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# Agricultural Producers and the Emergency Protection Order

## What It Means for You

The Sage-Grouse is an endangered bird species that depends on the unique prairie ecosystem in Alberta and Saskatchewan. In 2012, there were estimated to be roughly 100 adults remaining in Canada. The population has declined by 98% since 1988.

The Government of Canada's plan for successful recovery of this species includes the Emergency Protection Order, which focuses on imminent threats to the species in the wild, the Amended Recovery Strategy, which will guide recommended voluntary stewardship activities on Sage-Grouse habitat, and a joint program with the Calgary Zoo to breed and rear Sage-Grouse chicks in a safe environment to help increase the population in the wild.

The *Emergency Order for the Protection of the Greater Sage-Grouse* is an order made under the *Species at Risk Act* (SARA) that was brought into force on February 18, 2014, to address the imminent threats to the survival or recovery of the species. The Emergency Protection Order lists activities that are legally forbidden.

### The Land

The critical habitat identified in the amended Recovery Strategy covers 2812 km<sup>2</sup> of land. The area subject to the Emergency Protection Order is a subset of this same area and covers only provincial and federal Crown lands. It covers 1672 km<sup>2</sup> of the territory identified as critical habitat in the Amended Recovery Strategy.

An amendment would be required in order to make any change to the Emergency Protection Order.

### Grazing

The Emergency Protection Order **does not regulate grazing**. It does not in any way restrict, limit or affect grazing levels and stocking rates, even on leased lands. The Amended Recovery Strategy recommends avoiding over-grazing; it is a recommendation only.

Producers can cut hay if their provincial lease conditions for grazing allow it, as this does not kill sagebrush, native grasses or native forbs.

Lands that were not used for growing and harvesting crops between 2011-2013 cannot be converted from pasture-land to crop-land. It should be noted, however, that grazing leases are governed

by provincial Acts and that cultivation of land and construction of homesteads are generally prohibited under these Acts.

When constructing a watering facility for cattle, producers must ensure that its overall footprint is less than 30 m<sup>2</sup>. Also, any pumps or other equipment used in a new watering system must not be a source of chronic noise. Chronic noise means noise in excess of 45 dB(a) and operating for 60 minutes or more in a day, for at least 10 days in a given month.

### Fences

Existing fences do not need to be modified or replaced to comply with the standards outlined in Schedule 2 of the Emergency Protection Order. There is no requirement to use fence post perching deterrents or wire markers on existing fences or when repairing/replacing existing fences, but the new dimensions should not exceed those of the existing fence.

Any new fences must meet the standards for Sage-Grouse-friendly fences found in Schedule 2 of the Emergency Protection Order. This requirement only applies outside the 100 m buffer surrounding agricultural buildings.

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## Buildings, Structures, Machines or Poles

Existing buildings, structures, machines or poles do not need to be removed or demolished. You can replace structures that existed on February 18, 2014 as long as the buildings, structures, machines or poles are of equal or lower height and noise level as the original buildings, structures, machines or poles.

You can also build, install or repair buildings, structures, machines or poles exceeding 1.2 m in height and producing chronic noise inside a 100 m buffer surrounding residential or agricultural buildings or structures that existed on the date of the coming into force of the Emergency Protection Order, February 18, 2014. Before you construct or install a new building, structure, machine or pole outside the 100 m buffer, please contact Environment Canada.

## Noise Restrictions

The chronic noise restrictions do not apply to movable machinery like a portable water trough on a trailer or a generator. However, the seasonal noise restriction of 45 dB(a) 1.5 hours before sunset to 1.5 hours after sunrise in April and May may apply.

The chronic noise restrictions do not apply to residential and agricultural traffic or activities required in case of an emergency. Neither does it apply to a person operating a motor vehicle to or from a residential building, to or from an area where they are conducting an agricultural operation or to visit a person who is conducting an agricultural operation.

## Permitting

In some cases, companies or individuals may be eligible for a permit under section 73 of SARA if they are planning to undertake activities that are prohibited by the Emergency Protection Order, provided that the activity benefits the species and is conducted by qualified persons; or if affecting the species is incidental to the carrying

out of the activity. Certain pre-conditions would also need to be met. You can get more information on SARA permits by visiting: [www.sararegistry.gc.ca/sar/permit/permits\\_e.cfm](http://www.sararegistry.gc.ca/sar/permit/permits_e.cfm).

The Emergency Protection Order includes a number of exemptions to allow residents and agricultural operators to continue their regular agricultural activities without requiring the issuance of a permit.

## Implementation and Funding

In cooperation with producers, counties, provinces and other groups, we will work together to implement voluntary, results-based stewardship activities that will benefit the Sage-Grouse. Funding for stewardship measures, such as the installation of Sage-Grouse-friendly fences, can be sought through funding programs such as the Habitat Stewardship Program (HSP). This program provides funding for projects that conserve and protect species at risk and their habitats and measures the results achieved. The HSP continues to be available to assist individuals and groups seeking to implement actions for the conservation and protection of the Greater Sage-Grouse. For more information on species at risk, actions our government is taking and opportunities for you to get involved, visit the Species at Risk Public Registry at [www.sararegistry.gc.ca](http://www.sararegistry.gc.ca).

Environment Canada enforcement officers are responsible for enforcing the Emergency Protection Order, as required, on the applicable federal and provincial Crown lands. Environment Canada is working with stakeholders to promote compliance and will continue to be available in order to minimize the number of potential infractions.



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