



SARA Permit Decision Tool

Under the *Species at Risk Act* (SARA), the Parks Canada Agency (PCA) is responsible for the protection and recovery of listed species at risk found in its federal administered places (including national parks, park reserves, marine conservation areas, historic sites, canals and other lands under its administration, e.g., program lands, ranches).

This tool provides a structured process to document Parks Canada's compliance with SARA when assessing or authorizing activities within our federal administered places that may adversely affect species at risk. It is the field unit's responsibility to ensure and document compliance with SARA. The same rigor should be applied to activities proposed by both external parties and Parks Canada.

The tool uses a step-by-step process to determine and document:

- whether residual adverse effects of an activity will contravene one or more SARA prohibitions;
- whether a SARA permit is required;
- whether a SARA permit can be issued; and
- how to issue a SARA permit.

Guidance for each section is provided in *grey italicized* text within the form and should be deleted from the final version.

Information about SARA prohibitions, recovery documents (including critical habitat identifications) and existing SARA permits can be found on the [SAR Public Registry](#).

Confer with a [Species Conservation team](#) representative when using this decision tool. The team has many years of experience in working with field units on the assessment of activities affecting species at risk, and issuing permits where necessary and possible. The team can assist field units in assessing risks and delivering on activities and priorities while ensuring accurate and consistent adherence to SARA requirements. A transmittal form is included at the end of the tool to document which parties were involved in drafting, reviewing and approving the assessment.



Parks Canada place where the activity will occur	Species at risk affected by the activity:	Title of activity (e.g., Trail development in Blue Meadow):
Gulf Islands National Park Reserve (GINPR)	common sharp-tailed snake (<i>Contia tenuis</i>)	Road re-alignment to address (geotechnical) safety and access restrictions.
GINPR	little brown myotis (<i>Myotis lucifugus</i>)	Road re-alignment to address (geotechnical) safety and access restrictions.

Part A – Does a SARA permit need to be considered for this activity?

1. Will residual adverse effects of the activity (effects that will still occur even after mitigation measures are implemented) contravene a SARA prohibition for a listed endangered (En), threatened (Th) or extirpated (Ex) species, its residence or its critical habitat? (If more than one species will be affected, then clearly delineate the effects on each species).

SARA prohibitions: Section 32 - Cannot: kill, harm, harass¹, capture, or take an individual; possess, collect, buy, sell or trade an individual or any part or derivative of an individual; Section 33 – Cannot damage or destroy a residence; Section 58 – Cannot destroy any part of critical habitat²; Section 80 - Cannot carry out an activity that is prohibited under an emergency order.

Yes. There are residual adverse effects of the activity that will contravene a SARA prohibition.

Potential residual effects for two species, identified in the basic impact assessment (BIA), will be managed in the field as a component for this road relocation project. The activity is the relocation of a road, and ahead of relocation the salvage of individual species at risk that are vulnerable to construction activity. See question 4 for more details on the project, and alternatives that were considered.

Sharp-tailed snake: Harm to sharp-tailed snake individuals (Endangered) will be mitigated by retaining a species-at-risk biologist to conduct a pre-works survey to identify habitat features (i.e., potential location for post-brumation snake presence), conduct salvage (of sharp-tailed snake individuals) by searching for, and relocating, individual snakes away from the site of the activity, and overseeing the installation of exclusion fencing around the perimeter of the work area, as required, to avoid individuals re-establishing in the salvaged area during construction activities. (see question 5 for more mitigation detail). The capture of individuals contravenes SARA; however, this approach will minimize effects to individuals.

Little Brown Myotis: The Canal Road BIA states that there is medium to high potential for little brown myotis (*Myotis lucifugus*) (Endangered) to occur on site, which results in the potential for residual effects to them. Potential effects are challenging to definitively determine and roost or hibernacula are extremely challenging to locate. Pre-work acoustic surveys are underway to try and determine their use of the area and these surveys will give us more information towards the development of mitigations. Tree felling is planned for early April when bats tend to still be hibernating in this region and then blasting is planned to occur later.

Threats to daytime and maternity roosts: Tree felling activities are unlikely to contravene SARA because felling will occur prior to likely bat emergence from hibernation and prior to the bat maternity window.

¹ A 2008 legal opinion concluded that it could be validly argued that any activity which causes even one individual of a wildlife species, on just one occasion, to be disturbed, alarmed, distressed, or molested, constitutes “harassment” under SARA.

² Critical habitat destruction results if a portion of the critical habitat is degraded, either permanently or temporarily, by activities occurring either internal or external to the critical habitat, such that the habitat function provided by the degraded portion is no longer available to the species when needed.



Long-term indirect effects to maternity habitats were also considered and this site is considered low potential for maternity habitat, due to information from previous studies, e.g., that the site is north-facing with colder aspect (Pers Comm. KNelson, Feb 2023).

Threats to hibernacula: The occurrence on-site of root wads and rock crevices potentially used by bats for hibernation suggests that either direct or indirect effects to hibernation sites may occur (i.e., direct mortality realized as a result of disturbance of hibernation sites, or destruction of suitable hibernacula within the Project area). Therefore, tree removal and blasting activities could potentially result in a SARA contravention.

Continue to Question 2.

No. There are NO residual adverse effects of the activity that will contravene a SARA prohibition.

STOP - you have completed the tool. **Check the first box in Part C and submit for approval.**

2. Does the activity qualify for an exception under s 83 of SARA?

Yes. A SARA permit is NOT required, as the activity is permitted in a published recovery strategy or action plan and authorized under an Act of Parliament.

OR

Yes. A SARA permit is NOT required, as the activity is required for public safety, health or national security AND is authorized by or under another Act of Parliament.

STOP - If **ALL** activities that would contravene a SARA prohibition qualify for an exception under SARA s 83, **check the first box in Part C and submit for approval (Part F).**

No. A SARA permit is required. Continue to Part B.

Part B – Can a SARA permit be issued for this activity?

****** Complete ONLY if you have answered NO to Question 2, above******

3. What is the purpose of the activity?

Select the appropriate box:

- The activity is scientific research related to the conservation of the species and conducted by qualified persons (continue to Question 4); OR**
- The activity benefits the species or is required to enhance its chance of survival in the wild** (i.e., an activity that supports the implementation of recovery actions as described in recovery documents (recovery strategies/action plans) for the species, where these are available. Where recovery documents are not available, the activity must support the recovery of the species based on an assessment of best information available (including status reports, species experts, peer-reviewed information) **(continue to Question 4); OR**
- Affecting the species is incidental to the activity** (i.e., the purpose of the activity is not to engage in an activity that is prohibited under SARA (e.g., kill, harm, harass an individual; destroy a residence or critical habitat). For example, fishing for a listed species would not be incidental, but an accidental by-catch would be. A construction activity that causes destruction of critical habitat, such as building a parking lot, would be considered to incidentally affect the species.) **(continue to Question 4; If the activity will incidentally affect a species listed under the Migratory Bird Convention Act, consult with the Species Conservation team); OR**



The proposed activity DOES NOT fit in any of the above three categories, and the activity CANNOT be permitted; check the second box in Part C and submit for approval (Part F).

4. Have alternatives that would reduce the impact(s) on the species been considered and the best solution adopted?

Excerpts from SARA Permits and Agreements Policy: The purpose of this section is impact avoidance. The alternatives provided must clearly articulate how the impacts of the activity on the listed wildlife species have been avoided by considering reasonable alternatives. Moreover, it must be demonstrated that there are no other reasonable alternatives to the one selected that would further avoid the impact. Biological, ecological, conservation and recovery objectives, and technical and economic factors may be considered when deciding whether a given alternative is reasonable. The amount of analysis undertaken for the alternatives must be proportional to the magnitude and severity of the impact on the listed wildlife species. An explanation of why not undertaking the activity is not considered reasonable must be provided.

Following extreme rainfall events in November 2021 a section of Canal Road on South Pender Island experienced significant damage and is subject to potential landslide or slope failure. The BC Ministry of Transportation and Infrastructure (MOTI) will realign a portion of Canal Road to provide a safe and stable roadway and to minimize the possibility of future failures. The road realignment will be adjacent to the existing roadway and will encroach on an area of Gulf Islands National Park Reserve.

An alternatives assessment was conducted to determine the best of three concepts for improving safety and access.

Concept 1 – Road realignment

Concept 2 – Bridge along existing road alignment, and

Concept 3 – Retaining wall along existing westbound edge of pavement.

Concept 1 shifts the damaged section of the road away from the active landslide area to achieve stability. This alignment results in encroachment into the Parks Canada right of way and into a small area of private property.

Concept 2 raises the road alignment above the slide on a bridge built on the existing road alignment (i.e., no interaction with GINPR). This concept would require a complete shutdown of the road during construction and would necessitate ferrying/barging people and goods to and from the south of the island. Construction costs including the mitigation to address access during the construction period are very high compared to other concepts.

Concept 3 involves construction of a retaining wall on the existing edge of pavement on the downslope side of Canal Rd. This option would allow one lane of traffic flow during the construction period and would avoid interaction with GINPR; however, there are geotechnical risks associated with installation of the steel piles for the retaining wall. This option would require a large volume of concrete to be delivered to the site posing scheduling risks, and ferry and road congestion.

A Multi-Account Evaluation was completed to evaluate the three concepts. Consideration was given to environmental / First Nation impacts, constructability, construction cost, construction schedule, geotechnical risk, Parks Canada / property impacts, maintenance / lifecycle costs, road geometry / safety, structural risk, and traffic impacts. As a result of the analysis, Concept 1 was selected as the preferred option as it provided the least impact to the community and the most economical solution to remediate the active



slide site. Consideration for the ability to manage GINPR impacts as part of this concept were part of the evaluation. Concepts 2 and 3 were rejected due to community impacts (i.e., shutdown or severe road / access delays), costs, and geotechnical risks.

Continue to Question 5.

5. Have all feasible measures been taken to minimize the impact of the activity?

Excerpts from SARA Permits and Agreements Policy: After having determined that impacts on the listed wildlife species have been avoided to the extent reasonably possible, the applicant must apply all feasible mitigation measures to minimize the impacts that could not otherwise be avoided despite having selected the best alternative. Demonstrate that the needs of the species were fully considered during the design of the activity and for identifying all feasible measures to minimize the impact of the activity. Consideration must be given to identifying and adopting best practices for the species. Biological, ecological, technical and economic factors may be considered when considering what measures are feasible.

Sharp-tailed snake The phenology (i.e., timing) of snake brumation (similar to hibernation in other orders) prevents effective survey during the winter-period to confirm presence and identify locations of individuals. To address the potential for construction-related (direct) impacts to sharp-tailed snake we assume species' presence and provide mitigation to reduce direct effects. Mitigation will involve capture of snakes.

A salvage plan, required for the PCA Research and Collections permit GINP-2022-44623, describes in more detail the salvage mitigation. Please refer to that document for more details on the following mitigation. Prior to the onset of construction activities (i.e., tree-felling, cable assisted yarding and subsequent vegetation grubbing) an expert-led snake salvage operation will be conducted. Project-related activities have been deliberately scheduled to provide the optimal timing for sharp-tailed snake detection (and protection), and are also optimized with protections for other SARA Schedule 1 listed species identified by PCA.

Snake activity (at the end of the brumation period) will be confirmed at a nearby site located on North Pender Island, and from other locations (e.g., Saltspring Island and Vancouver Island) where the species is known to occur, and where surveys (conducted by others) for sharp-tailed snake are already planned. After confirmation that snakes are active in 2023 (typically late March through early April), an experienced herpetologist with experience with survey of sharp-tailed snake (Jared Hobbs, R.P.Bio., resume available in the Research and Collection Permit application) will systematically search for, and relocate, sharp-tailed snake from the Project area to the nearest available unaffected snake habitat. The salvage will be conducted by overturning logs and rocks and examining the underlying substrate for snakes. Any coarse woody debris (CWD) that is in an advanced state of decomposition will also be (destructively) searched by tearing apart the CWD. Any snakes detected during this survey will be collected and relocated to the nearest available unaltered suitable habitat (see Recovery Strategy Part 2, Table 1) ~50m outside the project area in GINPR (i.e., into a protected area). See ancillary salvage and collection permit and animal care for protocol details).

Following salvage, and immediately after tree-felling and yarding is complete an exclusion fence will be erected to prevent snake return to the project area. Between salvage and tree-felling, when no exclusion fence will be in place, snakes are not expected to re-establish as their motility is low (~10m daily movements are typical; with relatively small seasonal movements typically less than 100 m). Ancillary considerations for migratory birds (stick, cavity and breeding bird nest searches) will also be conducted prior to tree felling (as necessitated by delayed timing for salvage and construction activities to ensure efficacy for sharp-tailed snake).



During grubbing and subsequent construction an environmental monitor (trained in salvage by Jared Hobbs) will monitor efficacy (s. 79 SARA) by conducting spot checks for sharp-tailed snake and will check the efficacy of the exclusion fence. The environmental monitor will also be trained in salvage protocols in the event that snake re-establishment occurs.

Little brown myotis

The timing of project activities is planned to optimize the mitigation for species at risk. We expect to avoid impacts on the most sensitive periods of the little brown myotis life cycle when multiple individuals may use a habitat feature communally (e.g., during hibernation). Bats will likely be hibernating during tree felling early to mid-April. The hibernation phase will (likely) be over, and the onset of maternity roosting behaviour will begin end of April, beginning of May. The location near and within GINPR provides abundant similar habitat that will not be affected.

As written in the BIA, bat acoustic surveys have begun at the project site. After download and analysis, the proponent will be able to use the date and timing (relative to dusk) to determine the potential for both hibernacula use / presence, and maternity roosts. Emergence surveys to determine location (there are very few possible habitat features at the site) will be conducted if the data indicate possible hibernacula. Mitigation to avoid or minimize risks would be developed if such features are identified. These mitigations are in-line with the latest version of the BC Inventory Methods for Bats.

Even with the efforts listed above to help understand the bat use and habitat in the area, bat surveys at this time of year are challenging. Therefore, habitat offsets in the form of log retention (not chipping), revegetation, and a vertical installation of a native log (for bat roosting) will be implemented on the project site to provide compensation to address these unquantifiable effects.

Continue to Question 6.

6. Will the activity jeopardize the survival or recovery of the species?

Excerpts from SARA Permits and Agreements Policy: An activity will jeopardize the survival or recovery of the species if it increases threats to the extent that the species is not able to, or may not be able to, survive or recover. As the degree of uncertainty increases about whether an activity would affect a species to such an extent that it may not be able to survive or recover, the likelihood decreases that a permit can be issued. Where data is sufficient to support the completion of quantitative analyses, such as population viability, this should be done. However, in some cases, such analyses will not be possible and a precautionary approach will guide the assessment of jeopardy based on the best available information and the weight of available evidence.

Sharp tailed snake: The population and distribution objectives for the sharp-tailed snake, as identified in the recovery strategy for the species, are: (i) populations are stable or increasing in abundance and (ii) populations are well-distributed across the species' range in BC. The salvage of any individuals found to occur in the project area and relocation to nearby suitable habitat within Gulf Islands National Park Reserve will not delay or jeopardize the ability to achieve these objectives. No harm or killing of individuals during salvage and relocation activities is expected. Inhospitable response from intra-specific competition is anticipated to be low because the species generally persists in low densities. Therefore, no impacts to population abundance are expected. The project area does not overlap with critical habitat identified for the species, and does not overlap with any currently-known populations of the species. Suitable habitat will continue to be available to support dispersal requirements for the species. Therefore, no measurable effects to the species distribution are expected either. The project will not jeopardize survival or recovery of the



species.

Little brown myotis: Population and distribution objectives for Little Brown Myotis, as identified in the recovery strategy for the species, differ based on whether or not the area has been affected by white nose syndrome yet. The syndrome has not yet been detected in British Columbia, but has been detected in Alberta and Washington. In areas not yet affected by white nose syndrome, the distribution objective is to maintain the pre-white nose syndrome distribution, and the population objective is to maintain a stable population trend or, if feasible, achieve an increasing population trend. The project area does not overlap with any known hibernacula or maternity roosts for the species. The combination of timing project activities to minimize effects on individuals of the species, and compensation in the form of retention of trees around the periphery of the site, replanting of native species known to support bat roosts and erection of a felled tree as a vertical roosting habitat feature are expected to render any adverse impacts to population and distribution of the species negligible. The project will not jeopardize survival or recovery of the species.

Yes. The activity will jeopardize the survival or recovery of the species and cannot be permitted.

Check the second box in Part C and submit for approval (Part F).

No. The activity will not jeopardize survival or recovery of the species and can be permitted.

Yes. The activity will jeopardize survival or recovery of the species, but an offset will be implemented to ensure survival or recovery of the species is not jeopardized. Check the third box in Part C and submit for approval (Part F).

Part C – SARA Permit Decision

Select the appropriate answer from the options below. Note: if this section addresses multiple species and the answer varies among species, specify to which species each answer pertains.

This activity does not require a SARA permit, as was documented in the answers to Questions 1 and 2. **Continue to approval of the decision tool (Part F).**

This activity requires a SARA permit but one cannot be issued because it does not fit into one of the three required categories (see response to Question 3), OR it does not meet one of the SARA pre-conditions (see responses to Questions 4-6). **Continue to approval of the decision tool (Part F).**

This activity requires a SARA permit and one can be issued (see response to Questions 3-6). **Continue to issuing the permit (Part D).** Sharp Tailed Snake and Little Brown Myotis.

Part D – Issuing the Permit

Select the appropriate section of SARA being used, issue the permit, and continue to Part E.

SARA s 74: This activity is already being permitted under another Act of Parliament (e.g., a research, collection or restricted activity permit is already being issued for this activity) and therefore that permit can be made SARA-compliant. Issue the permit for the activity and, below, specify the relevant section(s) of the other Act of Parliament being used to issue the permit (examples provided).



Either include language in the permit already being issued under another Act of Parliament to indicate that the permit is also being issued pursuant to s 74 of the *Species at Risk Act*, or use the SARA Permit Template to attach a SARA s 74 permit to the other permit being issued.

The terms and conditions of the permit being issued under the other Act or Parliament should refer to or include any measures required to ensure compliancy with meeting SARA s 73 pre-conditions (e.g., mitigations outlined in question 5 of this tool). The permit issued under the other Act of Parliament is the enforceable permit.

Research and Collections Permit GINP-2022-44623

Permit issued pursuant to:

- National Parks General Regulations: Section(s) __7(5), __11(1); __14(2)
- National Historic Parks General Regulations: Section(s) __3(2); __4(2); __12(3)
- National Parks Wildlife Regulations: Section __15(1)(a)
- Species at Risk Act: Section __74

Restricted Activity Permit RAP GI23-007

Authorized Activity:

With reference to *National Parks General Regulations*, s 10, pursuant to s 12(1):

- Remove only the trees identified in the attached arborist report, in Gulf Islands National Park Reserve in the vicinity of Canal Road, South Pender Island, as required for the Canal Road Realignment Project (BC Ministry of Transportation and Infrastructure project no. 103041-07).

With reference to *National Parks Highway Traffic Regulations*, s 3(1), pursuant to s 3(2):

- Operate a motor vehicle within a park except on a highway, as required to carry out the necessary tree removal work.

With reference to the *Species at Risk Act*, a permit is also being issued pursuant to s 74.

SARA s 73: This activity is NOT being permitted under another Act of Parliament. Issue the permit using the SARA Permit Template.

The terms and conditions of the permit should refer to or include any measures required to ensure compliancy with meeting SARA s 73 pre-conditions (e.g., mitigations outlined in question 5 of this tool).

Part E - Preparing the Explanation of the Permit

7. Provide an explanation of the permit for posting on the SAR Public Registry and continue to Part F.

SARA requires an explanation of any SARA permit issued to be posted on the SARA Public Registry in both official languages (the Species Conservation team recommends that this be completed within 30 days of the permit being issued). Prepare the explanation, using the information you entered in the previous sections of this tool. The Species Conservation team will review the explanation, have it translated and publish it on the SAR Public Registry.

Regional or Local Number: GINPR23-01



Research and Collections Permit GINP-2022-44623
Restricted Activity Permit RAP G123-007

Start Date of Permit: March 20, 2023 **End Date of Permit:** December 31, 2023

Issuing Authority: Parks Canada Agency

Authority Used: SARA s 74

Location of Activity (province, territory or ocean): *British Columbia*

Affected Species:

Common sharp-tailed snake (*Contia tenuis*);
Little brown myotis (*Myotis lucifagus*)

Purpose:

➤ Affecting the species is incidental to the activity

Description of the Activity:

Following extreme rainfall events in November 2021 a section of Canal Road on South Pender Island experienced significant damage and is subject to potential landslide or slope failure. The BC Ministry of Transportation and Infrastructure (MOTI) will realign a portion of Canal Road to provide a safe and stable roadway and to minimize the road failure via tree felling, vegetation clearing and blasting to relocate and reconstruct a storm-damaged road on South Pender Island. A small portion of the work will occur within Gulf Islands National Park. The work will include the capture and translocation of any Sharp-tailed snakes discovered within the project area prior to construction. No known maternity roosts or hibernacula will be affected, but the project may harm or kill individuals using root wads or rock crevices as hibernacula and/or destroy the hibernacula.

Pre-Conditions:

Three alternative designs for re-instating road access from the north to the south of Pender Island including road realignment, a bridge and a retaining wall. As a result of the analysis, Road realignment was selected as the preferred option as it provided the least impact to the community and the most economical solution to remediate the active slide site. Consideration for the ability to manage GINPR impacts as part of this concept were part of the evaluation. Concepts 2 and 3 were rejected due to community impacts (i.e., shutdown or severe road / access delays), costs, and geotechnical risks. The preferred option encroaches upon GINPR, but such impacts are manageable and impacts on species at risk recovery and survival are low.

Temporal avoidance / minimization of project activities are planned as mitigation measures to avoid impacts to two species at risk (little brown myotis and common sharp-tailed snake). Additionally, a pre-construction salvage and relocation plan has been developed for the sharp-tailed snake, and pre-work surveys and habitat compensation to address impacts to little brown myotis have been developed for implementation by qualified ecological practitioners.

Project activities will not hinder the ability to achieve the population and distribution objectives for the sharp-tailed snake and little brown myotis. No individuals have been recorded at the project site. The project site is not currently identified or known as a location containing a population nor critical habitat for either species. The



project is not exacerbating primary threats to the species, and will not jeopardize survival or recovery of the species.

PART F - TRANSMITTAL FORM			
Delete, modify or add rows as required			
Tool Completed By	Name & Title	Date Completed	Specific Comments
Resource Conservation	Sibylla Helms, Ecologist Team Lead, GINPR	23 February 2023	Written with inputs from Charlie Palmer, R.P.Bio., P.Biol and Diane Casimir
Functional Teams Consulted:	Name & Title	Date of Review	Specific Comments
CBCFU IA	Nicole Paleczny, Impact Assessment Coordinator CBCFU	14 March 2023	
EI Team	Kyle Nelson, Resource Management Officer, GINPR	13 March 2023	Review of Little Brown Myotis content as bat expert
National Office Teams			
PAEC (Species Conservation)	Diane Casimir, Conservation Programs Branch	7 March 2023	Review and advice on the SARA Permit Decision Tool and posting to the registry once finalized.
Choose an item. (Specify Branch/Team)		Click here to enter a date.	
Field Unit Teams			
Choose an item.		Click here to enter a date.	
Choose an item.		Click here to enter a date.	
Other			
<input type="checkbox"/> Legal Services		Click here to enter a date.	
<input type="checkbox"/> Other (specify):		Click here to enter a date.	
Approved By (FUS, Director of Waterway)	Name & Title	Date Approved	Signature
Michel Boivin A/Field Unit Supervisor CBCFU		2023-03-15	