We propose that Environment Canada implement a **2-Step Policy** when considering the designation and/or protection of Critical Habitat for species listed under SARA.

**Note clearly that we do not propose an exemption for private lands.**

**Step 1** – Designate Critical Habitat on Crown Lands until habitat adequate for the support of a viable population of the species has been designated. We suggest the following order of priorities: Parks and Protected areas, inaccessible and vacant Crown Lands and then Crown Lands under management license. If, in the opinion of the Minister, based on credible information, the area of Critical Habitat available on Crown Lands, including land with potential for rehabilitation, is not adequate to maintain a viable population of the listed species, proceed to Step 2.

**Step 2** - Designate and protect Critical Habitat on Private Lands.

Crowd Land licenses allocated specifically for the production of products like blueberries and maple syrup or small licenses that are contractually linked to the management of private land should also be considered as being similar to private land and included in Step 2.

There are two sections in SARA that provide for Ministerial discretion on the protection of habitat. SARA s49 (c) makes provision for portions of Critical Habitat that may not be protected within an Action Plan. SARA s 61(2) provides the Minister with discretion to defer protection on specified portions of Critical Habitat.

A decision by the Minister to designate and/or protect Critical Habitat on private land should not lead to automatic prohibitions on the use of that land. It should trigger a process of consultation between the Recovery Team, the Federal Agency and the landowner(s). [SARA s48 (3)]

See page 2.
The consultation should:

- Use a risk-based approach to develop a full understanding of the present land use and its effects on the habitat.
- If restrictions on land use are indicated; first consider the use of BMPs as well as voluntary conservation agreements.
- Before considering the imposition of restrictions, ensure that the full potential of voluntary measures has been fully exhausted.
- If restrictions on land use must be imposed; develop a full understanding of the loss of revenue and reduction of property value that will be imposed on the landowner. [SARA 49 (e)]
- Explore ways to reduce or eliminate the loss. This may include; management plans which clearly define alternative practices, modified prohibitions or voluntary stewardship and voluntary conservation agreements as provided for in SARA s10.1 to 13 and s 49(b) and which will place landowners in compliance with the law.
- It is important to determine appropriate compensation for that loss [SARA s64]. Restrictions on land use should not be applied until the question of compensation has been resolved.
- Honour the compensation agreement within three months of imposing the prohibitions.
- The development of appropriate regulations under SARA s64 is essential.
- Compensation can take several forms; a monetary payment, land exchange, tax relief, or a payment for ecosystem services flowing from the Critical Habitat in an amount that covers the value and period of the loss [SARA s62].

The Province of New Brunswick has included this 2-Step approach to designation and protection of Critical Habitat or Recovery Habitat in their new Bill 28 – Species at Risk Act for New Brunswick.

**Bill 28 “s 27(3) The Minister shall not make a recommendation for a recovery habitat designation on private lands unless the Minister is satisfied, based on information available to the Minister at the time, that the habitat on Crown Lands of a wildlife species listed as an extirpated species, an endangered species or a threatened species is not sufficient to meet the needs of the species.”**

Appendix: Statistics on the area of private agricultural and forest lands in Canada

To assist MPs and policy makers to understand the basis for our request, we provide pie-charts to show the proportions of private agricultural and forest land in Canada and in each of the provinces. We also provide information on the number of owners of both categories of land in each province. There are approximately 508,000 rural landowners across Canada.

Each hectare of agricultural land contributes an average of $707 to the Canadian economy each year (Based on Total Market Receipts - 2011.)

In most regions of the country farms include woodlots averaging 40 ha in area. The southern prairie region is an exception.

Each hectare of privately owned forest land contributes an average of $570 to the Canadian economy each year. (Based on 2010 Value of Shipments/m3 of wood harvested)

**CANADA - Number of rural landowners: 508,000**

<table>
<thead>
<tr>
<th>1- CANADA: Private Agricultural and Forest Land (000 ha)</th>
<th>2 - CANADA: Forest Land Ownership (000 ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1% Urban &amp; transportation infrastructure (10,000e)</td>
<td>6% Private Forest Land (24,722)</td>
</tr>
<tr>
<td>7% Agricultural Land (64,800)</td>
<td></td>
</tr>
<tr>
<td>3% Private Forest (24,722)</td>
<td>4% Public Forest Land (377,363)</td>
</tr>
<tr>
<td>47% Nothern Lands (429,679)</td>
<td></td>
</tr>
</tbody>
</table>

**Chart 1** - Shows the proportion of private agricultural and forest lands compared to the total land area of Canada. Only 7% is agricultural land. Number of farms: 230,000.
Number of commercial maple syrup producers: 19,600.

**Chart 2** - Shows the area of private forest land compared to the total area of forested land in Canada. Only 6%.
Number of woodlot owners: 450,000.
Appendix: Provincial land use and land ownership statistics

BRITISH COLUMBIA - Number of rural landowners: 22,500

3 - BC: Private Agricultural and Forest Land (000 ha)
- Agricultural Land (2,835)
- Private Forest Land (1,716)
- All Other Land (87,968)

Chart 3 - Only 3% of British Columbia is agricultural land. Number of farms: 19,844.

4 - BC: Forest Land Ownership (000 ha)
- Private Forest Land (1,716)
- Public Forest Land (62,531)

Chart 4 - Only 3% of forested land in British Columbia is privately owned. Number of woodlot owners: 22,500

ALBERTA - Number of rural landowners: 50,000

5 - ALTA: Private Agricultural and Forest Land (000 ha)
- Agricultural Land (21,095)
- Private Forest Land (1,063)
- All Other Land (42,074)

Chart 5 - 33% of Alberta is agricultural land due to the abundance of agricultural soils in the prairie region. Number of farms: 49,431

6 - ALTA: Forest Land Ownership (000 ha)
- Private Forest Land (1,063)
- Public Forest Land (35,325)

Chart 6 - Only 3% of forested land in Alberta is privately owned. Number of woodlot owners: 17,500.

SASKATCHEWAN - Number of rural landowners: 37,000

7 - SASK: Private Agricultural and Forest Land (000 ha)
- Agricultural Land (26,003)
- Private Forest Land (1,443)
- All Other Land (31,721)

Chart 7 - 44% of Saskatchewan is agricultural land due to the abundance of agricultural soils in the prairie region. Number of farms: 36,952

8 - SASK: Forest Land Ownership (000 ha)
- Private Forest Land (1,443)
- Public Forest Land (22,815)

Chart 8 - Only 6% of forested land in Saskatchewan is privately owned. Number of woodlot owners: 15,000.

MANITOBA - Number of rural landowners: 16,000

9 - MAN: Private Agricultural and Forest Land (000 ha)
- Agricultural Land (7,719)
- Private Forest Land (1,096)
- All Other Land (46,541)

Chart 9 - Only 14% of Manitoba is agricultural land. Manitoba is at the intersection of the prairies and the Canadian Shield. Number of farms: 15,877.

10 - MAN: Forest Land Ownership (000 ha)
- Private Forest Land (1,096)
- Public Forest Land (35,258)

Chart 10 - Only 3% of forested land in Manitoba is privately owned. Number of woodlot owners: 13,500.

ONTARIO - Number of rural landowners: 169,000

11 - ONTARIO: Private Agricultural and Forest Land (000 ha)
- Agricultural Land (5,386)
- Private Forest Land (5,274)
- All Other Land (81,114)

Chart 11 - Only 6% of Ontario is agricultural land. Number of farms: 51,950. Number of maple syrup producers: 3,500.

12 - ONTARIO: Forest Land Ownership (000 ha)
- Private Forest Land (5,274)
- Public Forest Land (63,020)

Chart 12 - Only 8% of forested land in Ontario is privately owned. Number of woodlot owners: 169,000.
NEW BRUNSWICK - Number of rural landowners: 40,000

15 - NB: Private Agricultural and Forest Land (000 ha)
- Agricultural Land (395)
- Private Forest Land (3,050)
- All Other Land (3,700)

Chart 15 - Only 6% of New Brunswick is agricultural land. Number of farms: 2,776. Number of maple syrup producers: 600.

16 - NB: Forest Land Ownership (000 ha)
- Private Forest Land (3,050)
- Public Forest Land (3,157)

Chart 16 - 49% of forested land in New Brunswick is privately owned, due to early settlement and the legacy of the railway construction era. Number of woodlot owners: 40,000

PRINCE EDWARD ISLAND - Number of rural landowners: 14,000

17 - PEI: Private Agricultural and Forest Land (000 ha)
- Agricultural Land (251)
- Private Forest Land (241)
- All Other Land (74)

Chart 17 - 44% of PEI is agricultural land. Number of farms: 1,700. Number of maple syrup producers: 20.

18 - PEI: Forest Land Ownership (000 ha)
- Private Forest Land (241)
- Public Forest Land (31)

Chart 18 - 89% of the forested land in PEI is privately owned. Number of woodlot owners: 14,000.

NOVA SCOTIA - Number of rural landowners: 31,000

19 - NS: Private Agricultural and Forest Land (000 ha)
- Agricultural Land (403)
- Private Forest Land (2,903)
- All Other Land (2,028)

Chart 19 - Only 8% of Nova Scotia is agricultural land. Number of farms: 3,795. Number of maple syrup producers: 530.

20 - NS: Forest Land Ownership (000 ha)
- Private Forest Land (2,903)
- Public Forest Land (1,444)

Chart 20 - 67% of the forested land in Nova Scotia is privately owned due to early settlement and the legacy of the railway construction era. Number of woodlot owners: 31,000.

NEWFOUNDLAND & LABRADOR - Number of rural landowners: 4,000

21- NFLD: Private Agricultural and Forest Land (000 ha)
- Agricultural and Private Forest Land (166)
- All Other Land (373,706)

Chart 21 - Shows the proportion of private agricultural and forest lands compared to the total land area of Newfoundland & Labrador. <1% - due to the pattern of early settlement - coastal fishing communities and the scarcity of good agricultural soils. Number of farms: 558.

22 - NFLD: Forest Land Ownership (000 ha)
- Private Forest Land (130)
- Public Forest Land (19,937)

Chart 22 - Shows the area of private forest and woodland compared to the total area of forested land in Newfoundland & Labrador. Less than 1%. Number of woodlot owners: 4,000.

Sources: Area of agricultural land and number of farms - Canadian Federation of Agriculture
Forest land areas: CFS Forest Database. Number of woodlot owners – T. Rotherham 2002
Compensation: Sharing Responsibility-Principles and Procedures for Compensation under the Species At Risk Act - Peter H. Pearse 2000