

Legal Protection Statement for the Critical Habitat of Northern Goshawk *laingi* subspecies (*Accipiter gentilis laingi*) in Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site

Together, the Government of Canada and the Council of the Haida Nation manage Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site, by working with the Archipelago Management Board for the planning, operations and management of this site. As stated in the “*Gina ‘Waadluxan KilGuhGa Land-Sea-People Management Plan*”, approved by Canada and the Haida Nation, Gwaii Haanas is a protected area under both Haida and Canadian law.

This statement describes how the critical habitat of the Northern Goshawk *laingi* subspecies (*Accipiter gentilis laingi*), is legally protected within Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site. 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 Northern Goshawk *laingi* subspecies was identified in the [Recovery Strategy for the Northern Goshawk *laingi* subspecies \(*Accipiter gentilis laingi*\) in Canada](#), as posted on the Species at Risk Public Registry. 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.

Gwaii Haanas National Park Reserve, National Marine Conservation Area Reserve, and Haida Heritage Site 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*, 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 Northern Goshawk *laingi* subspecies through the following provisions:

- ss. 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.
- ss. 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.
- ss. 5(1) of the *National Parks Building Regulations, C.R.C., C. 1114*, prohibits excavation for purpose of the construction of a new building or relocation or removal of a building, except as authorized by a permit.
- 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. 17 of the *National Parks General Regulations, SOR/78-213*, prohibits any modifications to flow or obstruction of any watercourse, except as authorized by a permit.
- ss. 32(1) of the *National Parks General Regulations, SOR/78-213*, prohibits excessive noise and the carrying out of any actions that unreasonably interferes with fauna or the natural beauty of a park.
- s. 3 of the *National Parks Highway Traffic Regulations, C.R.C., c. 1126*, prohibits the operation of a motor vehicle within a park except on a highway except in accordance with a permit for a specified period and area.
- s. 2 of the *National Parks of Canada Aircraft Access Regulations, SOR/97-150*, prohibits take-off or landing of an aircraft in a park, other than in a park set out in column I of the schedule at a take-off and landing location set out in column II.
- s. 4 of the *National Parks Wildlife Regulations, SOR/81-401*, prohibits the disturbance or destruction of a nest, lair, den or beaver house or dam in a park.

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 4.3 of the recovery strategy of the Northern Goshawk *laingi* subspecies (*Accipiter gentilis laingi*) in Canada.

Appendix 1

Parks Canada Agency Act, S.C. 1988, C.31

Subsection 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

Subsection 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"

Subsection 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 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).

Section 17. No person shall obstruct or divert, by means of a pipe or otherwise, any watercourse, except as authorized by a permit issued by a superintendent.

SOR/93-167, s. 5; SOR/2010-140, s. 14.

Subsection 32. (1) No person shall, in a Park,
(a) cause any excessive noise;
(c) carry out any action that unreasonably interferes with fauna or the natural beauty of the Park.

National Parks Building Regulations, C.R.C., C. 1114

Subsection 5. (1) No person shall
(a) remove top soil or otherwise commence an excavation for a building,
(c) relocate or remove any building,
unless he has first obtained a building permit for that purpose from the Superintendent.

National Parks Wildlife Regulations, SOR/81-401

Subsection 4. (1) Except as otherwise provided in these Regulations, no person shall
(e) disturb or destroy a nest, lair, den or beaver house or dam in a park;

National Parks 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.

SOR/90-79, s. 25(F); SOR/91-375, s. 3(E).

National Parks of Canada Aircraft Access Regulations, SOR/97-150

Section 2. (1) Subject to section 5, it is prohibited for a person to conduct a take-off or landing of an aircraft in a park, other than in a park set out in column I of the schedule at a take-off and landing location set out in column II.

(2) It is prohibited for a person to conduct a take-off or landing of an aircraft in a park set out in any of items 1 to 9, 11 or 12, column I, of the schedule unless that person is the holder of a permit.

(3) It is prohibited for a person to conduct a take-off or landing of an aircraft in the park set out in item 13, column I, of the schedule, other than

(a) for non-commercial recreational purposes if the person is the holder of a permit; or

(b) to land in the case of a diversion or other emergency situation.

(4) It is prohibited for a person to conduct a take-off or landing of an aircraft in the park set out in item 14, column I, of the schedule, other than to land in the case of a diversion or other emergency situation.

(5) In the case of a landing referred to in paragraph (3)(b) or subsection (4), the person must

(a) notify the superintendent as soon as feasible after landing of

(i) the fact that they have landed at a take-off and landing location set out in item 13 or 14, column II, of the schedule, as the case may be, and

(ii) the nature of the diversion or other emergency situation; and

(b) obtain the superintendent's authorization before take-off.

SOR/2004-299, s. 4; SOR/2013-10, s. 3.

Species at Risk Act, S.C. 2002, c. 29

Subsection 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.