

Public Registry Notice for s.83 Exceptions

Defence Establishment:
19 Wing Comox
SARA Competent Department:
Environment Canada
Date of Notification:
29 January 2013
Species:
Sand-verbena moth (<i>Copablepharon fuscum</i>)
Period for the Exception:
From this date forward until revoked.
Area where the Exception Applies:
Goose Spit Military Training Facility (the facility).
Activity:
<ul style="list-style-type: none"> • Canadian military training and operations. • Military training and operations of NATO and non-NATO allies. • Non-defence related training and operations related to national security conducted by DND and/or other government organizations. • Operations directed to ensure that training areas are sustainable for activities related to national defence/security. • Range training development to meet operational requirements.
Rationale for the Exception:
<p>1. Re-development of Confidence Course – DND will re-develop the Confidence Course for the purpose of de-conflicting military training from the critical habitat in the Central area. Re-development of the Confidence Course will be located outside of critical habitat within the Central area.</p> <p>2. Construct access road through Central Area – DND will construct an access road through the Central area to the Western area for the purpose of redirecting military training activities from the Central to the Western area. The road access is also required for personnel safety and emergency response.</p> <p>3. Maintenance of roads, buildings and grounds – DND must maintain the existing roads, buildings and other infrastructure located in the Eastern and Central areas that are co-located within and adjacent to the critical habitat. The roads, buildings and infrastructure were constructed prior to the protection given the moth under SARA. The infrastructure and grounds must be maintained for function, structural integrity, health and safety, and</p>

fire protection. Some examples of maintenance activities that may be performed within or near critical habitat include snow removal from roads and sidewalks, repair of roads and sidewalks, repair to buried utilities, driving vehicles on roads and grounds (e.g., security patrols, emergency response, and delivery of supplies), erecting tents for temporary military accommodation, building maintenance and repair, mowing and maintaining landscapes for security and fire protection, repairing fences, collecting waste materials and debris, demolition of roads and buildings, circulation and movement of military personnel on foot, and other routine facility maintenance activities.

4. Construction of new infrastructure – DND must renew the aging utilities and infrastructure at the facility to ensure the requirements for military training and operations are sustained.

Alternatives Considered:

Relocating existing, permanent infrastructure is not feasible due to military operational requirements, the spatial limitations at the facility, and the cost to construct new infrastructure. The only realistic alternative is habitat protection by reducing or eliminating, where possible, the potential for impacts on the moth and its critical habitat. Relocating training operations from critical habitat combined with habitat restoration is feasible. Details are included in the following mitigation measures section.

Mitigation Measures Implemented or to be Implemented:

1. Re-development of Confidence Course – Training equipment and pathways within critical habitat will be de-constructed and removed using hand tools and low-impact, tracked equipment during the period from December to March when the moth and plant are inactive and beneath the ground surface. This activity may cause some minor disturbance to the surface soil, but will not have any lasting impacts on the moth or its critical habitat.

2. Access road through training range – The alignment of the road was located to create the least amount of impact to the Yellow sand-verbena plant communities. The 6-m wide road and shoulder corridor will directly affect 221 m² of plant community. The Yellow sand-verbena plants affected by the road development will be recovered and transplanted into adjacent suitable habitat in the Central area during the road construction project. Recovery and transplant techniques will be implemented. Road construction and transplantation activities will occur when the plants and moth are inactive and beneath the ground surface.

Critical habitat will be separated from proposed military training and operations. Activities will be increased in areas away from where the moth's critical habitat is concentrated.

3. Road, building and grounds maintenance – Critical habitat within 5-metres of existing roads, buildings and other infrastructure will be field marked with signage instructing

foot traffic only, when necessary, within the critical habitat. DND will develop policies and procedures to minimize impact to the critical habitat by avoiding damage to the plant communities and scheduling unavoidable damaging activities to coincide in winter months when the plants and moth are inactive and beneath the ground surface.

Maintenance activities that may damage the soil within the moth's critical habitat will require an environmental assessment to develop activity-specific mitigation measures.

4. Construction of new infrastructure - Demolition and construction of infrastructure will be timed or located to avoid or reduce impacts to the moth or its critical habitat. Any affected plants will be recovered and transplanted during periods when the plants and moth are inactive and beneath the ground surface. Recovery and transplant techniques will be implemented during this mitigation measure.

5. Plants recovered from military training and operations described in this notification will be transplanted into suitable habitat within the facility. The outcome will be an increase in the aerial coverage of Yellow sand-verbena plants in three contiguous areas.

SIGNATURES

"I, the Defence Establishment Commanding Officer, am of the opinion

- That all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; and
- That all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals".

J.C. Benninger

Defence Establishment Commanding Officer

29 January 2013

Date: _____