

SUMMARY

Emergency Order – Greater Sage-Grouse

The purpose of the *Emergency Order for the Protection of the Greater Sage-Grouse* is to address the imminent threats to the survival and recovery of the Sage-Grouse to help stabilize the population and begin its recovery. The Government of Canada's goal is to achieve the best protection for the Greater Sage-Grouse, while minimizing impacts on landowners and agricultural producers. The Emergency Order will come into force on February 18, 2014. The prohibitions contained in the Emergency Order only apply to habitat on specified federal and provincial crown lands in southeastern Alberta and southwestern Saskatchewan. Grazing will not be regulated by the Emergency Order. In areas where grazing can be modified to improve Greater Sage-Grouse habitat, the Government of Canada will provide incentives for voluntary stewardship measures through programs like the Habitat Stewardship Program for Species at Risk.

PROHIBITIONS

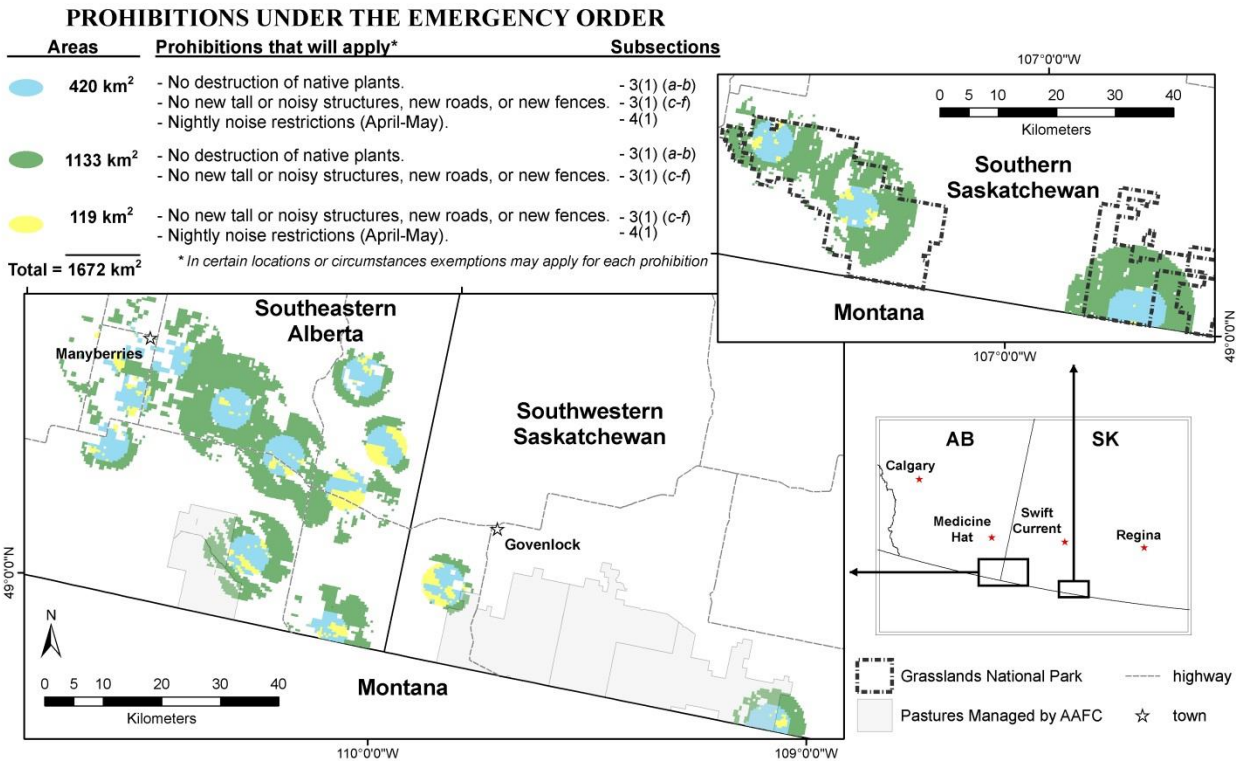
The prohibitions apply on all specified federal and provincial crown lands in southeastern Alberta and southwestern Saskatchewan. Schedule 1 of the Emergency Order contains a list of all the legal subdivisions where the Order applies (see Figure 1: Area where the Greater Sage-Grouse Emergency Order applies). To find out if your operations may be impacted by the Emergency Order, please refer to Schedule 1 of the Order, which can be found at: <http://gazette.gc.ca/rp-pr/p2/2013/2013-12-04/html/sup-eng.php> . You can also contact Environment Canada by calling toll-free at 1-800-668-6767 or by e-mail at: Enviroinfo@ec.gc.ca .

WHAT IS A LEGAL SUBDIVISION?

A “legal subdivision” is a unit of land, described in the Dominion Land Survey System, that is 1/4 of a quarter-section and has an area of approximately 16 ha or 400 m by 400 m.

A “quarter-section” is a unit of land, described in the Dominion Land Survey System, that has an area of approximately 64 ha or 800 m by 800 m.

Figure 1: Area where the Greater Sage-Grouse Emergency Order Applies



NATURE OF PROHIBITIONS

Year-round, within the areas covered by the Emergency Order, it is prohibited:

- To kill or move sagebrush, native grasses or native forbs (i.e. a type of herbaceous flowering plant)
 - This prohibition does not apply to lands that were already used for growing and harvesting non-native plants at any given time in 2011, 2012 or 2013, or in an area within 15 m of a road (reference: *Paragraphs 3(1)(a) and (b)* of the Order);
- To construct or install new fencing, except when fencing is used to manage grazing animals and conforms with the “Standards for the design and construction of fences in Greater Sage-Grouse habitat”, as outlined in Schedule 2 of the Emergency Order (reference: *Paragraph 3(1)(c)* of the Order);
- To construct or install new sources of chronic noise, for example by installing or constructing a structure that produces such noise or that houses a machine that produces such a noise, or to alter an existing structure or machine, or its use, in a way that results in the production of chronic noise.
 - Chronic noise is defined as a noise exceeding 45dB(A), lasting at least 60 minutes a day (total), and occurring at least 10 days in any given month. (reference: *Paragraph 3(1)(d)* of the Order);

- To construct a new road or widen an existing one (reference: *Paragraph 3(1)(e)* of the Order);
- To install or construct a new structure (not including a fence), machine or pole that exceeds 1.2m in height, or to increase the height of an existing structure, machine or pole beyond 1.2m in height.
 - Note that reconstructing, replacing or repairing a pole or structure (including a fence) that existed on the date of the coming into force of the Emergency Order is permitted, as long as it is replaced with a pole or structure whose dimensions do not exceed those of the existing pole or structure. It is also permitted to reconstruct, replace or repair a structure or machine whose dimensions and noise levels do not exceed those of the existing structure or machine that produces chronic noise (reference: *Paragraph 3(1) (f)* of the Order); and

Between April 1 and May 30, during the period from 1.5 hours before sunset until 1.5 hours after sunrise:

- It is prohibited to operate a facility, vehicle or machine so that it produces noise exceeding 45dB(A) within 3.2km of leks (Greater Sage-Grouse mating sites) (reference: *Paragraph 4(1)* of the Order).
 - This prohibition does not apply to a person who is driving a motor vehicle to or from a residential building, to or from an area where they conduct an agricultural operation or to visit a person conducting an agricultural operation.

The above prohibitions in the Emergency Order do not apply inside or within 100m of:

- a. a residential building that exists on the date of the coming into force of the Order;
- b. a building that is used for the purposes of an agricultural operation if it exists on the date of the coming into force of the Order;
- c. a shelter that is used for the purposes of an agricultural operation if it remains at the same place where it was located on the date of the coming into force of the Order; or
- d. a structure or machine that is used to feed, handle, treat or provide water to grazing animals if it is used at that same place where it was used before the coming into force of the Order.

WHY ARE THE GREATER SAGE-GROUSE AT RISK IN CANADA?

Greater Sage-Grouse are listed as endangered under the federal *Species at Risk Act* (SARA). Greater Sage grouse now occupy only about seven percent of their historic range in Canada. Populations in Canada are threatened by a number of factors, such as habitat loss and degradation, habitat fragmentation, inclement weather, predation and disease. Habitat changes that reduce the amount or



degrade the quality of sagebrush vegetation will have negative consequences for the Greater Sage-Grouse. The Greater Sage-Grouse can survive and reproduce well in sagebrush grassland habitats along with livestock production.

WHAT YOU CAN DO

- Restrict noisy activities to daylight hours during mating season (April 1 to May 30 each year);
- Ensure your fencing minimizes impacts to Greater Sage-Grouse by following the fence design standards set out in Schedule 2 of the Emergency Order;
- Maintain native grasslands, sagebrush and native forbs on your property;
- Adopt grazing practices that are beneficial to Greater Sage-Grouse;
- Avoid approaching and disturbing leks in April and May;
- Avoid building or installing tall vertical structures in Greater Sage-Grouse habitat, which can act as lookouts for predators of the Greater Sage-Grouse;
- Take measures to eliminate areas where standing water can accumulate, to reduce risks of West Nile virus propagation;
- Avoid planting trees within Greater Sage-Grouse habitat, especially on or near leks.

WHAT HAPPENS IF I DO NOT COMPLY WITH THE EMERGENCY ORDER?

The Government of Canada will work with stakeholders to assist them in understanding the Order, how it affects them and what they need to do to comply. Environment Canada will be directly contacting affected stakeholders, hosting community meetings and posting questions and answers regarding the Order on the Species at Risk Public Registry (www.sararegistry.gc.ca). Stakeholders will also be able to contact Environment Canada directly with any questions they may have.

In the event of a contravention of the Emergency Order, the *Species at Risk Act* (SARA) provides for penalties, including liability for costs, fines, or in some cases, imprisonment or alternative measures. SARA also provides for inspections, search and seizure operations by enforcement officers designated under SARA.

Under the penalty provision of the Act, a corporation found guilty of an *offence punishable on summary conviction* is liable to a fine of not more than \$300,000, a non-profit corporation is liable to a fine of not more than \$50,000, and any other person is liable to a fine of not more than \$50,000, or to imprisonment for a term of not more than one year, or to both. A corporation found guilty of an *indictable offence* is liable to a fine of not more than \$1,000,000, a non-profit corporation to a fine of not more than \$250,000, and any other person to a fine not more than \$250,000 or to imprisonment for a term of not more than five years, or to both.

The Emergency Order will be complemented by support for voluntary actions to protect and conserve Greater Sage-Grouse. The Government of Canada will continue to provide incentives for voluntary stewardship measures through programs like the Habitat Stewardship Program for Species at Risk.

FOR MORE INFORMATION

To get a copy of the entire Emergency Order (including Schedules 1 & 2), please visit the *Canada Gazette*, Part II at: <http://gazette.gc.ca/rp-pr/p2/2013/2013-12-04/html/sup-eng.php>.

For more information on the Greater Sage-Grouse, please see the species fact sheet attached ([The Greater Sage-Grouse](#), August 2013. ISBN: 978-1-100-22289-9) or visit the Species at Risk Public Registry at: <http://www.sararegistry.gc.ca>.

You can contact Environment Canada with any questions with regards to the Emergency Order by calling toll free at 1-800-668-6767 or by e-mail at: enviroinfo@ec.gc.ca.