

DISCUSSION PAPER

PROPOSED CRITICAL HABITAT
PROTECTION REGULATIONS FOR
FEDERAL LANDS MADE UNDER
SECTION 59 OF THE *SPECIES AT RISK*
ACT



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Discussion Paper: Proposed Critical Habitat Protection Regulations for federal lands made under section 59 of the *Species at Risk Act*

Context

The Government of Canada launched the 2025 Red Tape Review in July 2025, in which all federal departments and agencies were asked to review their regulations for unnecessary burdens.

Environment and Climate Change Canada (ECCC) issued its first Red Tape Reduction [progress report](#) in October 2025 and signaled a proposal to increase efficiency in the way the Department protects the critical habitat of wildlife species¹ at risk on federal lands.²

This discussion paper provides context about the proposed Critical Habitat Protection Regulations (CHPR) for the protection of critical habitat on applicable federal lands that would allow more timely conservation efforts, lead to fewer separate regulations, increase efficiency, and reduce administrative burden and costs.

The proposed CHPR would apply to the critical habitat of listed threatened, endangered or extirpated³ terrestrial wildlife species on applicable federal lands which may include some lands administered by the Parks Canada.

Note: In consideration of the unique regulatory framework for aquatic species across Canada, where critical habitat protection would apply wherever the species' critical habitat is found (i.e., not limited to federal lands only), the proposed CHPR would **not apply** to the critical habitat of listed threatened, endangered or extirpated aquatic species. This would maintain the consistency in the protection of critical habitat for aquatic species across the country.

Purpose

The intent of this discussion paper is to provide Canadians with an opportunity to review the proposal for critical habitat protections for terrestrial wildlife species on applicable federal lands prior to finalizing policy decisions and developing the new proposed CHPR.

Background

The purposes of the *Species at Risk Act* (SARA) are to prevent wildlife species from being extirpated or becoming extinct, to provide for the recovery of wildlife species that are extirpated, endangered or threatened because of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. Once a species is added to Schedule 1 of SARA ([List of Wildlife Species at Risk](#)) as threatened, endangered or extirpated, it is prohibited to kill, harm, harass, capture, or take individuals of the listed species, and/or to possess, collect, buy, sell, or trade individuals of the listed species or any part or derivative of

¹ **Wildlife species** means a species, subspecies, variety or geographically or genetically distinct population of animal, plant or other organism, other than bacterium or virus, that is wild by nature and (a) is native to Canada or (b) has extended its range into Canada without human intervention and has been present in Canada for at least 50 years.

² Under SARA, **federal land** means (a) land that belongs to His Majesty in right of Canada, or that His Majesty in right of Canada has the power to dispose of, and all waters on and airspace above that land; (b) the internal waters of Canada and the territorial sea of Canada; (c) reserves and any other lands that are set apart for the use and benefit of a band under the Indian Act, and all waters on and airspace above those reserves and lands.

³ **Extirpated species** means a wildlife species that no longer exists in the wild in Canada but exists elsewhere in the wild.

such, or damage or destroy a residence (e.g., nest or den).⁴ For aquatic species and certain migratory birds, these protections apply wherever they are found in Canada. For other listed species, they apply when the species are on federal lands or certain territorial lands. SARA also provides for recovery planning and other tools (e.g., conservation agreements, emergency orders) that can help support a species' survival or recovery.

SARA includes various measures intended to support the survival or recovery of listed wildlife species at risk, including measures for the identification and protection of the critical habitat of a species. Critical habitat is the habitat that is necessary for the survival or recovery of a listed wildlife species. To the extent possible, the critical habitat must be identified in a species' recovery strategy or action plan. Once identified, SARA requires that critical habitat be protected within 180-days.

SARA provides several tools to address the protection of critical habitat. One of the tools ECCC and Parks Canada use to protect the critical habitat of terrestrial species on federal lands is a Critical Habitat Protection Order⁵ (CHPO). These orders are developed on a species-by-species basis and trigger a prohibition against the destruction of any part of the critical habitat identified in a final published recovery strategy or action plan.

The use of CHPOs, by ECCC and Parks Canada, to protect critical habitat one species at a time is costly, time-consuming and inefficient. Currently there are CHPOs in place for 7 terrestrial species. As of April 2026, there are over 100 terrestrial species that have an outstanding requirement for critical habitat protection on federal land.

SARA also includes the authority for the Governor in Council, on the recommendation of the competent minister, to make regulations to protect critical habitat on federal lands. These regulations can specify which federal lands, and to which listed wildlife species they apply. The regulations may provide for the doing of things that protect the critical habitat, as well as provisions prohibiting activities that may adversely affect the critical habitat.

Overview of the proposed Critical Habitat Protection Regulations

The proposed CHPR represent an administrative shift to streamline how ECCC and Parks Canada fulfill the statutory requirement to protect the critical habitat of terrestrial species on applicable federal lands and improve efficiency. The prohibition on the destruction of any part of critical habitat would apply automatically 180-days after critical habitat is identified in a final posted recovery strategy or action plan, ensuring the timely protection of critical habitat for terrestrial species to which the regulation applies. The proposed CHPR would enable ECCC and Parks Canada to:

- Support the survival and recovery of species at risk on applicable federal lands: through more efficient processes and improved timeliness of protections;

⁴ The general SARA prohibitions apply differently depending on the type of listed threatened, endangered or extirpated wildlife species and where it is located in Canada. The prohibitions apply to (1) aquatic species, wherever they are found across Canada; (2) migratory birds, protected by the *Migratory Birds Convention Act, 1994*, wherever they are found across Canada; (3) any wildlife species found on federal lands in the provinces; (4) any wildlife species found on territorial lands under the authority of the Minister of the Environment or Parks Canada. The general SARA prohibitions do not apply to listed wildlife species of special concern.

⁵ More generally, CHPOs may prohibit the destruction of critical habitat if (1) the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada; (2) the listed species is an aquatic species; or (3) the listed species is a species of migratory bird protected by the *Migratory Birds Convention Act, 1994*.

- Promote transparency: Centralize the critical habitat protection of terrestrial species on applicable federal lands under one regulation;
- Streamline protections: protect the critical habitat of a species automatically 180-days following the publication of a final recovery strategy or action plan on federal lands to which the CHPR would apply;
- Meet statutory timelines: meet the 180-day timeline set out in SARA for the protection of critical habitat on applicable federal lands; and
- Reduce the regulatory burden: one regulation could replace hundreds of CHPOs

Federal lands to which the proposed CHPR would apply

Generally speaking, the proposed CHPR would apply to federal lands except for: First Nation reserve lands and lands under the administration of the commissioners of Yukon, Northwest Territories and Nunavut (i.e., devolved lands). The proposed CHPR would not apply to non-federal lands.

Although First Nation reserve lands are considered “federal lands” per the definition under SARA, the Department recognizes the unique status of these lands and will continue to work in collaboration with First Nations to advance shared environmental goals, rooted in reconciliation and respect for Indigenous rights. Similarly, though territorial lands are also considered “federal lands” per the definition in SARA, the Department respects that the devolution of the administration and control of territorial public lands has taken place since SARA came into force.

Critical habitat protection for First Nation reserve lands and devolved lands would be developed using other regulatory tools or agreements and accomplished in consultation with Indigenous partners or territorial governments as appropriate. The Department and Parks Canada support advancing shared environmental goals rooted in reconciliation and respect for Indigenous rights.

Listed wildlife species to which the proposed CHPR would apply

The proposed CHPR would apply to the critical habitat of listed extirpated, endangered or threatened terrestrial wildlife species on applicable federal lands. The proposed CHPR would not apply to aquatic species. The Department of Fisheries and Oceans and Parks Canada will continue to rely on existing processes to protect the critical habitat for aquatic species under their authority.

Critical Habitat Identification in the CHPR

The proposed CHPR would make reference to the critical habitat identified in a species’ final recovery strategy or action plan, as published on the [SAR Registry](#), to identify the critical habitat to which the regulation applies. Rather than repeating this information within the regulation, it will refer directly to the critical habitat described in those documents. Consequently, once a recovery strategy or action plan is finalized and posted on the SAR Registry, the critical habitat would become part of the regulation, and the regulation would then prohibit its destruction on applicable federal lands 180 days after the final recovery strategy or action plan is posted.

Critical Habitat excluded under the proposed CHPR

There may be instances where critical habitat should be excluded from the regulations, for example, if protections are already in place. ECCC and Parks Canada are working to determine in what circumstances exceptions might be required.

Timing for Protection to be in Place

The proposed CHPR itself would come into force on the day on which it is registered to ensure the regulation takes effect promptly once all reviews and approvals are complete.

For species that have a final recovery strategy or action plan that identifies critical habitat on applicable federal lands and that is published after the regulation comes into force, the prohibition against the destruction of critical habitat for that species would come into force 180-days following the final publication of its final recovery strategy or action plan on the SAR Registry.

For species with a recovery strategy or action plan that identifies critical habitat on applicable federal lands and that was published on the SAR Registry before the regulation comes into force, the prohibition against the destruction of critical habitat would come into force 30 days after a notice indicating they are being brought under the regulation is published in Part I of the *Canada Gazette* advising that the regulation applies to the species. This would ensure transparency and provide an appropriate notification that the prohibitions against critical habitat destruction for that species will be coming into place.

Once the proposed CHPR applies to a species, any further updates to its critical habitat on applicable federal lands would be protected automatically following the publication of another recovery strategy or action plan.

Transparency

For ease of reference concerning terrestrial species covered under the regulations, ECCC will keep an administrative list on the SAR Registry. Information on the application of the CHPR to individual species would also be found on the species-specific page on the SAR Registry.

In addition, ECCC will issue a notification to the [SAR Registry distribution mailing list](#) to announce the inclusion of a species and the timelines by when the prohibition against the destruction of critical habitat would come into force.

Engagement Process

This discussion paper supports the development of the proposed CHPR, and the 60-day comment period runs from July 18, 2026, to September 16, 2026. Additionally, a Notice of Intent has been published in the [Canada Gazette](#). Your feedback and comments will support the drafting of the proposed CHPR.

The target date for the coming into force of the regulations is to be confirmed.

Next Steps

Your input is appreciated as ECCC and Parks Canada explore the development of this regulation. If you are interested in participating, please send written comments, by September 16, 2026, to SARA Policy, Canadian Wildlife Service, Environment and Climate Change

Canada. Comments can be sent by email to LEPreglementations-SARAregrulations@ec.gc.ca, or by mail to the following address:

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