

SECTION 6 – LEGISLATION, PROVINCIAL POLICY, AND STATUS

Laws are in place to protect Ontario’s wildlife and the habitat that sustains them. The outcome for wildlife protection depends on our understanding of and compliance with the laws in place. The various Acts serve many conservation purposes.

SNAKE PROTECTION AND ONTARIO LAW

COSEWIC, RENEW, AND COSSARO

In Canada, federal and provincial government agencies and non-governmental organizations co-ordinate wildlife species conservation through the Canadian Endangered Species Conservation Council (CESCC), and the committee for the REcovery of Nationally Endangered Wildlife (RENEW). The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) designates species at risk and RENEW oversees recovery activities. COSEWIC evaluates and designates species as not at risk, special concern, threatened, endangered, extirpated or extinct. Provincially, the Committee on the Status of Species at Risk in Ontario (COSSARO) also uses criteria to designate a species into an at risk category.

COSEWIC SPECIES RISK CATEGORIES

EXTINCT

A species that no longer exists.

EXTIRPATED

A species that no longer exists in the wild in Canada, but occurring elsewhere.

ENDANGERED

A species facing imminent extirpation or extinction.

THREATENED

A species that is likely to become endangered if limiting factors are not reversed.

SPECIAL CONCERN

A species is of special concern because of characteristics that make it particularly sensitive to human activities or natural events.

STATUS AND PROTECTION

- Originally, the eastern massasauga rattlesnake was given legal protection through the Ontario Game and Fish Act in May of 1990. In 1997, this act was replaced by the Fish and Wildlife Conservation Act.
- In April, 1991 the Committee on the Status of Endangered Wildlife In Canada (COSEWIC) designated the eastern massasauga rattlesnake as threatened in Canada.
- The Ontario Ministry of Natural Resources designated the massasauga as threatened in Ontario in 1998, through recommendations made by the Committee On the Status of Species At Risk in Ontario (COSSARO).

THE FISH AND WILDLIFE CONSERVATION ACT (1997)

The purpose of this Act is to preserve at-risk wildlife. It covers the mammals, birds, fish, amphibians, and reptiles native to Ontario. The Act lists the eastern massasauga rattlesnake as a “specially protected reptile.” This designation legally protects the massasauga from being harassed, captured, killed, bought, or sold. A violation of the Act can result in a maximum fine of \$25,000 and/or imprisonment for up to a year. A violation for commercial purposes increases the penalty to a maximum fine of \$100,000 and/or imprisonment for up to two years.

THE PLANNING ACT AND PROVINCIAL POLICY STATEMENT

The Provincial Planning Act governs municipalities in the development of private lands. Natural heritage features are addressed in the Provincial Policy Statement (PPS) of the Planning Act. The habitats of threatened and endangered species are considered natural heritage features. In order to proceed, official plans and by-laws must account for the PPS requirements and other planning documents. The Act states that development and site alteration will not be permitted in significant portions of the habitat of endangered and threatened species, but may be permitted on adjacent lands if the proponent has demonstrated that the development will have no negative impacts on the at-risk species in that area.

Stewardship Quote

“...if you know wilderness in the way that you know love, you would be unwilling to let it go. We are talking about the body of the beloved, not real estate, ...Can we really survive the worship of our own destructiveness? We do not exist in isolation. Our sense of community and compassionate intelligence must be extended to all life forms, plants, animals, rocks, rivers, and human beings. This is the story of our past and it will be the story of our future.”

– Terry Tempest Williams



TECHNICAL GUIDELINES

The Eastern Massasauga Rattlesnake Recovery Team is producing a document that provides technical guidelines in identifying eastern massasauga rattlesnake habitat. The team hopes the guidelines will help people determine whether significant portions of snake habitat exist in an area being considered for development. Ideally, the document will promote sound planning and management in these areas.

The guidelines represent the most up-to-date resource management information available, and are intended for use by ecologists, biologists, planners and others involved in the identification of the significant portions of the habitat of this species. It will also aid the recovery of the species by focussing efforts on the most important locations.

Stewardship Quote

“A land ethic of course cannot prevent the alteration, management, and use of these ‘resources,’ but it does affirm their right to continued existence, and, at least in spots, their continued existence in a natural state.”

– Aldo Leopold

PRESERVING ONTARIO’S NATURAL DIVERSITY

Landowners, cottagers, campers, and tourists alike can help to preserve Ontario’s rich natural diversity. It is achievable by educating ourselves, and informing our families, friends, and neighbours about wildlife and the laws regarding wildlife and habitat protection. Our responsibilities to at-risk wildlife during activities such as building, farming and even hiking are covered in the Acts and laws. When laws seem unclear, common sense and empathy play a large part in conservation.

Stewardship Quote

“One of the things we like most to do on our island in Georgian Bay is to sit and observe the behaviour of the wildlife which surrounds us there. I hope that we can continue to enjoy many future encounters with that wildlife and, in particular, that rare reptile: the massasauga.”

– Kipp C.,
Cottager in Georgian Bay on discovering rattlesnakes at the cottage
(taken from **Rattlesnake Tales Vol.3, #2**)



FOR MORE INFORMATION

In order to find out more about habitat management programs, habitat protection, endangered species laws and planning recommendations contact:

- The Sistrurus Information Network

<http://www.terra-plex.com/sin/>

- Species at Risk Project – Ontario Parks

P.O. Box 7000
300 Water St.
Peterborough, ON
K9J 8M5

- Parks Canada Agency – Species at Risk Program

25, Eddy Street, 6th Floor
Hull, Quebec
K1A 0M5