



## Submission to the Nunavut Wildlife Management Board For

### Information: X

### Decision:

**Issue:** Targeted amendment of the definition of “Federal Land” in the *Species at Risk Act*

### Background:

- Environment and Climate Change Canada (ECCC) is seeking to amend the *Species at Risk Act* (SARA) to clarify how the act applies to devolved lands.
- Currently, in SARA, there is no distinction between federal lands and devolved lands.
- This means that while the administration and control of devolved lands in the territories has been (or will be) transferred to territorial governments, the current definition in SARA does not reflect this change.
- One of the main implications of the current wording in SARA is that territorial laws are not recognized for the purpose of Critical Habitat protection under SARA.
- Prohibitions against the destruction of Critical Habitat outlined in SARA apply differently on federal and non-federal land.
- Under SARA, provincial Crown lands are treated as non-federal land and the primary responsibility for the protection of Critical Habitat for terrestrial species at risk is led by the provincial governments under their legislation.
- ECCC has been aware of the need for this amendment since the devolution agreements with Northwest Territories and Yukon were enacted, but the legislative changes to SARA have not been made yet.

### Proposed Amendment:

- The proposed amendment seeks to treat devolved lands in the territories as non-federal land under SARA, mirroring provincial Crown lands.
- This would mean that primary responsibility for the protection of Critical Habitat for terrestrial species at risk in the territories would be led by the territorial governments under their legislation, as is the case for the provinces.

- Similarly, if the laws of the territory do not effectively protect the critical habitat, ECCC retains the ability to enact Critical Habitat protections through section 61 of the Act. This is one of the “safety net” provisions in SARA. Consultations with territories and wildlife management boards would be required before recommending this protection.
- The proposed amendment would align with the spirit of devolution as committed to under the Nunavut Lands and Resources Devolution Agreement.
- The proposed amendment would not involve any change in the way that aquatic or migratory bird species are protected under SARA.
- Removing devolved lands from the definition of federal land has been amended in other federal acts such as the 2002 amendment to the *Canadian Environmental Protection Act*, (1999).

#### **Consultation:**

- This proposed amendment relates to the shifting of responsibilities from the federal government to the territorial government during devolution. ECCC is engaging in targeted consultations with the Government of Nunavut as the impacted party.
- Consultations with the Government of Nunavut were initiated mid-September.
- We are engaging with NWMB to inform the board of the proposed amendment and the anticipated shift in responsibilities for Critical Habitat protection that would align with devolution, when finalized.
- Any future decisions made to protect Critical Habitat for species at risk will continue to follow the process outlined in the Nunavut Agreement.

**Prepared by:** Canadian Wildlife Service, Northern Region

**Date Drafted:** September 15, 2026