia'. The browser's address bar shows the URL: <http://opendata-donneesouvertes.gc.ca/data/en/dataset/6a6f314b-5272-4e7a-ac4e-8d372990f22f>. The page features a navigation bar with links to 'Home', 'Open Government', and 'Critical Habitat for Species ...'. The main content area is titled 'Critical Habitat for Species at Risk, British Columbia' and contains a detailed description of the dataset. The description explains that the dataset displays geographic areas within which critical habitat for species at risk listed on Schedule 1 of the federal Species at Risk Act (SARA) occurs in British Columbia. It also mentions that the dataset is part of a larger collection of critical habitat data available for download. The right sidebar contains a 'Have your say' section with a star rating and a 'Rate this dataset' link, and an 'Additional Information' section with the creator's name (Rockwell, Lisa), contact email (ec.sigrep-gissarr.ec@canada.ca), and keywords (Critical, Habitat, Species at Risk, British Columbia, Nature and Biodiversity - Habitat, Species).

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Home → Open Government → Critical Habitat for Species ...

Critical Habitat for Species at Risk, British Columbia

This dataset displays the geographic areas within which critical habitat for species at risk listed on Schedule 1 of the federal Species at Risk Act (SARA) occurs in British Columbia. However, not all of the area within these boundaries is necessarily critical habitat. To precisely define what constitutes critical habitat for a particular species it is essential that this geo-spatial information be considered in conjunction with complementary information provided in a species' recovery document. Recovery documents are available from the Species at Risk (SAR) Public Registry (<http://www.sararegistry.gc.ca>). The recovery documents contain important information about the interpretation of the geo-spatial information, especially regarding the biological and environmental features ("biophysical attributes") that complete the definition of a species' critical habitat. Each species' dataset is part of a larger collection of critical habitat data that is available for download. The collection includes both "final" and "proposed" critical habitat as it is depicted in the recovery documents. "Proposed" critical habitat depicted in proposed recovery documents has not been formally identified and is subject to change before it is posted as final. Despite the use of the term "final", it is important to note that recovery documents (and therefore critical habitat) may be amended from time to time. Species are added as the data becomes ready, which may occur after the recovery document has been posted on the SAR Public Registry. You should always consider the SAR Public Registry as the main source for critical habitat information. In cases where the data is sensitive (e.g. species noted in the List of Species and Ecosystems Susceptible to Persecution or Harm that are managed by the Province of British Columbia), the geographic area within which critical habitat occurs may be represented as "grid squares". These are coarse (1, 10, 50 or 100 km²) squares based on a UTM grid that serve as a flag to review the associated species' recovery document. To reiterate, not all of the area within these boundaries is necessarily critical habitat. Critical habitat is defined in the federal Species at Risk Act (SARA) as "the habitat that is

Have your say

Rate this dataset
0 Comment(s)

Additional Information

Creator: Rockwell, Lisa

Contact Email: ec.sigrep-gissarr.ec@canada.ca

Keywords:
Critical Habitat
Species at Risk
British Columbia
Nature and Biodiversity - Habitat
Species

Critical habitat identification – implications

- Identification is separate from protection
- Critical habitat must be protected, but there are multiple tools possible to achieve protection
- Provincial and local governments have **first opportunity** to provide protection of critical habitat.
- Minister must report on unprotected portions of critical habitat every 180 days after final posting (section 63 reporting)
- If effective protection is not in place, a federal protection order may be recommended as a last resort

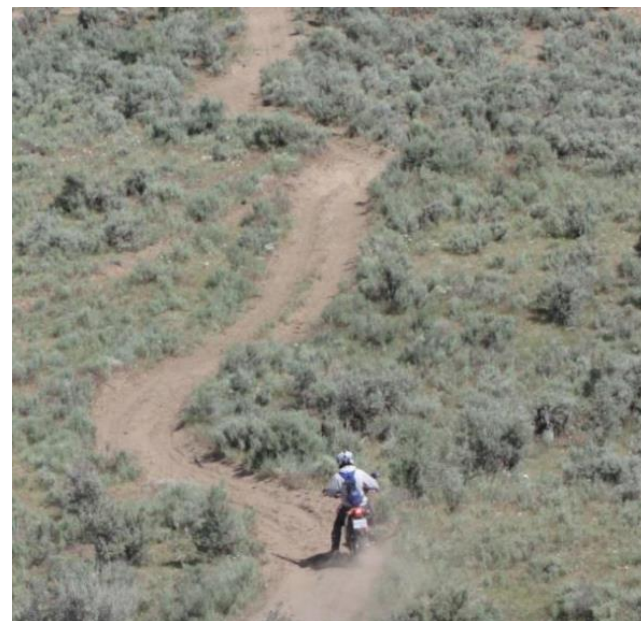
SARA and critical habitat on private land

- Landowners and managers can choose how to conserve species and their habitat
- At the end of the day, species and their habitat must be “effectively protected”



Protection – preventing destruction

- Protection measures need to *prevent* destruction of critical habitat
- What “destruction” is:
 - Permanent or temporary degradation of any part of CH such that it would not serve its function when the species needs it
 - Result of a single action or multiple actions over time (cumulative effects)



As a QEP, what do you need to know?

- **What legal instruments are in place that overlap with identified CH?**

For example:

- *Wildlife Act*
 - *Water Sustainability Act*
 - *Forest and Range Practices Act*
 - Watercourse or Environmentally Sensitive Development Permit Areas
 - Land covenants
- **If no legal instrument is in place, consider *identifying and avoiding* activities likely to destroy critical habitat.**

Information to support you in this can be available via:

- Recovery strategies, recovery teams, SOSCP Environmental Planner, other QPs
- Develop with Care, Best Management Practices

As a QEP, what do you need to know?

CH protection – what can CWS provide landowners?

- Data to assist in land use planning
- Stewardship Agreements
- Funding opportunities and incentives:
 - Ecological Gifts Program
 - Species at Risk Partnerships on Agricultural Lands (SARPAL)
 - Habitat Stewardship Program (HSP)
 - Aboriginal Fund for Species at Risk (AFSAR)

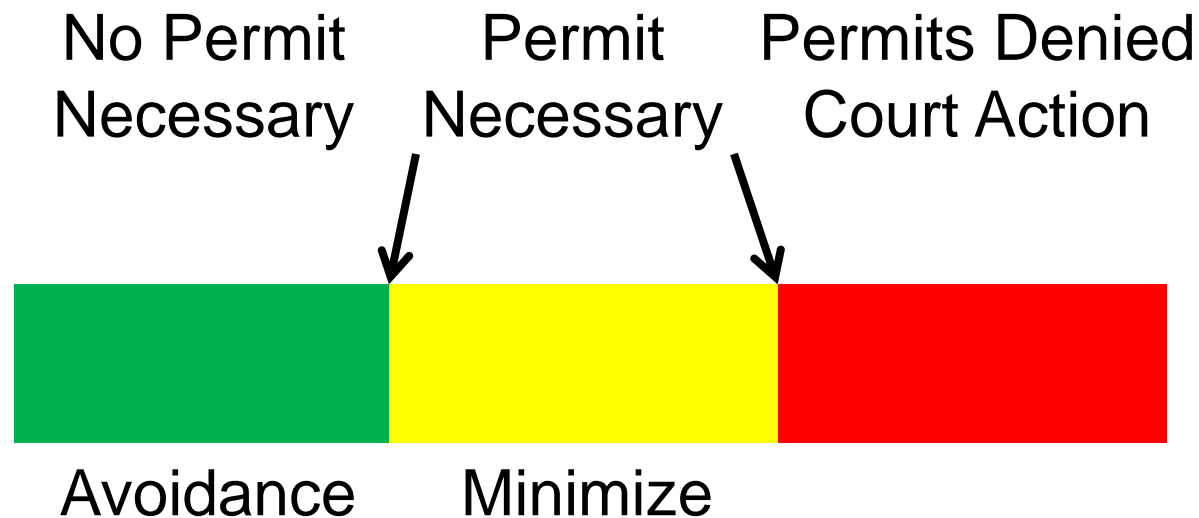
As a QEP, how can you help SAR recover?

- Find out if there could be SAR or CH on site
- Ensure you have the information you need about those SAR
 - Contact recovery teams
 - Obtain CH information from local government and/or ECCC
 - Read the CH section of the recovery strategies carefully
 - See Develop with Care, Best Management Practices
- Subscribe to SARA registry emails; become familiar with the recovery documents and provide input
- Stay up to date on legislation and policy changes

As a QEP, how can you help SAR recover?

- Help provide landowners/land managers with information (including on possible funding/incentives for protection)
- Provide options for habitat protection that may be beyond legal requirements
- Report occurrence data to the Conservation Data Centre
- **Recommend effective monitoring programs**

Permits – do you need one?



Permits – do you need one?

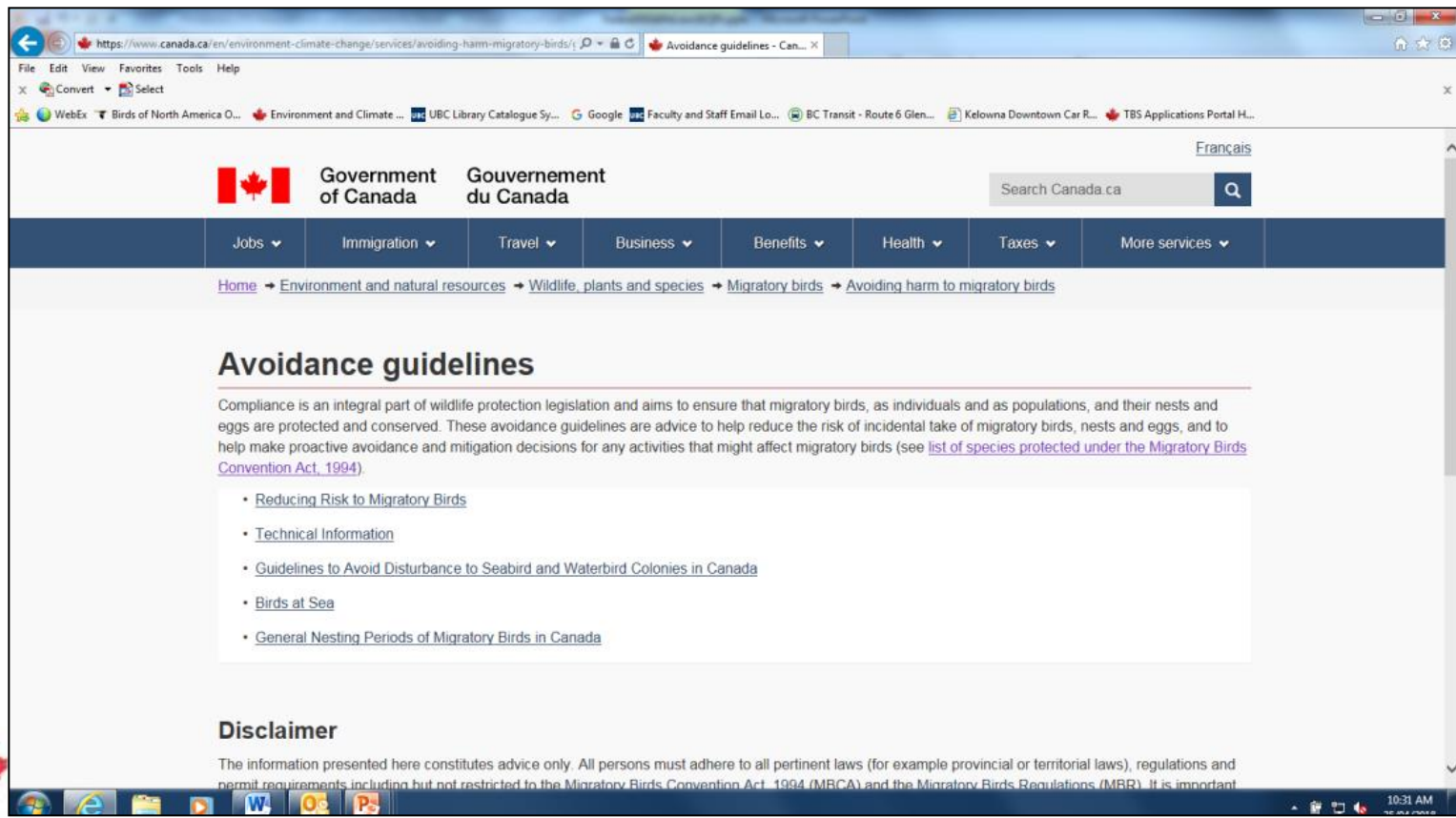
1. Does project overlap distribution of EN/TH species?
 - If no, Migratory Bird avoidance advice still applies everywhere.
2. Does project overlap CH identified for EN/TH species?
 - If no, individuals and residences may still be protected.
3. Is project on federal land, or is the species a migratory bird anywhere in Canada?
 - If no, Province/LG may still protect (FRPA, Wildlife Act, ESDPA)
4. Will project likely destroy attributes of CH or harm individuals and residences?

If yes to Q1-Q3 or Q4, SARA permit application recommended

Permits – Avoidance

Avoidance Advice

- Call a biologist from the Province or Canadian Wildlife Service
- Migratory Birds – extensive on-line advice for avoidance
- Species at Risk – advice in each recovery strategy species-specific



The screenshot shows a web browser window displaying the Government of Canada website. The address bar shows the URL: <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/>. The page title is "Avoidance guidelines - Can...". The header includes the Government of Canada logo and the text "Government of Canada" and "Gouvernement du Canada". A search bar is visible with the text "Search Canada.ca". Below the header, there is a navigation menu with links to Jobs, Immigration, Travel, Business, Benefits, Health, Taxes, and More services. The main content area is titled "Avoidance guidelines" and contains the following text: "Compliance is an integral part of wildlife protection legislation and aims to ensure that migratory birds, as individuals and as populations, and their nests and eggs are protected and conserved. These avoidance guidelines are advice to help reduce the risk of incidental take of migratory birds, nests and eggs, and to help make proactive avoidance and mitigation decisions for any activities that might affect migratory birds (see [list of species protected under the Migratory Birds Convention Act, 1994](#))."

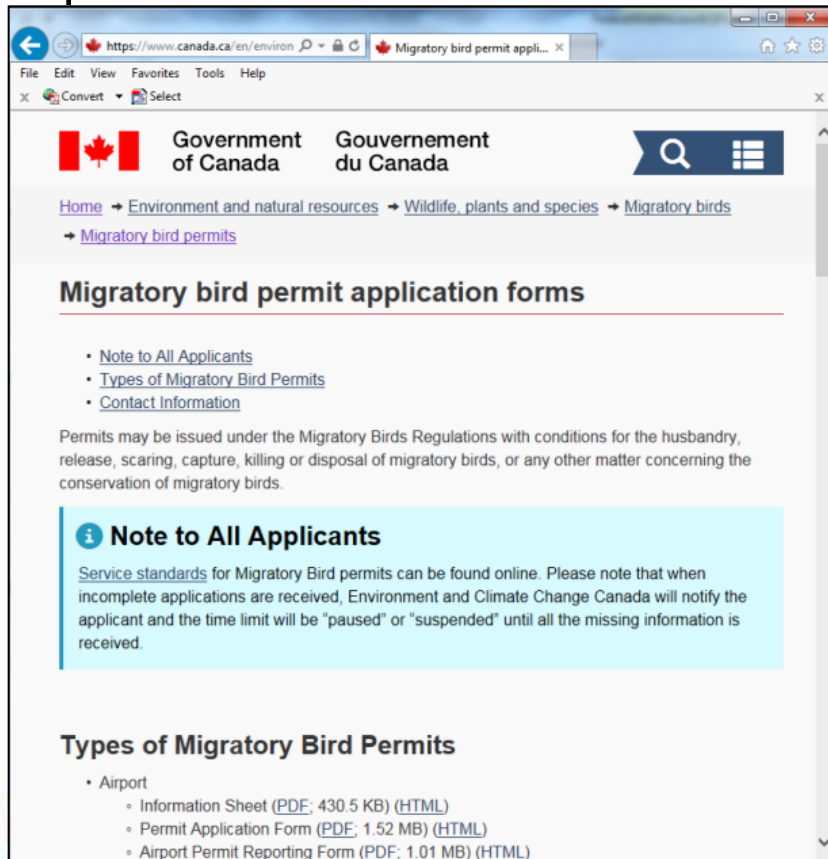
- [Reducing Risk to Migratory Birds](#)
- [Technical Information](#)
- [Guidelines to Avoid Disturbance to Seabird and Waterbird Colonies in Canada](#)
- [Birds at Sea](#)
- [General Nesting Periods of Migratory Birds in Canada](#)

At the bottom of the page, there is a "Disclaimer" section with the text: "The information presented here constitutes advice only. All persons must adhere to all pertinent laws (for example provincial or territorial laws), regulations and permit requirements including but not restricted to the Migratory Birds Convention Act, 1994 (MBCA) and the Migratory Birds Regulations (MBR). It is important

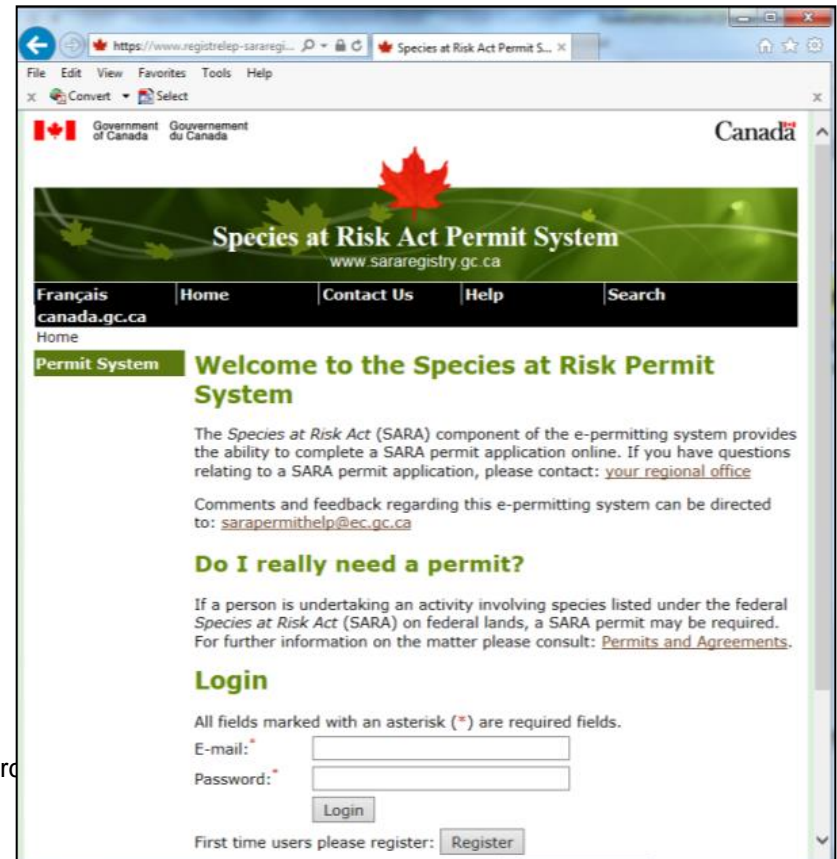
Permits – Minimizing Harm

Permit Applications to Minimize Harm

- Call a biologist from Canadian Wildlife Service
- Migratory Birds – PDF forms on-line
- Species at Risk – web-form on-line

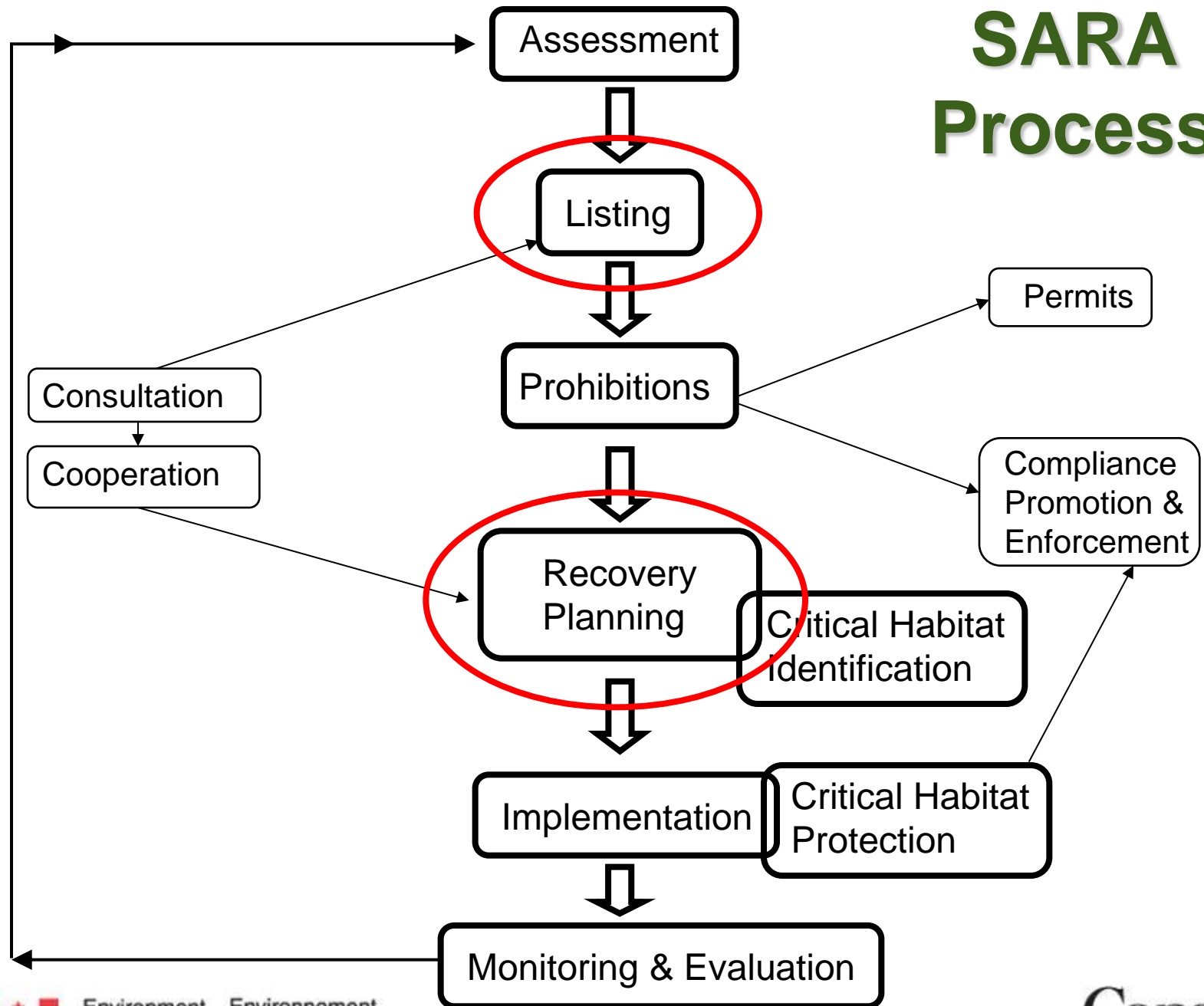


The screenshot shows the 'Migratory bird permit application forms' page. It features the Government of Canada logo and navigation links. A breadcrumb trail reads: Home → Environment and natural resources → Wildlife, plants and species → Migratory birds → Migratory bird permits. The main heading is 'Migratory bird permit application forms'. Below it, there are links for 'Note to All Applicants', 'Types of Migratory Bird Permits', and 'Contact Information'. A paragraph explains that permits may be issued under the Migratory Birds Regulations with conditions for husbandry, release, scaring, capture, killing, or disposal of migratory birds. A light blue box titled 'Note to All Applicants' states that service standards for Migratory Bird permits can be found online and that incomplete applications will be paused or suspended until all missing information is received. At the bottom, the section 'Types of Migratory Bird Permits' lists: Airport, Information Sheet (PDF; 430.5 KB) (HTML), Permit Application Form (PDF; 1.52 MB) (HTML), and Airport Permit Reporting Form (PDF; 1.01 MB) (HTML).



The screenshot shows the 'Species at Risk Act Permit System' website. It features the Government of Canada logo and navigation links. A breadcrumb trail reads: Home → Environment and natural resources → Wildlife, plants and species → Migratory birds → Migratory bird permits → Migratory bird permits. The main heading is 'Species at Risk Act Permit System' with the URL www.sararegistry.gc.ca. Below it, there are links for 'Français', 'Home', 'Contact Us', 'Help', and 'Search'. A green box titled 'Welcome to the Species at Risk Permit System' explains that the SARA component of the e-permitting system provides the ability to complete a SARA permit application online. It also provides contact information for questions: your regional office or sarapermithelp@ec.gc.ca. A section titled 'Do I really need a permit?' explains that if a person is undertaking an activity involving species listed under the federal Species at Risk Act (SARA) on federal lands, a SARA permit may be required. For further information, it directs users to 'Permits and Agreements'. A 'Login' section includes a note that all fields marked with an asterisk (*) are required fields. It has input fields for 'E-mail:' and 'Password:', a 'Login' button, and a 'Register' button for first-time users.

SARA Process



Thank you!

Celina Willis

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Conservation Planning Unit

ec.ep.rpy-sar.pyr.ec@canada.ca



Source: Blair Hammond



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1. Prevent **wildlife species** from becoming extirpated or extinct,
2. Provide for the recovery of extirpated, endangered or threatened **wildlife species**, and
3. Manage "species of special concern" to prevent them from becoming endangered or threatened.

Wildlife species includes species, subspecies, varieties, or geographically or genetically distinct populations of animals, plants, or other organisms that are wild by nature and native to Canada or whose range has extended into Canada for at least 50 years.

[illegible]