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# Canada Gazette

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**Consultation**Registration  
SOR/2003-226 12 June, 2003**Recent Canada Gazette publications**

CANADA WILDLIFE ACT

## Regulations Amending the Wildlife Area Regulations

P.C. 2003-919 12 June, 2003

Her Excellency the Governor General in Council, on the recommendation of the Minister of the Environment, pursuant to section 12 ([see footnote a](#)) of the *Canada Wildlife Act* ([see footnote b](#)), hereby makes the annexed *Regulations Amending the Wildlife Area Regulations*.

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### REGULATIONS AMENDING THE WILDLIFE AREA REGULATIONS

**Deadline schedule**

#### AMENDMENTS

**Insertion rates**

**1. The definition "wildlife area" in section 2 of the *Wildlife Area Regulations* ([see footnote 1](#)) is replaced by the following:**

"wildlife area" means an area of public lands set out in Schedule I.

**Request for insertion forms**

**2. Part VII of Schedule I to the Regulations is amended by adding the following after section 3:**

**Subscription information**

4. Canadian Forces Base Suffield National Wildlife Area

**Useful links**

Being

**Archives (1998-2007)**

All of Areas "B" and "C" as shown on a plan of survey of record in the Land Titles Office for the South Alberta Land Registration District as number 951 0828.

**RSS news feeds**

Containing respectively 20,408 hectares (50,429 acres) and 25,399 hectares (62,762 acres), more or less.

Excepting thereout all mines and minerals

## COMING INTO FORCE

**3. These Regulations come into force on the day on which they are registered.**

### REGULATORY IMPACT ANALYSIS STATEMENT

*(This statement is not part of the Regulations.)*

#### **Description**

On March 11, 1992 the Minister of National Defence and the Minister of the Environment signed a Memorandum of Understanding (MOU) to work towards establishing a National Wildlife Area (NWA) on a portion of the Canadian Forces Base (CFB) Suffield, near Medicine Hat, Alberta. Establishment of these lands as an NWA, hereafter referred to as the CFB Suffield NWA, will contribute to both the Department of National Defence (DND) and the Department of the Environment (DOE) environmental objectives and reflects to the federal government's commitment to environmental stewardship. This regulatory amendment will formally designate this area as a NWA, thereby ensuring that these lands are maintained as federally protected and managed native wildlife habitat. The CFB Suffield NWA will remain under the administrative authority of DND and will be subject to the terms and conditions of a delegation of authority from the Minister of the Environment to the Minister of National Defence.

This area within CFB Suffield encompasses 458 km<sup>2</sup> of unploughed prairie grassland blanketing rare landscapes of national significance including sand hills, ancient glacial coulees, and the riverbank and breaks along the South Saskatchewan River valley. Although the core area of the Base has been zoned for military training, both DND and DOE have recognized the environmental sensitivity and importance of this area and have been active in its management since 1971.

Natural grasslands and rivers are among the most endangered ecosystems in prairie Canada. In the Mixed-grass Prairie Sub-region of western Canada, urbanization, industrial development, livestock grazing and rangeland conversion to croplands and seeded pastures frequently associated with irrigation development have fragmented or otherwise degraded wildlife habitat. As a result, it is estimated that approximately only 6% of this important sub-region of the Grassland Natural Region remains unaltered by human disturbance. In western Canada, CFB Suffield is the sole large block of intact prairie grassland where the ecological integrity remains noticeably unimpaired and, consequently, where the diversity and abundance of native plant and animal species have not declined.

The national significance of this area as a northern refugium for endemic prairie wildlife has been eloquently substantiated by recent wildlife studies on invertebrates, birds, mammals, reptiles, and amphibians. This is as a result of three factors unique to the area: its location near the northern limit of the mid-continental grasslands, the eolian grasslands contained therein, and its relatively unaltered vegetation.

As one of the few extant large blocks of unaltered Dry Mixed-grass Prairie, the CFB Suffield NWA hosts over 1,100 catalogued species including 244 vertebrate, 462 plant, and 436 invertebrate species. Of this rich species assemblage, 14 are listed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as species at risk, and 78 species of animals and plants are listed in the Status of Alberta Wildlife 2000 as "at risk" or otherwise "sensitive" because of their declining abundance. Considering the ongoing threat to native

prairie ecosystems and associated unique land forms, designating this nationally significant area as a NWA will ensure critical habitat protection for species at risk and reverse habitat loss and fragmentation trends by increasing protected habitat outside National Parks.

The expansion and consolidation of key prairie habitat areas for migratory birds will be an important contribution towards Canada's international agreements, including the Migratory Birds Convention, the North American Waterfowl Management Plan, the North American Bird Conservation Initiative, and the United Nations Convention on Biological Diversity. In addition, this initiative will enhance the prairie NWA network that includes Last Mountain Lake and St. Denis in Saskatchewan.

A Wildlife Policy for Canada emphasizes that protection of habitats and ecosystems is the most cost effective method of preserving wildlife given that the amount of wildlife habitat is declining in Canada as diverse and unique areas become increasingly encroached upon. Moreover, the Policy indicates that restoring habitat is difficult, expensive, and often impractical. An effective protection option, therefore, is to incorporate important sites such as CFB Suffield NWA lands into the federal system of NWAs as recommended in the *Implementing the Canadian Biodiversity Strategy — Protected Areas* (Government of Canada 1997).

With new sections of the *Canada Wildlife Act* (CWA) recently coming into force, the current definition of "wildlife area" in the *Wildlife Area Regulations* needs to be amended. The definition of a "wildlife area" currently refers to a subsection of the Act that has been repealed (4(1)) and refers to the Minister of the Environment as having administration of the lands. The amended definition will reflect the recent amendments to the CWA and will refer to an area of public lands set out in a schedule to the *Wildlife Area Regulations*.

### **Alternatives**

NWA designation offers long-term security as a federally-protected wildlife refuge. The status quo alternative would be to continue management and administration of the area at the discretion of the Base Commander and DND as an environmentally sensitive area out-of-bounds to military training. The area has been unofficially treated as an NWA since the signing of the MOU in 1992. Not designating the area would signal that the federal government does not value the ecological significance of CFB Suffield NWA and would leave the area at future risk to development and potentially increased military use.

Provincial Natural Area designation was also considered in 1991; however, DND and DOE concluded in the 1992 MOU that a federally-based protection mechanism was preferred. An NWA designation under the CWA was considered to be the best means of providing the area and its wildlife strong protection, management flexibility, long-term security and the most acceptable and feasible administration option for DND, DOE and the Province.

### **Benefits and Costs**

The creation of the NWA will make a substantial contribution to conservation and protection of critical habitat for wildlife including species at risk. In doing so, it will assist in meeting Canada's commitments under the Biodiversity Convention, the Accord for the Protection of Species at Risk and other conservation objectives, including the Alberta Prairie Conservation Action Plan — Goal 2 (2001-2005) which states, "Encourage government policies, programs, and regulations that favour the conservation of Alberta's native prairie landscapes while preserving their cultural and economic value". Furthermore, it will impact on any new proposed land use developments within the NWA such as water management projects, resource extraction and agriculture. Since new activities could potentially harm wildlife habitat, such proposed activities could be subject to approval and mandatory environmental screening under these Regulations.

Since 1994, \$2.2 million has been invested in establishing the CFB Suffield NWA as an environmentally sensitive area. Once the lands are designated as CFB Suffield NWA continued operational costs will be incurred in managing the site. However, creating CFB Suffield NWA on lands already administered by DND is a cost effective approach. The value of the land proposed for designation as the CFB Suffield NWA, estimated at \$50,000,000, is waived as an acquisition expense because administration, control and management responsibility will remain with DND. Conversely, operational costs to ensure environmental protection, which presently range from approximately \$120,000 to \$240,000 per year, have been incorporated into existing DND and DOE programs. These costs may increase due to wildlife conservation and enforcement needs associated with current and future regulations of the CWA and the *Species at Risk Act*. This will require early integration into DND business planning.

DND administration of the NWA will be supported with advice, and wildlife research and enforcement expertise by DOE on a case-by-case basis agreed to by DND and DOE. This will require early integration into DOE business planning.

No major changes in land use are anticipated. Other land uses on the area include placement of live fire safety templates over the area in support of military exercises and defence research trials in adjacent areas, cattle grazing and shallow gas extraction. The area proposed for inclusion in the CFB Suffield NWA has been out-of-bounds to military training since 1972, and was precluded from deep rights access for petroleum development by the DND-Alberta Deep Rights Agreement of 1999. Cattle grazing and shallow gas recovery which operate under existing Memoranda of Agreement (MOAs) will continue, subject to the environmental screening protocols specified in the respective MOAs controlling those activities and the *Wildlife Area Regulations*. Public access is strictly managed for public safety liability reasons.

This interdepartmental co-operative approach to this area of CFB Suffield as a NWA sets a precedent for other co-operative federal interdepartmental land management and conservation activities on federal lands that have been strongly endorsed by national non-governmental organizations and the public. Such arrangements are possible because of amendments to the CWA contained in the *Species at Risk Act* (sections 134-136).

#### Strategic Environmental Assessment

Assessments of the potential environmental effects that will result from establishing the CFB Suffield NWA are positive based on the results of the ecological inventory project jointly undertaken by DND and DOE to determine species richness, regional species diversity, habitat quality, and overall ecological integrity of the affected lands. This study unequivocally determined the national significance of this area as the only remaining northern refugium from agriculture for endemic prairie wildlife in Alberta.

The NWA designation will secure a block of prairie habitat sufficient to support the full spectrum of prairie flora and fauna endemic to the region, which includes over 1,100 wildlife species, 14 of which are listed nationally as species at risk. This contribution to prairie species conservation, whereby large blocks of native prairie landscape are protected under a single jurisdiction for the benefit of endemic species and their habitat, is unique because no similar opportunities will arise in the future. This area will provide a secure habitat in which species can reproduce and repopulate surrounding prairie environs currently impacted by human development and population growth.

Application of the *Wildlife Area Regulations* under the CWA offers direction for guiding land use on this important prairie grassland area. This will formalize wildlife and habitat protection that will enhance regional wildlife populations, thereby addressing the concerns of both Alberta and nearby Saskatchewan wildlife agencies, as well as non-government environmental

organizations.

A better understanding of the response of the prairie ecosystem to long-term management and protection of the native habitat is anticipated as a result of the creation of the CFB Suffield NWA. This knowledge will be accessible to the public to support regional landscape management.

### **Consultation**

This regulatory amendment recently was printed in the *Canada Gazette*, Part I, for a 15-day public consultation period. During this period, there were no comments received by the Canadian Wildlife Service.

Protection and management of native mixed grassland habitats and associated species at risk is a high priority within governments, the public, and industry. The Alberta Prairie Conservation Forum, whose membership includes provincial, federal, municipal, private conservation and wildlife agencies, has actively supported and promoted establishing the CFB Suffield NWA.

The Alberta Fish and Wildlife Division (Department of Sustainable Resource Development), which has endorsed the NWA proposal, has been continually included in planning for the designation process as this initiative is important to, and will be integrated with, regional wildlife management responsibilities of the Province.

The Alberta Department of Energy has been continually advised on the development of the protected area status through negotiations with DND on surface access agreements governing petroleum development on CFB Suffield. The Energy Department will continue to issue statements to petroleum producers identifying access limitations to mineral leases on the designated lands.

Over the past 10 years, key non-government organizations such as the World Wildlife Fund, the Nature Conservancy of Canada, the Sierra Club of Canada, the Canadian Nature Federation, the Canadian Wildlife Federation, the Alberta Wilderness Association, the Federation of Alberta Naturalists, the Society of Grasslands Naturalists, the Alberta Fish and Game Association, the Alberta Society of Professional Biologists, the Wildlife Society (Northwest Section), the Society for Range Management, the Alberta Society for the Prevention of Cruelty to Animals, and industry including EnCana (formerly Alberta Energy Company), the Pipeline Grazing Association, and the Drowning Ford Grazing Association have also supported the designation of the NWA at CFB Suffield during consultations involving various environmental issues on CFB Suffield and the proposed NWA lands.

Consultation and cooperation between DND and DOE have been facilitated through a wildlife advisory committee to define departmental roles and responsibilities, and to draft guiding principles for operation of the protected area. Interdepartmental cooperation and consultation on operation of the protected area will continue.

### **Compliance and Enforcement**

This Regulation will significantly strengthen DND powers for protecting wildlife compared with relying on the *National Defence Act*, which does not contain provisions pertaining to wildlife. In accordance with the CWA, penalties for disturbing wildlife and their habitat are significant. The maximum fine for a summary conviction offence is \$50,000 for an individual. For more serious violations, an indictable offence has been created with a maximum fine of \$100,000. Fines for corporations are higher, up to \$100,000 for a summary conviction and \$250,000 for an indictable offence. There are also provisions for increasing fines for a continuing or subsequent offence.

Minor offences will be dealt with under a ticketing system.

DND currently conducts boundary patrols at CFB Suffield to enforce trespassing and wildlife protection. Once the NWA is in place, enforcement powers for the *Wildlife Area Regulations* will be delegated to DND. DOE will provide annual training to DND enforcement staff or other appointed enforcement personnel upon request from DND. DND may request DOE advice and enforcement support on a case-by-case basis, where circumstances warrant.

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### [Footnote a](#)

S.C. 1994, c. 23, s. 14

### [Footnote b](#)

R.S., c. W-9; S.C. 1994, c. 23, s. 2

### [Footnote 1](#)

C.R.C., c. 1609; SOR/94-594

**NOTICE:**

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.

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