



ORDER SUMMARY



©Gary Allen

Critical Habitat of the Gattinger's Agalinis (*Agalinis gattingeri*) Order

The objective of the [Critical Habitat of the Gattinger's Agalinis \(*Agalinis gattingeri*\) Order](#) (the Order) is to support the survival and recovery of the Gattinger's Agalinis through the legal protection of its critical habitat on federal lands in Ontario.

The Order was made under section 58 of the *Species at Risk Act* (SARA). It came into force on January 18, 2022 and applies to all critical habitat of the Gattinger's Agalinis located on federal properties¹, as identified in the [Recovery Strategy for the Gattinger's Agalinis \(*Agalinis gattingeri*\) in Canada \(2019\)](#).

Portions of the critical habitat of the Gattinger's Agalinis that are subject to this Order are found on three federal properties administered by Fisheries and Oceans Canada in Ontario:

- [DFRP 85232](#): Cartwright Point on Clapperton Island
- [DFRP 86134](#): Goat Island Range

¹ With the exclusion of lands found (a) in a place referred to in subsection 58(2) of the Act; or (b) found on a reserve or any other lands that are set apart for the use and benefit of a band under the *Indian Act*.

² DFRP refers to [Directory of Federal Real Property](#), the core real property system of the federal government. It contains Common real property data for 72 custodian organizations including the Department of Fisheries and Oceans Canada.

- [DFRP 11080](#): Strawberry Island

An overview map of the Gattinger's Agalinis critical habitat on federal lands is provided in Figure 1 below.

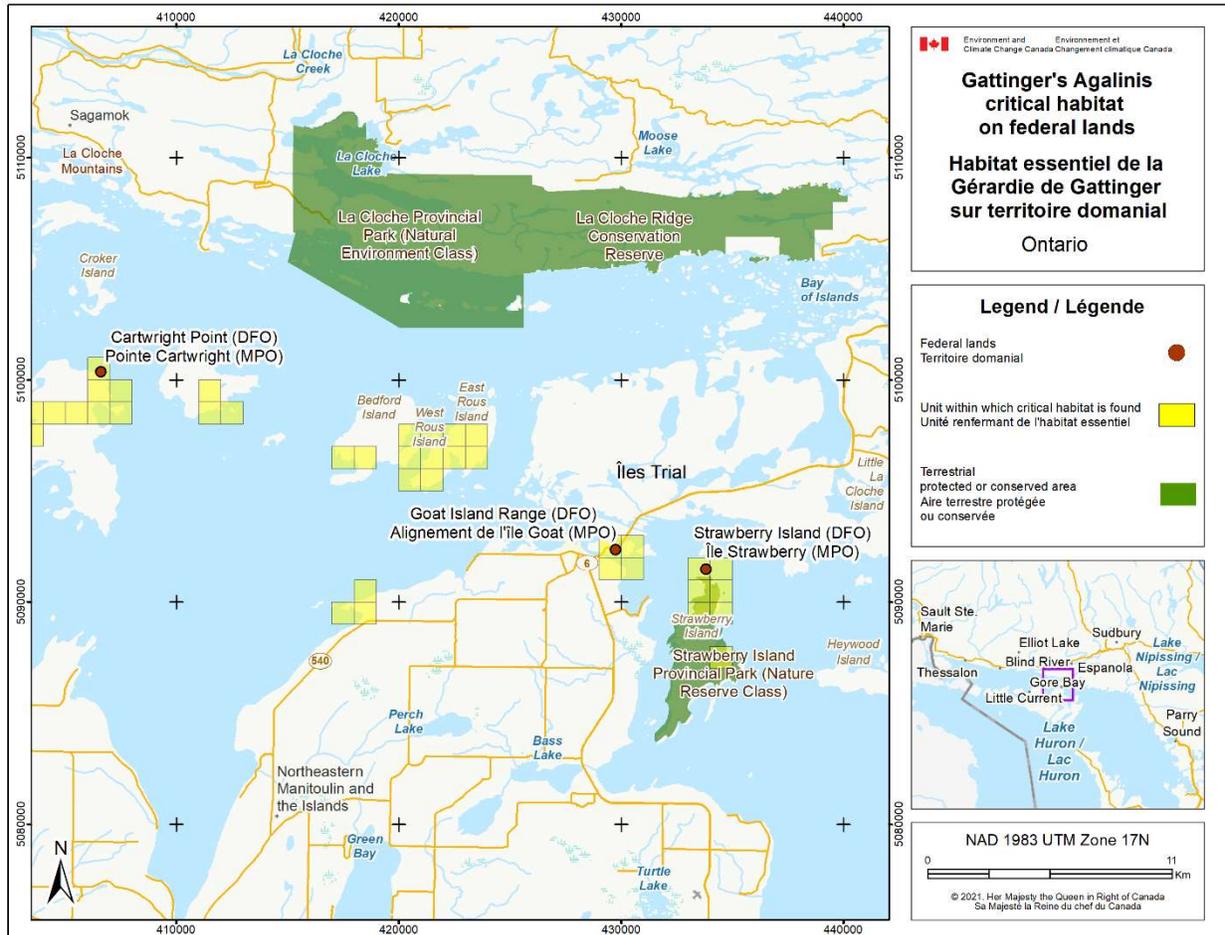


Figure 1: The map shows the Gattinger's Agalinis' critical habitat on federal Crown lands in Ontario.

Gattinger's Agalinis Description

The [Recovery Strategy for the Gattinger's Agalinis \(*Agalinis gattingeri*\) in Canada](#) (2019) describes the species as an annual plant with pale pink flowers that only last one day before falling off the plant. The plant is slender, with olive-green stems that are usually less than 15 cm tall. Without a flower, it can be very difficult to locate within its typical alvar or tallgrass prairie habitat.

In Canada, Gattinger's Agalinis is found in Ontario and Manitoba. The bulk of populations and species abundance are found in Ontario, with 26 extant populations (25 populations on alvars of the Bruce Peninsula and the Manitoulin Island region, and 1

population in tallgrass prairie on the Walpole Island First Nation). There are five populations in the Interlake region of Manitoba, two of which were discovered more recently.

Status of the Species and Prohibitions under SARA

The Gattinger's Agalinis was listed as endangered on Schedule 1 of SARA in 2003. As a result, it is protected by the general prohibitions in [section 32 \(individuals\)³ and section 33 \(residences\) of SARA](#) when it is on federal lands in the provinces. Therefore, on these lands, it is prohibited to:

- kill, harm, harass, capture or take an individual (e.g. a specimen of the Gattinger's Agalinis)
- possess, collect, buy, sell or trade an individual (e.g. a specimen of the Gattinger's Agalinis) or any part or derivative of such; and
- damage or destroy the residence of the Gattinger's Agalinis

The Gattinger's Agalinis is also listed as endangered under Ontario's *Endangered Species Act, 2007* and Manitoba's *Endangered Species and Ecosystems Act*.

Critical Habitat

The [Recovery Strategy for the Gattinger's Agalinis \(*Agalinis gattingeri*\) in Canada](#) (2019) identifies critical habitat of the species.

In Ontario, Gattinger's Agalinis is found in alvar and tallgrass prairie habitats. These habitats are typically characterized by biophysical attributes described below:

- In tallgrass prairie habitats:
 - open, unshaded conditions for growth with few woody plants
 - prairie meadows containing patches of short, sparse vegetative cover
 - some patches of exposed gravel and mineral soil present in the habitat
 - grasses or sedges with tufted (cespitose) growth form are dominant
 - tallgrass prairie species such as Little Bluestem (*Schizachyrium scoparium*), Big Bluestem, Indian Grass (*Sorghastrum nutans*), and Switch Grass are present
 - sandy loam soil type
 - moisture regimes may be seasonally moist

³ An individual of a wildlife species, whether living or dead, at any developmental stage and includes larvae, embryos, eggs, sperm, seeds, pollen, spores and asexual propagules.

- In alvar habitats:
 - open, unshaded conditions for growth usually with few woody plants
 - if conifers are present, they do not form a continuous canopy
 - alvar meadow or bedrock vegetation with patches of short, sparse vegetative cover
 - some patches of exposed bedrock or gravelly substrate
 - grasses or sedges with tufted (cespitose) growth form are the dominant cover
 - soils are shallow over limestone or dolostone bedrock
 - alvar species such as Little Bluestem, Northern Dropseed (*Sporobolus heterolepis*), and Scirpus-like Sedge (*Carex scirpoidea*)
 - moisture regimes may range between flooded and drought and may change quickly

Activities Likely to Result in the Destruction of Critical Habitat

The Order applies the prohibition against the destruction of critical habitat, as set out in subsection 58(1) of SARA, to the critical habitat of the Gattinger's Agalinis on federal lands. The Recovery Strategy for the species describes the types of activities that would likely result in the destruction of critical habitat, and how those activities, if undertaken, could destroy suitable habitat.

Examples of these activities include, but are not limited to:

- covering of soils, which can be caused by activities such as: creation or expansion of permanent / temporary structures such as land conversion to residential / cottage developments, road widening or realigning;
- inversion / excavation / extraction of soils, which can be caused by activities such as: new or expanded cultivation (conversion of prairie to agriculture); quarrying and aggregate extraction; utility line installation;
- compression or erosion of soils, which can be caused by activities such as: using alvars as staging areas for logging operations in adjacent forests; moving logs, materials and heavy machinery across alvars; creation of trails and roads; off-road vehicle use; destructive or excessive human trampling; high intensity livestock grazing on alvars and camping in habitat (placing tents, fire pits, and latrines in the vegetation) also causes similar effects;
- introduction or promotion of invasive non-native species and woody vegetation (shrubs and trees), which can be caused by activities such as: intentional dumping or spreading of feed bales containing viable seeds of invasive non-

- native species; seeding invasive non-native species or woody species within critical habitat; transporting invasive non-native species (e.g., on wheel tires); or planting woody vegetation;
- application of herbicides, fertilizers or pesticides, which can be caused by activities such as; spraying of herbicide and insecticide; or additions of fertilizers to soil; or
 - alteration of hydrological regimes, which can be caused by activities such as: temporary or permanent inundation from construction of impoundments downslope or downstream; release of water upslope and upstream, including but not limited to damming, ditching, drainage, culvert installation, road widening or straightening; or residential/cottage developments that affect the hydrology of critical habitat.

Applying for an agreement or a permit under SARA

If you plan to undertake activities on the federal land to which the Order applies, and those activities could affect the Gattinger's Agalinis or destroy any part of its critical habitat, then you will need to apply to Environment and Climate Change Canada for a permit or agreement under section 73 of SARA.

An agreement may be entered into, or a permit issued, only if the competent minister is of the opinion that:

- the activity is scientific research relating to the conservation of the species and conducted by qualified persons
- the activity benefits the species or is required to enhance its chance of survival in the wild; or
- affecting the species is incidental to the carrying out of the activity

The competent minister must also be of the opinion that the following pre-conditions have been met:

- all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted
- 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; and
- the activity will not jeopardize the survival or recovery of the species

To apply for a permit, please refer to the [Species at Risk Permit System](#)⁴.

⁴ For more information on how to apply for a permit, please consult the [Species at Risk Act \(SARA\) permits and agreements webpage](#).

Offences and Punishment under SARA

Enforcement officers designated under SARA may conduct inspections, investigations and search and seizure operations to verify compliance with the law. In the event of a contravention of the Act, SARA provides for penalties, including liability for costs, fines or imprisonment, alternative measures agreements, seizure and forfeiture of things seized or of the proceeds of their disposition. For example, under the penalty provision of the Act, a corporation, other than a non-profit corporation found guilty of an indictable offence, could be found liable to a maximum fine of \$1,000,000.

For more Information

Gattinger's Agalinis information and recovery documents are available on the [species profile page](#) of the [Species at Risk Public Registry](#). For more details on SARA and how it may affect you, please visit the [Species at Risk Education Centre](#).

WARNING

This document is intended to provide general guidance only with respect to the [Critical Habitat of the Gattinger's Agalinis \(*Agalinis gattingeri*\) Order](#). This document is not a substitute for the Species at Risk Act (SARA). In the event of any inconsistency between this document, its accompanying documents and the Act, SARA prevails. The official legal publication of the *Species at Risk Act* can be found on the [Justice Canada's Laws Website](#). Individuals with specific legal concerns are urged to seek advice from their legal counsel.