

## Legal Protection Statement for the Critical Habitat of Contorted-pod Evening-primrose (*Camissonia contorta*) in Gulf Islands National Park Reserve of Canada

This statement describes how the critical habitat of the Contorted-pod Evening-primrose (*Camissonia contorta*), is legally protected on federal land and water within Gulf Islands National Park Reserve of Canada (NPRC). It is made by the Minister responsible for the Parks Canada Agency pursuant to paragraph 58(5)(b) of the *Species at Risk Act* S.C. 2002, c. 29 (SARA). All sections referenced in this statement are reproduced in full in the attached Appendix I.

The critical habitat of the Contorted-pod Evening-primrose was identified in the *Recovery Strategy for the Contorted-pod Evening-primrose (Camissonia contorta), in Canada*, as posted on the Species at Risk Public Registry ([http://www.sararegistry.gc.ca/document/default\\_e.cfm?documentID=1853](http://www.sararegistry.gc.ca/document/default_e.cfm?documentID=1853)) in September 2011. The recovery strategy should be consulted for a detailed description of biological characteristics of this species, critical habitat, and examples of activities likely to result in the destruction of critical habitat.

Gulf Islands NPRC is a National Park Reserve listed on Schedule 2 to the *Canada National Parks Act* (CNPA), S.C. 2000, c. 32, which applies to park reserves (sections 2[1] and 39). Pursuant to subsection 6(4) of the *Parks Canada Agency Act* (PCAA), the Parks Canada Agency is responsible for the administration and enforcement of the CNPA.

The CNPA provides legal protection against the destruction of the critical habitat for the Contorted-pod Evening-primrose through the following provisions:

- s. 8(2) of the CNPA states that maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority when considering all aspects of the management of parks.
- s. 2(1) of the CNPA defines “ecological integrity” as “... a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes”, which therefore includes species at risk, and their habitat.
- s. 7(1) and (4) of the *National Parks General Regulations*, SOR/78-213, restricts or prohibits uses or entry and travel in designated areas of the park.
- s. 10 of the *National Parks General Regulations*, SOR/78-213, prohibits removing, defacing, damaging, or destruction of any flora or natural objects except in accordance with a permit issued under the General Regulations and within the confines of s. 8(2) of the CNPA. As required by SARA s. 74, permits issued under s. 10 of the *National Parks General Regulations* must comply with the pre-conditions of SARA s. 73 for any activity that may contravene SARA ss. 32, 33, and 58.
- s. 3(1) of the *National Parks of Canada Highway Traffic Regulations* (C.R.C., c. 1126), prohibits the operation of a motor vehicle within a park except on a highway.
- s. 41 of the *National Parks of Canada Highway Traffic Regulations* (C.R.C., c. 1126), prohibits the operation of an all-terrain-vehicle within a park except for purposes of park administration and with the permission of the superintendent.
- s. 5 of the *National Parks of Canada Domestic Animals Regulations*, SOR/98-177, states that every person who brings a domestic animal into a park shall have the animal under physical control and ensure it does not cause unreasonable disturbance to wildlife.

The protection measures listed above provide protection against destruction of critical habitat that may result from the activities likely to destroy as described in section 7.3 of the recovery strategy. Specifically, s. 7 of the *National Parks General Regulations* has been used to restrict entry and travel in the area identified as critical habitat for Contorted-pod Evening-primrose. It should be noted that the critical habitat of Contorted-pod Evening-primrose is located within an area that is zoned as a Special Preservation area within the Gulf Islands National Park Reserve draft Management Plan. The national parks zoning system indicates that preservation is the key management consideration for this area; motorized access and circulation is not permitted. Any zoning designation within a finalized Management Plan may only be changed following an environmental assessment, public notice and public participation in the decision.

## Appendix 1

### ***PARKS CANADA AGENCY ACT, 1988, C.31***

**Section 6.(4)** The Agency is responsible for the administration and enforcement of the Acts listed in Part 1 of the schedule and any regulations made under those Acts and the regulations listed in Part 2 of the schedule.

### ***CANADA NATIONAL PARKS ACT, S.C. 2000, c. 32***

**Section 2. (1)** The definitions in this subsection apply in this Act.

"park reserve" means a national park reserve of Canada named and described in Schedule 2.

"ecological integrity" means "... a condition that is determined to be characteristic of its natural region and likely to persist, including abiotic components and the composition and abundance of native species and biological communities, rates of change and supporting processes"

**Section 8. (2)** Maintenance or restoration of ecological integrity, through the protection of natural resources and natural processes, shall be the first priority when considering all aspects of the management of parks.

**Section 39.** Subject to sections 40 and 41, this Act applies to a park reserve as if it were a park.

### ***NATIONAL PARKS GENERAL REGULATIONS (SOR/78-213)***

**Section 7. (1)** The superintendent may, where it is necessary for the proper management of the Park to do so, designate certain activities, uses or entry and travel in areas of a Park as restricted or prohibited.

**(4)** No person shall engage in an activity or use or enter and travel in an area that has been designated as restricted or prohibited pursuant to subsection (1) otherwise in accordance with the terms and conditions prescribed in a permit issued under subsection (5).

**(5)** The superintendent may, on application to him by any person, in respect of any activity or use restricted or prohibited pursuant to subsection (1) or any entry or travel in an area that has been restricted or prohibited, pursuant to that subsection, issue to that person a permit to

- (a) Engage in that activity or use, or
- (b) Enter and travel in that area on such terms and conditions that the superintendent may prescribe in the permit.

**Section 10.** No person shall remove, deface, damage or destroy any flora or natural objects in a Park except in accordance with a permit issued under subsection 11(1) or 12(1).

### ***NATIONAL PARKS OF CANADA HIGHWAY TRAFFIC REGULATIONS (C.R.C., c. 1126)***

**Section 3. (1)** Subject to subsection (2), no person shall operate a motor vehicle within a park except on a highway.

**(2)** The superintendent may issue a permit for a specified period authorizing a person to operate the motor vehicle described in the permit on a specified trail or in a specified place or area in a park.

- Section 41. (1)** No person shall operate an over-snow vehicle in a park unless
- (a) he has the written permission of the superintendent;
  - (b) the over-snow vehicle is licensed, registered and equipped as required by the laws of the province in which the park is situated;
  - (c) he operates it in accordance with such conditions and in such areas as the superintendent may specify; and
  - (d) that person and any passenger on the over-snow vehicle are wearing the equipment required to operate the over-snow vehicle by the laws of the province in which the park is situated.
- (2)** No person shall operate an all-terrain vehicle in a park except for purposes of administration of the park and with the permission of the superintendent.

***NATIONAL PARKS OF CANADA DOMESTIC ANIMALS REGULATIONS (SOR/98-177)***

- Section 5.** Every person who brings a domestic animal into a park or who keeps a domestic animal in a park shall have the animal under physical control at all times and shall ensure that the animal does not
- (a) chase, molest, bite or injure any person, other domestic animal or wildlife;
  - (b) become a nuisance or cause unreasonable disturbance to persons, wildlife, property or facilities; or
  - (c) gain access to an area where the animal is prohibited

***SPECIES AT RISK ACT, S.C. 2002, c. 29***

- Section 58. (5)** Within 180 days after the recovery strategy or action plan that identified the critical habitat is included in the public registry, the competent minister must, after consultation with every other competent minister, with respect to all of the critical habitat or any portion of the critical habitat that is not in a place referred to in subsection (2),
- (a) make the order referred to in subsection (4) if the critical habitat or any portion of the critical habitat is not legally protected by provisions in, or measures under, this or any other Act of Parliament, including agreements under section 11; or
  - (b) if the competent minister does not make the order, he or she must include in the public registry a statement setting out how the critical habitat or portions of it, as the case may be, are legally protected.