

To SUBMISSION TO THE NWMB FOR

Information: X

Decision:

Issue: Update on the Ivory Gull Recovery Strategy and protection of Critical Habitat for Ivory Gull (*Pagophila eburnea*) in Nunavut.

Recovery Strategy Update

At the Nunavut Wildlife Management Board (NWMB) regular meeting held between October 17th and 21st, 2011, the Canadian Wildlife Service presented a submission asking for a decision on the approval of the draft recovery strategy for the Ivory Gull. The NWMB reviewed the information presented and made the decision to approve the draft recovery strategy for Ivory Gull and to approve the critical habitat (Figure 1) identified so far in the recovery strategy.

On February 28, 2013, Environment Canada posted the proposed recovery strategy for Ivory Gull on the Species at Risk Public Registry for extended 60-day public comment period that ended on April 30, 2013. During this time, Environment Canada staff engaged with Aboriginal communities and organizations, and also received input from stakeholders, other governments, and the Canadian public throughout the distribution of Ivory Gull in Canada. The final recovery strategy for Ivory Gull was posted on the Species at Risk Public Registry on March 13, 2014.

Critical Habitat Update

Environment Canada gave a presentation regarding the steps involved for the protection of critical habitat. Once a recovery strategy identifying critical habitat is published on the Species at Risk registry, that critical habitat must be protected. The process which is followed to ensure protection of critical habitat is dependent on whether the habitat is found within an already existing federal protected area or on non-protected federal crown land.

One of the Ivory Gull critical habitat locations identified in the Ivory Gull recovery strategy is located in the Seymour Island Migratory Bird Sanctuary. As per section 58(2) of the Species at Risk Act, if the critical habitat is located in a national park, a marine protected area, a migratory bird sanctuary or a national wildlife area, the competent minister must, within 90 days of the identification of critical habitat in a recovery strategy or action plan, publish a description of the critical habitat or portion of the critical habitat that is within a park, area or sanctuary in the *Canada Gazette*. Protection of that area will take effect 90 days following the publication. At this time Environment Canada is proceeding with the process to protect the critical habitat in the Seymour Island Migratory Bird Sanctuary through a Gazette Statement. We anticipate that this protection will come into effect in September/October 2014.

The remainder of the critical habitat identified is located on non-protected federal crown lands. Within 180 days of the identification of critical habitat on federal crown lands in a recovery strategy or action plan, the competent minister must determine whether the critical habitat is legally protected by provisions in or measures under SARA or any other Act of Parliament, including agreements under s.11 of SARA. Work is currently underway to determine what legal tools (e.g. federal legislation, Nunavut Land Use Plan), if any currently exist, that will provide effective protection of Ivory Gull critical habitat on federal crown lands in Nunavut. If no protection measures are found to exist, the competent minister must make a recommendation to the Governor in Council to enter into a conservation agreement (under section 11 of SARA) with any government in Canada, organization or person through an order under subsection 58(4) and (5) applying the prohibition against the destruction of critical habitat, or by recommending a regulation under section 59.

Once Environment Canada determines what route will be taken to protect Ivory Gull critical habitat on federal crown lands, we will return to the NWMB and ask for advice and approval.

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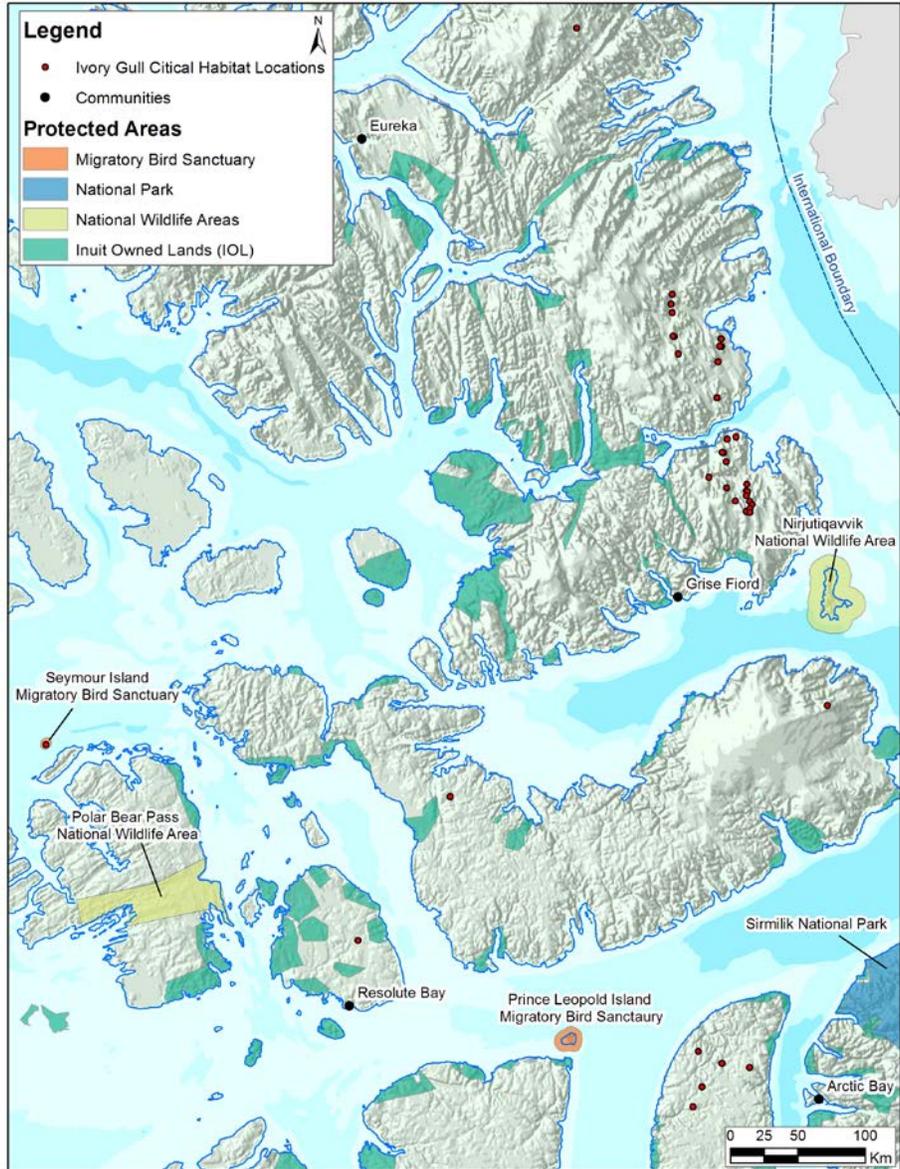


Figure 1. Locations of Ivory Gull critical habitat in Nunavut identified in the Ivory Gull Recovery Strategy approved by the NWMB.