

Environment Canada
9250 - 49 Street
Edmonton, AB T6B 1K5

January 23, 2015

County of Forty Mile
PO Box 160
Foremost, AB T0K 0X0

RE: **Species at Risk Act – final Amended Recovery Strategy for the Greater Sage-Grouse in Canada**

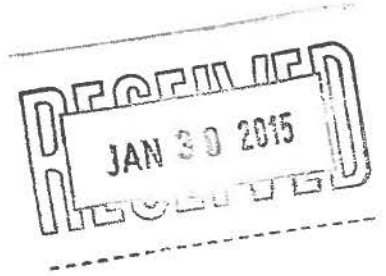
To whom it may concern,

Environment Canada received many valuable comments on the proposed *Amended Recovery Strategy for the Greater Sage-Grouse in Canada* from consultation sessions held in southern Alberta and Saskatchewan and via the Species at Risk Public Registry. The final *Amended Recovery Strategy for the Greater Sage-Grouse in Canada* is now available on the Species At Risk Public Registry at:

http://www.sararegistry.gc.ca/document/default_e.cfm?documentID=1458

This amended recovery strategy is a planning document that makes general recommendations on what should be done, collectively, to help this species recover in Canada. It includes the identification of critical habitat that the species needs for its population to recover. To address input received by Environment Canada at consultation sessions or during the public comment period, the following major changes were made to the proposed version of the amended recovery strategy:

- the level of threat from predators was increased from 'medium' to 'high', and a threat related to human presence (e.g., photographers, bird watchers, etc.) at or near a lek was added;
- any reference to forage utilization rates has been removed. The document still indicates that prolonged over-grazing would not be compatible with the requirements of Sage-Grouse;
- recent information and scientific references were added regarding the threat of noise disturbance and vertical structures to Sage-Grouse;
- an explanation was added for how the various simultaneous threats facing Sage-Grouse can interact, or act in concert, resulting in a 'very high' level of concern; and
- a number of clarifications were made to the text of the section titled *Activities Likely to Result in Destruction of Critical Habitat*.



Responsibility for the conservation of Sage-Grouse in Canada is shared between the federal and provincial governments. Federal government responsibilities derive from the federal *Species at Risk Act*. The *Act* is designed to complement provincial/territorial legislation to protect wildlife species and their habitats. For example, responsibility for the protection of Critical Habitat is shared by federal and provincial governments under their respective legislation. Stewardship remains a priority approach for achieving Sage-Grouse survival and recovery.

The Government of Canada's plan for successful recovery of this species includes this amended recovery strategy, which will guide recommended voluntary stewardship activities, a joint program with the Calgary Zoo to breed and rear Sage-Grouse chicks in a safe environment to help increase the population in the wild, and the Emergency Protection Order, which focuses on the imminent threats to the species in the wild. The Emergency Protection Order lists activities that are legally prohibited on some provincial and federal crown lands. Several pamphlets are included with this letter to explain the similarities, differences and legal ramifications of both the amended recovery strategy and Emergency Protection Order.

I trust that you will find this information helpful.

Sincerely,



Mark Wayland

Head, Species at Risk Recovery Unit

Canadian Wildlife Service | Service canadien de la faune

Environmental Stewardship Branch | Direction générale de l'intendance environnementale

Prairie & Northern Region | Région des Prairies et du Nord

Environment Canada | Environnement Canada

Enclosed:

Agricultural Producers and the Sage-Grouse Recovery Strategy

Agricultural Producers and the Emergency Protection Order

Key Questions and Answers for Producers on the Emergency Order

Aussi disponible en français



Agricultural Producers and the Sage-Grouse Recovery Strategy

Successful recovery of the Sage-Grouse requires involvement of agricultural producers, local stakeholders and governments at all levels. For its part, the Government of Canada starts with developing a Recovery Strategy. The Recovery Strategy is a planning document that describes current scientific knowledge on threats to species and identifies critical habitat needed for the survival and recovery of the Sage-Grouse. The Recovery Strategy also identifies measures that could be taken to help stop the decline of Sage-Grouse. Voluntary stewardship actions by agricultural producers are important to Sage-Grouse recovery, and assistance is available from the Government of Canada to support activities recommended in the Recovery Strategy.

The Recovery Strategy for the Greater Sage-Grouse in Canada :

- The Recovery Strategy is a planning document that makes general recommendations on what should be done to stop the decline of this species in Canada and to reach the long-term population objective. The Recovery Strategy describes what should be done if Sage-Grouse are to recover in Canada but does not regulate or prohibit activities.
- This planning document is not a regulation, it contains no legal prohibitions, and it is not legally enforceable.
- The Recovery Strategy also outlines a wide variety of factors (both natural and human-associated, imminent and long-term) in the Sage-Grouse's environment that likely need to be managed to allow the species to reach the long-term population objective.
- This document identifies the habitat (on provincial and federal Crown land and private land) that is critical for the species to reach the long-term population objective.
- The Recovery Strategy informs the supported voluntary stewardship actions that will be the primary effort to achieve survival and recovery of Sage-Grouse in Canada. Assistance is available to support specific voluntary stewardship activities.

The Recovery Strategy describes what should be done if Sage-Grouse are to recover in Canada but does not regulate or prohibit activities.

EMERGENCY PROTECTION ORDER OR RECOVERY STRATEGY? COMPARISON TABLE

| | EMERGENCY PROTECTION ORDER | RECOVERY STRATEGY |
|---|---|--|
| Is it enforceable? | Yes | No |
| How much habitat is included? | 1672 km ² | 2812 km ² |
| Is private land included? | No | Yes |
| What activities are addressed? | Activities that may adversely affect the species and the habitat of the species | General description of the research and management activities needed to meet population objectives |
| Is grazing included? | No | Yes. Long-term overgrazing is listed as a potential factor in certain locations within Sage-Grouse habitat. |
| Are there any plans to change the Emergency Protection Order or the Recovery Strategy? | No. There are no plans to expand the scope of the Emergency Protection Order. An amendment would be required to change the Emergency Protection Order. | Yes. Recovery strategies are reviewed every five years. |
| Are funds available to assist in making my fences Sage-Grouse friendly and for other stewardship actions? | Yes | Yes |



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Agricultural Producers and the Emergency Protection Order

What It Means for You

The Sage-Grouse is an endangered bird species that depends on the unique prairie ecosystem in Alberta and Saskatchewan. In 2012, there were estimated to be roughly 100 adults remaining in Canada. The population has declined by 98% since 1988.

The Government of Canada's plan for successful recovery of this species includes the Emergency Protection Order, which focuses on imminent threats to the species in the wild, the Amended Recovery Strategy, which will guide recommended voluntary stewardship activities on Sage-Grouse habitat, and a joint program with the Calgary Zoo to breed and rear Sage-Grouse chicks in a safe environment to help increase the population in the wild.

The *Emergency Order for the Protection of the Greater Sage-Grouse* is an order made under the *Species at Risk Act* (SARA) that was brought into force on February 18, 2014, to address the imminent threats to the survival or recovery of the species. The Emergency Protection Order lists activities that are legally forbidden.

The Land

The critical habitat identified in the amended Recovery Strategy covers 2812 km² of land. The area subject to the Emergency Protection Order is a subset of this same area and covers only provincial and federal Crown lands. It covers 1672 km² of the territory identified as critical habitat in the Amended Recovery Strategy.

An amendment would be required in order to make any change to the Emergency Protection Order.

Grazing

The Emergency Protection Order **does not regulate grazing**. It does not in any way restrict, limit or affect grazing levels and stocking rates, even on leased lands. The Amended Recovery Strategy recommends avoiding over-grazing; it is a recommendation only.

Producers can cut hay if their provincial lease conditions for grazing allow it, as this does not kill sagebrush, native grasses or native forbs.

Lands that were not used for growing and harvesting crops between 2011-2013 cannot be converted from pasture-land to crop-land. It should be noted, however, that grazing leases are governed

by provincial Acts and that cultivation of land and construction of homesteads are generally prohibited under these Acts.

When constructing a watering facility for cattle, producers must ensure that its overall footprint is less than 30 m². Also, any pumps or other equipment used in a new watering system must not be a source of chronic noise. Chronic noise means noise in excess of 45 dB(a) and operating for 60 minutes or more in a day, for at least 10 days in a given month.

Fences

Existing fences do not need to be modified or replaced to comply with the standards outlined in Schedule 2 of the Emergency Protection Order. There is no requirement to use fence post perching deterrents or wire markers on existing fences or when repairing/replacing existing fences, but the new dimensions should not exceed those of the existing fence.

Any new fences must meet the standards for Sage-Grouse-friendly fences found in Schedule 2 of the Emergency Protection Order. This requirement only applies outside the 100 m buffer surrounding agricultural buildings.

Buildings, Structures, Machines or Poles

Existing buildings, structures, machines or poles do not need to be removed or demolished. You can replace structures that existed on February 18, 2014 as long as the buildings, structures, machines or poles are of equal or lower height and noise level as the original buildings, structures, machines or poles.

You can also build, install or repair buildings, structures, machines or poles exceeding 1.2 m in height and producing chronic noise inside a 100 m buffer surrounding residential or agricultural buildings or structures that existed on the date of the coming into force of the Emergency Protection Order, February 18, 2014. Before you construct or install a new building, structure, machine or pole outside the 100 m buffer, please contact Environment Canada.

Noise Restrictions

The chronic noise restrictions do not apply to movable machinery like a portable water trough on a trailer or a generator. However, the seasonal noise restriction of 45 dB(a) 1.5 hours before sunset to 1.5 hours after sunrise in April and May may apply.

The chronic noise restrictions do not apply to residential and agricultural traffic or activities required in case of an emergency. Neither does it apply to a person operating a motor vehicle to or from a residential building, to or from an area where they are conducting an agricultural operation or to visit a person who is conducting an agricultural operation.

Permitting

In some cases, companies or individuals may be eligible for a permit under section 73 of SARA if they are planning to undertake activities that are prohibited by the Emergency Protection Order, provided that the activity benefits the species and is conducted by qualified persons; or if affecting the species is incidental to the carrying

out of the activity. Certain pre-conditions would also need to be met. You can get more information on SARA permits by visiting: www.sararegistry.gc.ca/sar/permit/permits_e.cfm.

The Emergency Protection Order includes a number of exemptions to allow residents and agricultural operators to continue their regular agricultural activities without requiring the issuance of a permit.

Implementation and Funding

In cooperation with producers, counties, provinces and other groups, we will work together to implement voluntary, results-based stewardship activities that will benefit the Sage-Grouse. Funding for stewardship measures, such as the installation of Sage-Grouse-friendly fences, can be sought through funding programs such as the Habitat Stewardship Program (HSP). This program provides funding for projects that conserve and protect species at risk and their habitats and measures the results achieved. The HSP continues to be available to assist individuals and groups seeking to implement actions for the conservation and protection of the Greater Sage-Grouse. For more information on species at risk, actions our government is taking and opportunities for you to get involved, visit the Species at Risk Public Registry at www.sararegistry.gc.ca.

Environment Canada enforcement officers are responsible for enforcing the Emergency Protection Order, as required, on the applicable federal and provincial Crown lands. Environment Canada is working with stakeholders to promote compliance and will continue to be available in order to minimize the number of potential infractions.



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Key Questions and Answers for Producers on the Emergency Protection Order

| | | |
|---|---|---|
| Does the Emergency Protection Order apply on private lands? | ■ | No The Emergency Protection Order’s prohibitions only apply on the federal and provincial Crown lands identified in Schedule 1 of the Order. |
| Are there any plans to expand the scope of the Emergency Protection Order? | ■ | No There are no plans to expand the scope of the Emergency Protection Order. An amendment would be required to change the Emergency Protection Order. |
| Will I be able to keep my current stocking rates? | ● | Yes The Emergency Protection Order does not regulate grazing. As such, it does not restrict, limit or affect grazing levels and stocking rates. |
| Can I cut hay on provincial leased lands? | ● | Yes Producers can cut hay as per their provincial lease conditions for grazing, as this does not kill sagebrush, native grasses or native forbs. |
| Can I construct watering facilities for cattle? | ● | Yes When constructing a watering facility for cattle, producers must ensure that its overall footprint is less than 30 m ² . This means that they may have to find an alternative to constructing a dugout or apply for a permit. Also, any pumps or other equipment used in a new watering system must be in compliance with the chronic noise prohibition (noise exceeding 45 dB(a), lasting for at least 60 minutes a day and occurring at least 10 days in a given month). |
| Do I need to take down or replace my fences? | ■ | No Existing fences do not need to be modified or replaced to comply with the standards outlined in Schedule 2 of the Emergency Protection Order. Those standards only apply to new fences built within legal subdivisions affected by the Emergency Protection Order and located outside the 100 m buffer surrounding agricultural buildings. There is no requirement to use fence post perching deterrents or wire markers on existing fences or when repairing/replacing existing fences. |
| Can I put up a new fence? | ▲ | Yes But new fences outside the 100 m buffer surrounding agricultural buildings must meet the standards for Sage-Grouse-friendly fences found in Schedule 2 of the Emergency Protection Order. |
| Do I need to remove existing buildings, structures, machines or poles? | ■ | No Existing buildings, structures, machines or poles do not need to be removed or demolished. |

| | | |
|--|---|---|
| Am I allowed to repair, replace or reconstruct buildings, structures, machines or poles? | ● | Yes As long as the buildings, structures, machines or poles are no taller or larger and noise level no higher than the original buildings, structures, machines or poles. |
| Can I build or install new buildings, structures, machines or poles? | ▲ | Yes You can build or install any type of new structure if it is within 100 m of a residential or agricultural structure that existed before February 18, 2014. There are restrictions for tall buildings or noisy machines that are more than 100 m from an existing structure. |
| Can I drive my truck or operate agricultural machinery? | ● | Yes Exemptions have been provided for residential and agricultural traffic during any month of the year. |
| Does the Emergency protection Order apply in the case of an emergency? | ■ | No The prohibitions do not apply to any person engaging in activities related to public safety (for example, ambulances). |
| Would the breeding season noise restrictions prevent people from visiting me for business or personal reasons? | ■ | No The breeding season noise restriction (April and May) does not apply to a person operating a motor vehicle going to or from a residential building, to or from an area where they are conducting an agricultural operation, or to visit a person who is conducting an agricultural operation. |
| Can I get a permit to undertake an activity that is prohibited in the Emergency Protection Order? | ▲ | You may be eligible for a permit under section 73 of <i>Species at Risk Act</i> (SARA) if you are planning to undertake activities that are prohibited by the Emergency Protection Order. Certain pre-conditions would need to be met. You can get more information on SARA permits by visiting: www.sararegistry.gc.ca/sar/permit/permits_e.cfm |
| Will I need to ask for a permit to continue agricultural activities? | ▲ | In most situations, agricultural activities will still be allowed without requiring the issuance of a permit. Please contact Environment Canada for information on your situation. |
| Are funds available to assist in making my fences Sage-Grouse friendly and for other stewardship actions? | ● | Yes Funding for stewardship measures, such as the installation of Sage-Grouse-friendly fences, can be sought through funding programs such as the Habitat Stewardship Program (HPS). This program provides funding for projects that conserve and protect species at risk and their habitats and measures the results achieved. The HSP continues to be available to assist individuals and groups seeking to implement actions for the conservation and protection of the Greater Sage-Grouse. For more information on species at risk, actions our government is taking and opportunities for you to get involved, visit the Species at Risk Public Registry at www.sararegistry.gc.ca . |

* This factsheet does not replace the Emergency Protection Order. For more details, refer to the Order. If you have questions about your situation, contact Environment Canada.

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