

DND's Role in SARA Process



Minister of Environment (MoE) publishes report on general status of wildlife species (every 5 yrs)

COSEWIC prioritizes candidate species from various sources (including general status) and commissions a species status report

DND consultation and input

Within 1 year of receiving a status report, COSEWIC assesses and recommends to MoE the classification of a species at risk (reviewed every 10 years)

90 days after receipt of assessment from COSEWIC, MoE issues a "response statement" and indicates whether consultations will be normal or extended

DND consultation and input

•GiC receives assessment, starting the 9 month deadline for a listing decision
•30 day consultation on proposed listing decision (Canada Gazette I)
•GiC decides whether to accept the assessment and list the species, not to accept the assessment. or to refer it back to COSEWIC for further consideration

Species is listed

Species is not listed

Species is listed as extirpated, endangered or threatened – prohibitions on species and residences apply

Species is listed as special concern – no prohibitions apply

Prohibitions apply immediately to DND if there is no SARA permit or s.83 exception in place

Development of recovery strategy and action plan, including the identification of critical habitat

Development of a management plan – no critical habitat identified

DND collaboration and consultation



Critical Habitat Identified on DND lands

- **CFB Esquimalt:** rigid apple moss, dense-flowered lupine, killer whales
- **CFB Shilo:** white flower moth
- **19 Wing Comox:** sand-verbena moth
- **MARLANT:** striped bass, beluga whale, copper redhorse

Critical Habitat Proposed on DND lands



- **CFB Esquimalt:** seaside bird' s-foot lotus, purple sanicle, bear' s-foot sanicle, foothill sedge, dense spike-primrose, coast microseris, Lindley' s false silverpuff, white meconella, dwarf sandwort, water plaintain buttercup, Macoun' s meadowfoam
- **CFB Suffield:** sprague' s pipit, tiny cryptantha, Ord' s kangaroo rat, slender mouse-ear-cress, small-flowered sand verbena, loggerhead shrike, gold-edged gem
- **Former Camp Ipperwash:** bluehearts, heart-leaved plantain, pugnose shiner
- **CFB Petawawa:** Kirtland' s warbler
- **4 Wing Cold Lake & 5 Wing Goose Bay:** boreal caribou
- **CFS Aldergrove:** pacific water shrew, oregon spotted frog, salish sucker
- **ASU Chilliwack:** pacific water shrew
- **Farnham (SQFT):** least bittern
- **CFB Dundurn & CFB Shilo:** gold-edged gem
- **MARLANT:** pugnose shiner



SARA Prohibitions: Federal vs. P/T land

Federal Lands

- No person shall kill, harm, or harass (KHH) any individuals of an extirpated, endangered, or threatened species at risk
- No person shall damage or destroy the residence of individual SAR (Exp, End, or Th)
- No person shall destroy critical habitat

Prov/Terr Lands (includes private)

- The province or territory must effectively protect the species, their residences, and their critical habitat

The Notion of Federal Lands



1. The ownership of land creates a **"federal land"**;
2. a transfer of "administration and control" of land without condition from a province to Canada creates a **"federal land"**;
3. a transfer of "administration and control" of land with conditions - for example to return the land if it is no longer used for a federal purpose (e.g. military training)- from a province to Canada creates a **"federal land"**;
4. a lease of land from a corporation or individual to Canada creates a **"federal land"**; however, the parties to a lease, in which the term started before the coming into force of SARA, would have "vested interests" that would/could prevent the application of SARA to the lands subject to the lease;
5. a license authorizing Canada to use a land **does not create a "federal land"**.



Third Party Permits and Agreements

Prior to having access to a defence establishment and undertaking an activity that could have an impact upon a listed wildlife species, any part of its critical habitat or the residences of its individuals, third parties, including other government departments (OGD), are required to obtain:

- the appropriate permits or agreements; and
- approval from L1 custodians.

The DND and the CF are not responsible for securing the permits or agreements for the activities of third parties permitted at a defence establishment when those activities are not conducted for or on behalf of the DND and the CF.



Access to OGDs and Third Parties

L1 custodians can facilitate access to a defence establishment by third parties by:

- developing real property and immovable transactions such as MOUs with OGDs and agreements with third parties, including access permits, licenses of occupation and easements; or
- issuing any permit, license or authorization under legislation other than the SARA, if they have been given authority to do so (e.g. at Canadian Forces Base Suffield under the *Canada Wildlife Act*).

Before giving access to a third party for activities that could affect a listed wildlife species, any part of its critical habitat or the residences of its individuals, L1 custodians must ensure that the third party has a permit or agreement, or a letter from the competent minister saying that a permit is not required.



Access to OGDs and Third Parties

L1 custodians must ensure that every real property and immovable transaction is accompanied by appropriate guidance for the OGD or third party to:

- ensure their compliance with the SARA; and
- provide for appropriate measures for monitoring compliance during the term of the transaction.

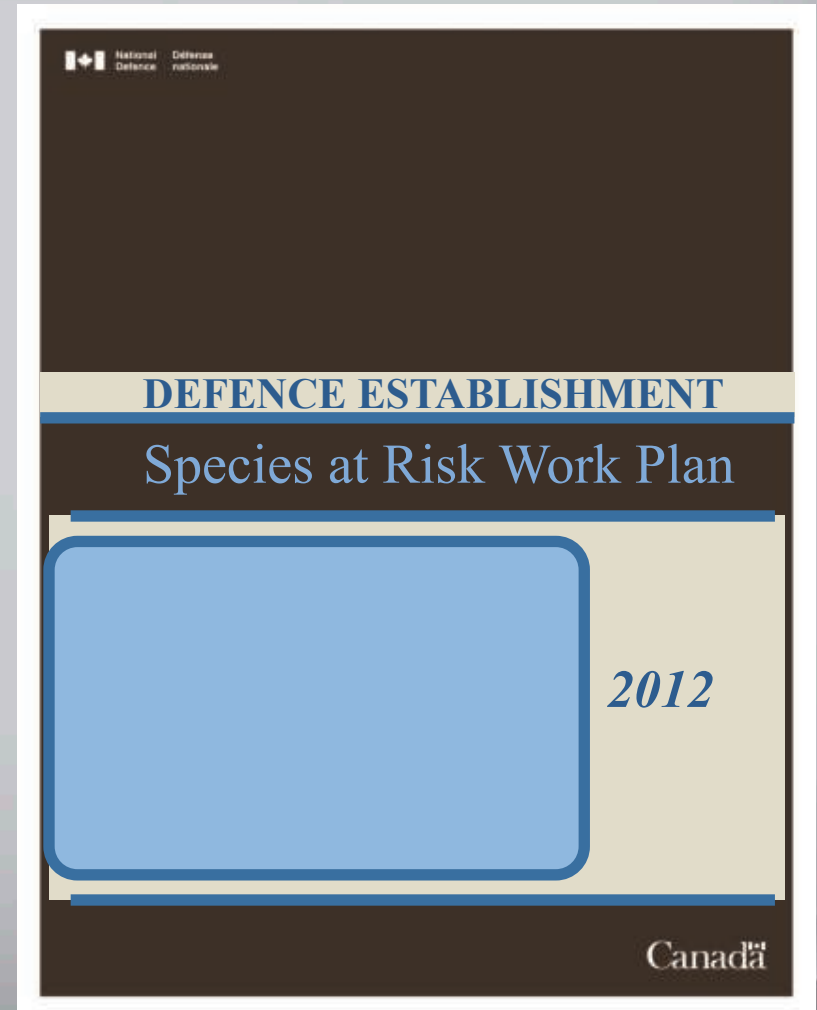
L1 custodians must ensure that a real property and immovable transaction is not executed until the OGD or third party has demonstrated that they meet the requirements.

L1 custodians must ensure that any additional costs to develop and issue a real property and immovable transaction to ensure compliance with the SARA is accounted for and, under normal circumstances, recovered from OGDs and third parties.

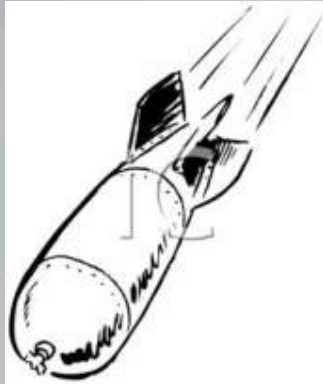


Species at Risk Work Plans

As per the DND/EC/PCA
Species at Risk MoU, a
SAR Work Plan is
required for each
Defence Establishment
with at least one SAR
listed on SARA
Schedule 1



Operational Overlay Analysis



- Evaluation of the impact of operations and activities on species at risk.
- Evaluate all alternative measures considered to eliminate or reduce impacts to SAR.
- The results of this analysis will feed directly into the DE SAR Work Plans and determine the need for developing notifications to invoke the exceptions under s. 83 of SARA.





SARA Permits and s.83 Exceptions

If impacts upon terrestrial SAR, their residences, and/or their critical habitat can not be eliminated then DND must:

- **Submit a notification invoking the exceptions under s.83 of SARA for national security and/or public safety (as per the SARA MoU with EC and PCA).**
- **If s.83 does not apply, then a SARA permit application must be submitted to EC.**



ADMIN MENU

- Logout
- Resources
- Terms and Conditions
- Edit my Profile
- Edit User Profile

MENU

ADD

- SELECT -

EDIT

- SELECT -

VIEW

Establishment Info

OUTPUTS

- EXCEL
- Work Plan Builder
- Submit a signed Work Plan (PDF)

Welcome

Introduction

In order to ensure compliance with protection measures legislated under the *Species at Risk Act* (SARA), the DND Species at Risk Inventory and Reporting application has been created to aid in the process of protecting species at risk in Canada on Defence Establishments. The Inventory can act as an important tool to determine what species at risk are present on Defence Establishments. In addition, the reporting tools can be used to create Defence Establishment Species at Risk Work Plans and reports for regional committees, both of which are requirements under the Memorandum of Understanding signed by DND, Environment Canada, and the Parks Canada Agency, with respect to species at risk protection and recovery.

The DND Species at Risk Inventory of species Present or Potentially Present on Defence Establishments as listed in SARA Schedule 1 are:

Number of extirpated species is:	0
Number of endangered species is:	31
Number of threatened species is:	28
Number of special concern species is:	32