

**Environment and Climate Change Canada
guidance when considering permitting in National
Wildlife Areas designated under the *Wildlife Area
Regulations* and protected marine areas
designated under the *Canada Wildlife Act***

*This guidance document applies to departmental officials responsible for
permit issuance.*



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1.0 Effective Date

This guidance comes into force on October 7, 2022. This guidance document replaces the *Policy when Considering Permitting or Authorizing Prohibited Activities in Protected Areas Designated Under the Canada Wildlife Act and Migratory Birds Convention Act, 1994*, when considering permitting activities in National Wildlife Areas (NWAs) designated under the *Wildlife Area Regulations (WAR)* and protected marine areas (PMAs) designated under the *Canada Wildlife Act (CWA)*.

The *Policy when Considering Permitting or Authorizing Prohibited Activities in Protected Areas Designated Under the Canada Wildlife Act and Migratory Birds Convention Act, 1994*, remains in place when considering permitting otherwise prohibited activities under the *Migratory Birds Convention Act (MBCA)*, the *Migratory Birds Regulations (MBR)*, or the *Migratory Bird Sanctuary Regulations (MBSR)*. It will be fully updated at a later time.

2.0 Preface

This guidance should be read in conjunction with:

- the CWA,
- the WAR,
- the *Scott Islands Protected Marine Area Regulations (SIPMAR)*, and
- other guidance documents related to the management of the ECCC protected areas network.

This document is not a substitute for the CWA, any of its Regulations or any other applicable statutes or regulations. Where there is an inconsistency between this guidance and the statutes or regulations, the statutes and regulations prevail.

For the most up-to-date version of the CWA and its Regulations, please consult the Department of Justice website: <http://laws.justice.gc.ca/eng/>.

This guidance may be updated periodically. For the most up-to-date version of this particular guidance, please consult the following website: [Protected areas permits](#).

For additional clarification on protected areas permits and how to apply for a CWA-WAR or CWA-SIPMAR permit, please consult the following website: [Protected areas permits](#).

3.0 Purpose

This guidance describes Environment and Climate Change Canada's approach to determining whether an activity may be permitted within a CWA protected area. This guidance is intended to clarify the permitting provisions of the WAR and the SIPMAR, and to support the issuance of CWA permits in a predictable manner, aligned with those Regulations.

- For the purposes of this guidance, “CWA protected area” means: an NWA designated under the WAR, or a PMA designated under the CWA.
- For the purposes of this guidance, a “permit” means an instrument issued under the CWA or its Regulations that authorizes an otherwise-prohibited activity to take place within a CWA protected area.

4.0 Scope

This guidance applies to CWA protected areas. The authority to issue a permit (as defined above) in respect of all CWA protected areas is vested in the Minister of the Environment and Climate Change (the Minister). Permits are required by applicants seeking to conduct activities within CWA protected areas when those activities are otherwise prohibited under the Regulations.

- Under the WAR, this guidance applies to permits under consideration for otherwise-prohibited activities proposed to take place within NWAs (which are comprised of **public lands** or private lands in respect of which ECCC holds a property interest, such as a lease).
- Under the SIPMAR, it applies to permits under consideration for activities proposed to take place within the Scott Islands PMA (which is comprised of areas of the sea that form part of the internal waters of Canada, the territorial sea of Canada, and the exclusive economic zone (EEZ) of Canada).
- Under the CWA, it applies to agreements allowing for otherwise unauthorized use and occupation of lands or waters within an NWA or PMA.

Note: An agreement under the CWA for the use or occupation of lands or waters within an NWA or PMA can provide terms and conditions that are outside the scope of those that the Minister may include within a WAR or SIPMAR permit but it will normally have to be accompanied by a permit issued under one of those Regulations. Permitting for CWA protected areas may involve consulting existing laws that may prevail and apply, depending on the proposed activities.

5.0 Authorities

The Minister has the legislative authority to issue (or refuse to issue) a permit authorizing any person (including a corporation) or government body to carry out activities in CWA protected areas, pursuant to the following Act and Regulations:

- WAR, section 4 (as restricted by section 4.1 and subsection 4.2(1)) and section 8.1 for hunting in the Cap-Tourmente NWA — this falls under a slightly different process — see section 8.1 for more details,
- SIPMAR, section 7 (as restricted by sections 8 and 9), and
- CWA, sections 5 and 7.

6.0 Permit issuance

The issuance of a CWA WAR or SIPMAR permit allows a permit holder to carry on one or more activities which are otherwise prohibited or not authorized in a CWA protected area, pursuant to the WAR or the SIPMAR.

6.1 Under what circumstances can the Minister issue a permit?

The Minister will review proposed activities on a case-by-case basis. The Minister may issue a permit under two circumstances.

Stream 1

WAR – The purpose of the proposed activity is to promote the conservation or protection of wildlife or wildlife habitat.

SIPMAR – The purpose of the proposed activity is to promote the conservation of wildlife or wildlife habitat.

Stream 2

Any other case.

1. For Stream 1, the Minister may issue a permit if
 - the benefits that the proposed activity is likely to have for the conservation (SIPMAR) or the conservation or protection (WAR) of wildlife or its habitat outweigh any adverse effects that it is likely to have on them,
 - there are no alternatives to the proposed activity that would be likely to produce the same or equivalent benefits but are likely to have less significant adverse effects on wildlife or its habitat, and
 - he/she has taken into account the factors listed in 6.2 below.
2. For Stream 2, the Minister may issue a permit if
 - (WAR) - the likely adverse effects of the proposed activity would not compromise the conservation of wildlife or wildlife habitat, taking into account the measures that will be taken by the applicant

- to monitor the effects that the activity is likely to have on wildlife and its habitat (including the likelihood that those effects will occur and their scope), and
- to prevent, or if prevention is not feasible, to mitigate any adverse effects; and
- (WAR and SIPMAR) - there are no alternatives to the proposed activity that would allow the applicant to achieve the same outcome but would likely have less significant adverse effects on wildlife or its habitat; and
- (WAR and SIPMAR) – he/she has taken into account the factors listed in 6.2. below
- (SIPMAR) - the likely adverse effects of the proposed activity do not compromise conservation of wildlife or wildlife habitat, or are not likely to do so as a result of the applicant
 - monitoring the effects that that the activity is likely to have on wildlife and its habitat including
 - the likelihood that those effects will occur and their scope, and
 - the likely effects on birds or their habitat or on species that are a significant source of food for birds, and
 - preventing, or if prevention is not feasible, mitigating any adverse effects.

The assessment of any proposed activity must be carried out in consideration of other applicable statutes, regulations, agreements (such as land claim agreements/obligations), authorizations, conditions, management plans, and environmental review processes relevant to the CWA protected area and its surroundings. It is up to the applicant to: do their due diligence in consulting other applicable laws and instruments; determine what permits/authorizations are necessary given the circumstances; secure necessary permits/authorizations from the appropriate authorities; abide by all applicable and related statutes , regulations, agreements, authorizations, conditions and environmental review processes relevant to the CWA protected area.

For the purposes of this guidance, “compromise the conservation of wildlife or wildlife habitat” means: to weaken conservation efforts or lead to lower than desirable conservation outcomes.

6.2 Evaluation of proposed activities

6.2.1 Essential considerations for the Minister

In order to evaluate the effects that the proposed activity is likely to have on wildlife and wildlife habitat, and to determine if those effects are adverse, the Minister must take the following into consideration:

- (a) The likelihood that those effects will occur and their scope
- (b) The capacity of (*e.g.* feasibility, timelines, resources required for) the wildlife and wildlife habitat to recover or to be restored, if the effects occur

- (c) The cumulative effects of the activity
- The cumulative effects of past, current and reasonably foreseeable future activities within the CWA protected area will be considered, within an appropriate spatial and temporal context, to the extent possible.
- (d) (SIPMAR) the likely effects of the activity on birds and their habitat and on species that are a significant source of food for birds.

It may become quickly apparent that the purpose of the proposed activity is to promote the conservation or protection of wildlife or wildlife habitat (Stream 1). Consistent with the purposes outlined in the CWA, these activities include research, interpretation, and conservation. Furthermore, it may become apparent that the proposed activity is justifiably the best option available, overall the effects on wildlife and wildlife habitat management are beneficial and recommended in a management plan for the site, or the effects promote the conservation of wildlife and wildlife habitat.

In these (Stream 1) cases, as long as criteria for permit issuance (including the criteria below) are satisfied, and as long as the decision aligns with other existing laws and regulations (and other tools) that may prevail and apply, the Minister may proceed with the application review and consider issuing a permit.

In *any other case* (Stream 2), the Minister will proceed with the application review. Though the Minister may set conditions, and may set conditions in response to mitigation measures and monitoring plans (see below) for *any* application, the Minister is more likely to take these actions for a Stream 2 (*any other case*) circumstance.

6.2.2 Other requirements

Issuance of CWA permits for any prohibited activity within a CWA protected area will also be guided by the following considerations:

- A permit should not be issued unless the Minister is of the opinion that the proposed activities are consistent with the purpose for which the CWA protected area was established, as reflected in the CWA and the management plan.
- The Minister will evaluate reasonable alternatives to the activity (proposed by the applicant). This includes the *status quo* as well as alternative methods of carrying out the activity, and alternate locations for the activity. The range of alternatives considered will be proportional to the significance of the activity's anticipated impact on wildlife and wildlife habitat. Costs may be considered when deciding whether a given alternative is reasonable. Among the reasonable alternatives identified, the solution that best aligns with the conservation of wildlife and wildlife habitat must be adopted.
- Compliance with applicable statutes, regulations, agreements, authorizations, conditions and environmental review processes for the establishment and/or management of a protected area, as well as compliance with all statutes and regulations of general application must be achieved. It is the applicant's responsibility to do their due diligence and ensure that compliance is achieved. The fact that an applicant has received a CWA permit does not relieve them of the obligation to comply with other applicable statutes and regulations of general application (*e.g.* federal laws, provincial laws, etc.). Examples include, but are not limited to, compliance with:

- the MBCA (for example, if the project involves the capture, marking and/or collection of biological samples, the applicant must also possess a Scientific Permit to Capture and Band, issued by the Bird Banding Office, and provide a copy of the valid banding permit);
- the *Species at Risk Act* (SARA) when undertaking any activities affecting species, or their residences, habitat, and/or critical habitat (as defined in SARA), that are listed as threatened, endangered or extirpated pursuant to Schedule 1 of SARA;
- the *Impact Assessment Act* (IAA), depending upon the scope of the project (if applicable, no CWA protected area permit can be issued until provisions of sections 82 and 86 of the IAA, including a 30 day public posting on IAA Public Registry, are met);
- the *Canadian Environmental Protection Act, 1999*;
- the *Fisheries Act*;
- the Federal Policy on Wetland Conservation;
- Global Affairs Canada policies. For example, in the case of foreign governments or institutions wishing to conduct Foreign Marine Scientific Research (MSR) in the territorial sea, in the EEZ and on the continental shelf (in some cases extending beyond 200 nautical miles), Global Affairs Canada administers the MSR authorization process.
- When considering permit applications, ECCC will uphold the Honour of the Crown and respect the Aboriginal and treaty rights of Indigenous Peoples, as recognized and affirmed by section 35 of the *Constitution Act, 1982*. ECCC will fulfill its duty to consult and accommodate, as appropriate, when considering conduct that might adversely affect potential or established Aboriginal or treaty rights. This may be the case when particular activities being considered for permitting have not been identified within a management plan, where development of the management plan involved consultation with Indigenous rights holders. This supports Canada's commitment to **reconciliation** with Indigenous peoples.
- If the proposed activity would be carried out in a CWA protected area that is co-managed by ECCC and another organization, ECCC may have additional obligations and processes to follow. The issuance of CWA permits may require the Minister to review/consult with (and/or consult with the intent to secure consent from) Indigenous co-managers, other federal departments, and stakeholders. Concurrent or collaborative permit review by ECCC's co-managers may be required under a cooperative management agreement (*e.g.* the Edézhzié Establishment Agreement), a reconciliation or comprehensive land claim agreement (*e.g.* the Teslin Tlingit Council Final Agreement), or other agreement (*e.g.* the Inuit Impact and Benefit Agreement). Applicants should expect longer processing timelines under such circumstances.
 - For example, CWA protected area permit applications for activities located in the Nunavut Settlement Area must be reviewed by the relevant Area Co-Management Committee. Further information about permit applications, and permitting requirements for Northern protected areas can be found at the following [link](#).
 - Further information about permit applications for CWA protected areas in Nunavut, Yukon, and the Northwest Territories, can be found by contacting the appropriate [Canadian Wildlife Service \(CWS\) regional office](#).
- The Minister's decision will be guided by the **precautionary principle** and best available information. For the purposes of this guidance, "best available information" means accurate and reliable information from a variety of authoritative and scientific sources that allows one to make evidence-based decisions. Information can often be in the form of local or community knowledge, and Indigenous Knowledge systems.
- In view of the known impacts to wildlife and wildlife habitat associated with industrial activities, *new* industrial activities will not be permitted within existing CWA protected areas.

- Consistent with the federal marine protection standards adopted by the Government of Canada in April 2019, four key industrial activities (oil and gas exploration and exploitation; mining; dumping; and bottom trawling) will not be allowed in *any newly designated CWA marine protected areas*. Furthermore, consistent with these marine protection standards ECCC will adaptively manage *existing* CWA marine protected areas to prohibit industrial activities, if deemed necessary, through the regular management plan review cycle.
- In unique situations, CWS may seek to designate a new CWA protected area in a working landscape with an industrial activity in operation, if the conservation value of that area is of benefit to migratory birds or species at risk over the long term. This would be done with a long term view toward decommissioning and restoration. In such a case, the Minister may consider permitting such an operation if it does not interfere with the conservation of wildlife, is not inconsistent with the purpose for which the protected area was established, and is consistent with the most recent management plan. Where this is not the case, CWS would seek to exclude those lands from the CWA protected area boundaries.
- The Minister, in evaluating a permit application, may also seek to:
 - Evaluate prior performance of the applicant with regard to CWA, MBCA, and SARA permit compliance. This may involve consulting the Wildlife Enforcement Directorate.

6.3 Conditions

The Minister may add terms and conditions to CWA permits in order to minimize the impacts of an activity on wildlife and wildlife habitat. If the permit is an agreement under section 5 or 7 of the CWA, the Minister has wide discretion in deciding its terms and conditions. The **duration** of a permit will be established on a case-by-case basis. Under the SIPMAR, a permit expires on the date of expiry set out in the permit, or the fifth anniversary of the day on which it is issued, whichever is earlier. Under the WAR, permits expire on the expiry date set out in the permit. For more information on the permit decision-making process, please consult **Appendix B: Decision-making framework for CWA permit issuance**, and **Appendix C: Decision-making framework for CWA protected area permit issuance in Nunavut**.

6.4 Mitigation measures

The applicant must provide details in their application regarding the measures they will take to prevent the adverse effects that the activity may have on wildlife or wildlife habitat, or, when prevention is not feasible, mitigate any adverse effects. The Minister must consider these details, and must consider the capacity of wildlife or its habitat to recover or to be restored, if effects occur. Where a proposed activity will benefit wildlife and wildlife habitat, or where those activities are not inconsistent with the purpose for which the CWA protected area was established, and are consistent with the most recent management plan for the CWA protected area, mitigation measures will be considered in a descending order of priority according to the mitigation hierarchy (avoid, minimize, restore):

1. Avoidance of the proposed activity (*e.g.* spatial avoidance, temporal avoidance, other);
2. Minimization of the impact of the activity (conditions included on the permit);
3. Restoration/rehabilitation of wildlife or wildlife habitat.

For any given activity, the effectiveness of a proposed mitigation measure is to be demonstrated outside of a CWA protected area prior to implementation within a CWA protected area. A mitigation measure should only be taken into account if it can be demonstrated to mitigate the negative environmental effects resulting from the proposed activity. There are many considerations for permit issuance and proposed mitigation on its own will not be sufficient to permit an activity.

6.5 Monitoring

The applicant must provide details in their application regarding the measures they will take to monitor the effects that the activity is likely to have on wildlife and wildlife habitat. This should include effects on soil/land resources, water resources, vegetation and air quality. In cases where a permit includes conditions (see Section 6.3) with respect to the measures that the permit holder must take to monitor the effects, the applicant must have sufficient resources to monitor the environmental effects of the proposed activity so that the monitoring scheme is technically and scientifically sound; sample size and intensity must be sufficient to address **Type I and Type II errors**. The applicant must also ensure that the monitoring of environmental effects will not, in and of itself, result in damage to wildlife or wildlife habitats.

6.6 Suspension or revocation of a permit

The Minister may suspend or revoke a permit issued under the WAR or the SIPMAR if

- it is necessary to do so
 - for the conservation or protection of wildlife or its habitat in an NWA,
 - for the conservation of wildlife or its habitat in the Scott Islands PMA, or
 - if the permit holder has failed to comply with any condition of the permit.

The Minister may revoke a permit:

- for the conservation or protection of wildlife or its habitat in an NWA,
- for the conservation of wildlife or its habitat in the Scott Islands PMA,
- rather than suspending it more than twice,
- if it has been suspended for at least 6 months, or
- if the permit holder has provided false or misleading information.

6.7 Service standards

ECCC's service standards explain how long it normally takes ECCC to process and respond to an applicant's permit application. When an applicant applies for a CWA protected areas permit, ECCC will usually give a decision within 40 calendar days. ECCC's performance target for protected areas permits is to make 90% of decisions within the service standard.

However, in certain cases (for instance, the case of CWA protected areas located in Nunavut), permit applicants should expect longer processing timelines because of additional review procedures mandated by various cooperative management, comprehensive land claim, or other agreements. Note that, for Nunavut, ECCC's service standards will not begin until approvals from the *Nunavut Planning and Project Assessment Act* are complete. Also note that different ECCC permits have different service standards. For example, for any activities that require authorization under the SARA, a *90-day service standard*

applies. For the most up-to-date information on service standards for high volume regulatory authorizations, please visit the following [website](#).

6.8 Incomplete applications

The permit applicant must clearly address each relevant factor to the satisfaction of Environment and Climate Change Canada. All necessary information must be submitted in order for the application to be fully considered by the Minister.

If the application is incomplete, including cases where further documents (for example an IAA section 82 federal land review) are required in order to assess a permit application, the application will be returned to the applicant. The service standards timeline will not begin and no further action will be taken until the applicant provides the missing information.

6.9 Exceptions

While all prohibited activities undertaken or proposed to be undertaken within CWA protected areas are subject to permitting requirements prior to initiation, the following activities would not normally require WAR or SIPMAR permits:

- activities in a specific NWA, that are authorized in the WAR, Schedule I.1, as well as exceptions set out in the WAR, section 3.5;
- exceptions set out in the SIPMAR, sections 4, 5, and 6;
- activities related to public safety or national security, or in response to an emergency;
- any activity being undertaken by an Indigenous person exercising their section 35 Indigenous (Aboriginal) or treaty rights.

For more information on exceptions, please refer to the WAR and the SIPMAR. Note: Any exception may still require SARA, MBCA or other permits or authorizations, depending upon the circumstances.

7.0 Future guidance updates

This guidance shall be reviewed for updating purposes when necessary, upon the review of relevant regulations.

8.0 Inquiries

For further inquiries, please contact the appropriate [CWS regional office](#).

9.0 References

9.1 Authority

Canadian Environmental Protection Act (S.C. 1999, c. 33) <https://laws-lois.justice.gc.ca/eng/acts/C-15.31/index.html>

Canada Wildlife Act (R.S.C., 1985, c. W-9) <https://laws-lois.justice.gc.ca/eng/acts/W-9/>

Federal Policy on Wetlands Conservation (Government of Canada 1991) <https://nawcc.wetlandnetwork.ca/Federal%20Policy%20on%20Wetland%20Conservation.pdf>

Fisheries Act (R.S.C., 1985, c. F-14) <https://laws-lois.justice.gc.ca/eng/acts/f-14/>

Impact Assessment Act (S.C. 2019, c. 28, s. 1) <https://laws.justice.gc.ca/eng/acts/I-2.75/index.html>

Migratory Birds Convention Act (S.C. 1994, c. 22) <https://laws-lois.justice.gc.ca/eng/acts/m-7.01/>

Scott Islands Protected Marine Area Regulations (SOR/2018-119) <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2018-119/index.html>

Section 35 of the Constitution Act, 1982 <https://laws-lois.justice.gc.ca/eng/const/page-13.html>

Species at Risk Act (S.C. 2002, c. 29) <https://laws-lois.justice.gc.ca/eng/acts/s-15.3/>

Wildlife Area Regulations (C.R.C., c. 1609) https://laws-lois.justice.gc.ca/eng/regulations/c.r.c.,_c._1609/index.html

Appendices

Appendix A: Definitions

Cumulative effects of the activity (cumulative environmental effects): A positive or negative change to the environment that is caused by the activity in combination with other past, present and reasonably foreseeable future actions.

Habitat: has the same definition as in subsection 2(1) of the SARA, which currently reads:

Means:

- (a) In respect of aquatic species, areas needed for spawning grounds and nursery, rearing, food supply, migration and any other areas on which aquatic species depend directly or indirectly in order to carry out their life processes, or areas where aquatic species formerly occurred and have the potential to be reintroduced, and
- (b) in respect of other wildlife species, the area or type of site where an individual or wildlife species naturally occurs or depends on directly or indirectly in order to carry out its life processes or formerly occurred and has the potential to be reintroduced.

Land Claims Agreement: Means a land claims agreement within the meaning of section 35 of the [Constitution Act, 1982](#).

Person: has the same definition as in the *Interpretation Act*, which currently reads:
Person, or any word or expression descriptive of a person, includes a corporation.

Precautionary principle: has the same definition as in the *Canadian Environmental Protection Act, 1999*, which currently reads:

Whereas the Government of Canada is committed to implementing the precautionary principle that, where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation...

Public lands: has the same definition as in the CWA, which currently reads:

Means lands belonging to Her Majesty in right of Canada and lands that the Government of Canada has power to dispose of, subject to the terms of any agreement between the Government of Canada and the government of the province in which the lands are situated, and includes

- (a) any waters on or flowing through the lands and the natural resources of the lands, and
- (b) the internal waters and the territorial sea of Canada.

Reconciliation: has the same definition as in the Principles respecting the Government of Canada's relationship with Indigenous peoples, 2018, which currently reads:

Reconciliation is an ongoing process through which Indigenous peoples and the Crown work cooperatively to establish and maintain a mutually respectful framework for living together in Canada with a view to fostering strong, healthy and sustainable Indigenous communities.

Residence: has the same definition as in the SARA, which currently reads:

Means a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating.

Species at risk: has the same definition as in the SARA, which currently reads:

Means an extirpated, endangered or threatened species or a species of special concern. (espèce en péril)

Type I and Type II errors: These are measures of statistical error. Type I error (false positive) is understood to be the error of mistakenly observing a difference when in truth there is none. Type II error (false negative) is failing to observe a difference when in truth there is one; i.e. a real change in conditions has occurred but it has not been detected. In conservation biology and impact assessment the cost of making a Type II error can be significant: failing to observe an effect when there is indeed an effect can result in irreversible harm to the species or ecosystem. A study to detect whether or not a change has occurred in truth (thus avoiding Type II error) can take considerable resources in order to obtain the statistical power necessary to detect a change in conditions given the tremendous amount of variance ("noise" in the data) present in ecological systems.

Appendix B: Decision-making framework for CWA protected area permit issuance

Question 1: Will the applicant carry out the proposed activity in a CWA protected area?

If the proposed activity is not carried out in a CWA protected area, no permit is required. If the answer is yes, proceed to the next question.

Question 2: Does the type of activity or project require a CWA protected area (e.g. WAR or SIPMAR) permit? That is, is the proposed activity prohibited in a CWA protected area, pursuant to the WAR or the SIPMAR?

If the activity is not prohibited by regulations, a permit is not necessary. If the activity is prohibited in a CWA protected area, pursuant to the WAR or the SIPMAR, proceed to the next question.

(WAR) While responding to this question, note that the WAR Schedule I.1 outlines activities authorized without a permit for specific NWAs.

Question 3: Does the activity qualify for an exception or exemption? See the CWA, the WAR sections 3.1, 3.4, and 3.5, and the SIPMAR sections 4, 5, and 6.

If the activity qualifies for an exception, a permit is not required. If the answer is no, proceed to the next question.

Question 4: Is the application in a form that is approved by the Minister? AND Is the application complete?

If the answer to either of these questions is no, do not issue a permit. More information may be requested and the service standard timeline will not begin until the application is complete. If the answer to both questions is yes, proceed to the next question.

Question 5: Upon considering the Ministerial considerations for evaluating the effects of a proposed activity (section 6.2 above)...

**Question 5.a: Is the purpose of the proposed activity to promote the conservation (SIPMAR) or the conservation or protection (WAR) of wildlife or its habitat, do the benefits outweigh the adverse effects, and upon considering all reasonable alternatives, is this the best option?
OR**

Question 5.b: In any other case, is it true that the likely adverse effects would not compromise conservation of wildlife and wildlife habitat, and there are no reasonable alternatives to the proposed activity (alternatives to the activity as well as alternative methods of carrying out the activity) that would achieve the same outcome but would likely have less significant adverse effects on wildlife or wildlife habitat? For more information, please refer to the WAR.

If the answer to both of questions 5a and 5b is “no”, do not issue a permit. If the answer to one of these questions is “yes”, proceed to the next question.

Question 6: In cases where adverse effects are likely, will the adverse effects be prevented or, if prevention is not possible, mitigated?

If the answer to this question is “no”, do not issue a permit. If the answer to this question is “yes”, proceed to the next question. If the answer is “N/A”, proceed to the next question.

Question 7: In cases where a permit will include conditions with respect to the measures that the permit holder must take to monitor the effects of the proposed activity, does the applicant have sufficient resources to monitor the environmental effects of the proposed activity so that the monitoring scheme is technically and scientifically sound?

- Will sample size and intensity will be sufficient to address Type I and Type II errors?
- This step is included as a way to ensure that Environment and Climate Change Canada can maintain due diligence in ensuring that any proposed activity taking place within a wildlife area is being carried out in the manner described in the permit.

If the answer to this question is “no”, do not issue a permit. If the answer to this question is “yes”, proceed to the next question. If the answer is “N/A”, a permit may be issued.

Question 8: Will the monitoring of environmental effects in and of itself result in damage to wildlife or wildlife habitats?

Monitoring often requires a human presence, traffic, trapping, and travel. The intensity and scale of these effects may be sizeable. If the answer to this question is “yes”, do not issue a permit. If the answer is “no”, a permit may be issued. If the answer is “N/A”, a permit may be issued.

Note:

- Additional direction may be provided within CWA protected area management plans regarding the types of activities that will benefit the wildlife and wildlife habitat within the protected area, or the wildlife and habitat objectives for which the protected area was established.
- It is up to the applicant to: do their due diligence; determine what permits/authorizations are necessary given the circumstances; secure necessary permits/authorizations from the appropriate authorities; and, abide by all applicable and related statutes, regulations, agreements, authorizations, conditions and environmental review processes relevant to the protected area.

Appendix C: Decision-making framework for CWA protected area permit issuance in Nunavut

