



## **ORDER SUMMARY**



### **Critical Habitat of the Western Chorus Frog (*Pseudacris triseriata*) Great Lakes / St. Lawrence – Canadian Shield Population Order**

The objective of the [Critical Habitat of the Western Chorus Frog \(\*Pseudacris triseriata\*\) Great Lakes / St. Lawrence – Canadian Shield Population Order](#) (the Order) is to support the survival and recovery of the Western Chorus Frog (GLSLCS) through the legal protection of its critical habitat on federal lands in Ontario and Quebec. In Canada, the Western Chorus Frog (GLSLCS) occupies lowland habitats in south-central and eastern Ontario as well as southwestern Quebec.

The Order was made under section 58 of the *Species at Risk Act* (SARA). It came into force on August 22, 2018 and applies to all federal lands<sup>1</sup> located within Western Chorus Frog (GLSLCS) critical habitat, as identified in the [Recovery Strategy for the Western Chorus Frog \(\*Pseudacris triseriata\*\), Great Lakes/ St. Lawrence – Canadian Shield Population, in Canada](#). An overview map of the Western Chorus Frog (GLSLCS) critical habitat area, including federally owned lands, is provided in Figure 1 below.

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<sup>1</sup> With the exclusion of lands found (a) in a place referred to in subsection 58(2) of the Act; or (b) found on a reserve or any other lands that are set apart for the use and benefit of a band under the *Indian Act*.

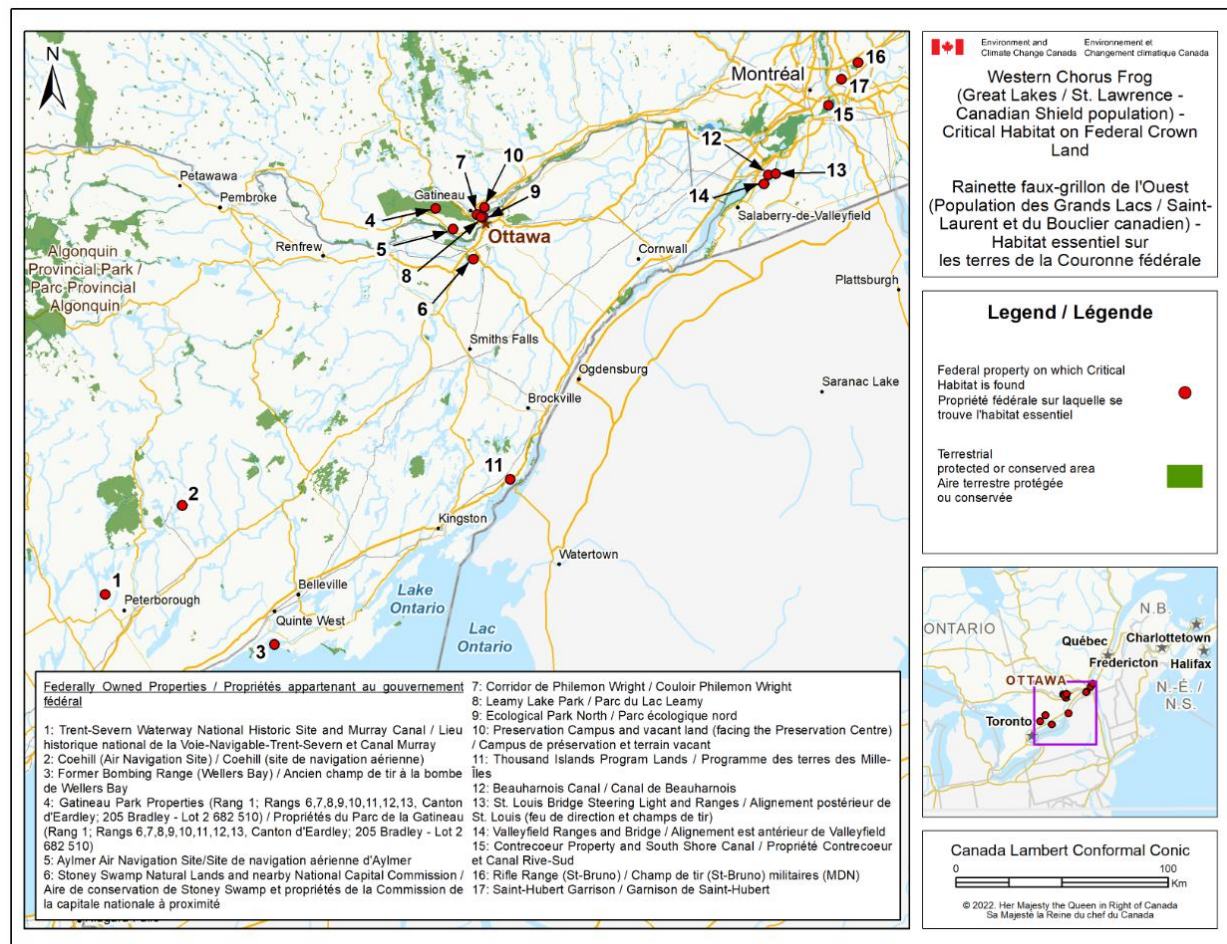


Figure 1: The map shows the Western Chorus Frog, Great Lakes / St. Lawrence – Canadian Shield Population's critical habitat on Federal Crown Land.

## Prohibitions and Scope of the Order

The Order applies the prohibition against the destruction of critical habitat set out in subsection 58(1) of SARA to the portions of the critical habitat of the Western Chorus Frog (GLSLCS) on federal land. The Recovery Strategy describes the types of activities that would be likely to result in the destruction of critical habitat, and how those activities, if undertaken, could destroy the suitable habitat.

Examples of these activities include, but are not limited to:

- Construction and maintenance of linear features (e.g. roads, pipelines, energy corridors)
- Construction of housing units and other urban infrastructure (e.g. commercial and industrial buildings, playgrounds)
- Reshaping (levelling and/or filling), drainage or channelization of wetlands (temporary and permanent)

- Intensification of agricultural practices

There are seven federal government organizations that administer properties that overlap with portions of the critical habitat for the Western Chorus Frog (GLSLCS) and that are subject to the Order:

1. National Capital Commission
2. Public Services and Procurement Canada
3. Department of National Defence
4. Parks Canada Agency
5. Transport Canada
6. Fisheries and Oceans Canada
7. Montreal Port Authority

It is important to note that within each federally-administered property, only those areas that satisfy the description of critical habitat in the Recovery Strategy, rather than the entirety of each federally-administered property is subject to this Order. The environment and its ecosystems are dynamic. It is the responsibility of federal land managers to verify whether critical habitat is present on a federally-administered property.

### **Western Chorus Frog Description**

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) status report of 2008 describes the Western Chorus Frog as a small amphibian, ranging in colour from brown to olive grey, that weighs about 1 gram (g) and measures about 2.5 centimeters (cm) long as an adult. It has three dark lines along its back, one wider line on each flank, and a broad line that runs across the eyes. It can be distinguished from other frogs in Canada by its call, a long cre-ee-ee-ee-eeek, similar to the sound of running a fingernail across the teeth a metal comb.

In Quebec, the Western Chorus Frog (GLSLCS) was historically present in the southern part of the province, from the Ottawa Valley to the foothills of the Appalachians and west of the Richelieu River (Bonin and Galois 1996; Picard and Desroches 2004; Figure 3). Currently, the species is estimated to occupy only 10% of this former distribution (Bonin and Galois 1996). In the Montérégie region, the species is thought to have been reduced to just over 800 highly fragmented sites within a narrow 20-kilometers (km)-wide band between the municipalities of Beauharnois to the south and Contrecoeur to the north (Bonin and Galois 1996; COSEWIC 2008; Rioux 2008). The presence of the species is also confirmed in slightly more than 220 sites in the Outaouais region along a band 10 km wide and 100 km long that stretches east to west along the Ottawa River between Gatineau and Île-du-Grand-Calumet (St-Hilaire and Belleau 2005; COSEWIC 2008). The Western Chorus Frog recovery team in Quebec (WCFRTQ 2010) estimates that the species occupies a total of at least 102 square kilometres (km<sup>2</sup>) of habitat (60 km<sup>2</sup> in the Montérégie region and 42 km<sup>2</sup> in the Outaouais region).

The [Recovery Strategy for the Western Chorus Frog \(\*Pseudacris triseriata\*\), Great Lakes / St. Lawrence - Canadian Shield Population, in Canada](#) identifies critical habitat for the species. Within a given critical habitat unit, critical habitat corresponds to areas of suitable habitat (i.e., areas possessing the biophysical attributes of habitats where individuals can meet the needs associated with the various stages of their life cycle such as mating, egg-laying, tadpole metamorphosis, foraging, hibernation, and dispersal). These include:

- Wetlands
  - Temporary wetlands or shallow portions of permanent wetlands (i.e., usually where water is present until the end of June); AND
  - Vegetation structure and composition: generally herbaceous with occasional shrubs or partially submerged trees forming an open or discontinuous canopy, although some local populations breed at the edge of closed-canopy habitats; AND
  - Absence or limited presence of fish or other aquatic predators.
- Terrestrial
  - Vegetation structure and composition correspond to those of breeding wetlands;

(Hibernation only)

- Vegetation structure and composition correspond to those of wetlands used as breeding and foraging habitat; AND
- Availability of soft substrate with dead leaves, woody debris or burrows.

## Status of Species under SARA

The Western Chorus Frog (GLSLCS) was listed as “threatened” under SARA in 2008. As the species is listed on Schedule 1 of SARA, when it is on federal lands in the provinces, it is protected by the general prohibitions in section 32 (individuals) <sup>2</sup> and section 33 (residences) of SARA. Therefore, on these lands it is prohibited to:

- kill, harm, harass, capture or take an individual Western Chorus Frog (GLSLCS);
- possess, collect, buy, sell or trade an individual Western Chorus Frog (GLSLCS) or any part or derivative of such;
- damage or destroy a [residence of the Western Chorus Frog](#) (GLSLCS) (breeding site and hibernating site).

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<sup>2</sup> An individual of a wildlife species, whether living or dead, at any developmental stage and includes larvae, embryos, eggs, sperm, seeds, pollen, spores and asexual propagules.

In Quebec, the Western Chorus Frog (GLSLCS) is listed as “vulnerable” under the *Act Respecting Threatened or Vulnerable species*. In Ontario, the species is not currently listed under the *Endangered Species Act, 2007*<sup>3</sup>.

In addition to the Order, two distinct emergency orders under s.80 of SARA exist for this species, targeting the La Prairie area ([2016](#)), and the Longueuil area ([2021](#)) in Quebec.

### **Applying for an Agreement or a Permit under SARA**

If you plan to undertake activities on the federal land to which the Order applies, and those activities could affect the Western Chorus Frog (GLSLCS) or destroy any part of its critical habitat, then you will need to apply to Environment and Climate Change Canada for an agreement or permit under section 73 of SARA.

An agreement may be entered into or a permit issued, only if the competent minister is of the opinion that:

- a. the activity is scientific research relating to the conservation of the species and conducted by qualified persons;
- b. the activity benefits the species or is required to enhance its chance of survival in the wild; or
- c. affecting the species is incidental to the carrying out of the activity.

The competent minister must also be of the opinion that the following pre-conditions have been met:

- a. all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted;
- b. all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and
- c. the activity will not jeopardize the survival or recovery of the species.

To apply for a permit, please refer to the [Species at Risk Permit System](#).<sup>4</sup>

### **Offences and Punishment under SARA**

[Enforcement officers](#) designated under SARA may conduct inspections, investigations and search and seizure operations to verify compliance with the law. In the event of a contravention of the Act, SARA provides for penalties, including liability for costs, fines or imprisonment or both, alternative measures agreements, seizure and forfeiture of

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<sup>3</sup> A debate among experts over the genetic classification of chorus frogs in Ontario led the Committee on the Status of Species at Risk in Ontario (COSSARO) to assess Western Chorus Frog as a single population in Ontario, and classified it as not at risk under its *Endangered Species Act, 2007*. The Committee on the Status of Engangered Wildlife in Canada (COSEWIC) assessed the Great Lakes/St. Lawrence-Canadian Shield population as being at risk and the Carolinian population being not at risk.

<sup>4</sup> For more information on the matter, you can also consult the [SAR Permit and Agreements webpage](#).

things seized or of the proceeds of their disposition. For example, under the penalty provision of the Act, a corporation, other than a non-profit corporation found guilty of an indictable offence, could found liable to a maximum fine of \$1,000,000.

### **For more Information**

Western Chorus Frog information and recovery documents are available on the [Western Chorus Frog, Great Lakes / St. Lawrence - Canadian Shield population Profile page](#) and on the [Species at Risk Public Registry](#). For more details on SARA and how it may affect you, please visit the [Species at Risk Education Centre](#).

### **WARNING**

This document is intended to provide general guidance only with respect to the [Critical Habitat of the Western Chorus Frog \(\*Pseudacris triseriata\*\) Great Lakes / St. Lawrence – Canadian Shield Population Order](#). This document is not a substitute for the *Species at Risk Act* (SARA). In the event of any inconsistency between this document, its accompanying documents and the Act, SARA prevails. The official legal publication of the *Species at Risk Act* can be found on the [Justice Canada's Laws Website](#). Individuals with specific legal concerns are urged to seek advice from their legal counsel.



## Appendix

The following table provides an overview of the key federally-administered lands subject to the [Critical Habitat of the Western Chorus Frog \(\*Pseudacris triseriata\*\) Great Lakes / St. Lawrence – Canadian Shield Population Order](#).

Property Name	Associated DFRP No.*	Land Manager	Province and Location
Former Bombing Range (Wellers Bay)	9563	Department of National Defence	Ontario, near Bay of Quinte (Prince Edward County)
Coehill (Air Navigation Site)	9737	Transport Canada	Ontario, East of Peterborough & Northwest of Belleville
Stoney Swamp Natural Lands and and nearby National Capital Commission	2866; 2939; 2661; 2709; 1209; 1210; 1227	National Capital Commission (NCC)	Ontario, west Ottawa (near Moodie Drive and Hunt Club)
Thousand Islands Program Lands	N/A	Parks Canada Agency	Ontario
Trent-Severn Waterway National Historic Site	N/A		
Murray Canal	N/A		
Valleyfield Ranges & Bridge	86020; 86019; 86018	Department of Fisheries and Oceans Canada (DFO)	Quebec, near Ile de Montreal, DFO navigational aids on Beauharnais & South Shore canals
St. Louis Bridge Steering Light and Ranges	86012; 86013; 86014		
Aylmer Air Navigation Site	7547	Transport Canada	Quebec, Aylmer airport, navigational aid
Beauharnois Canal	7323		Quebec, near Ile de Montreal (refer to DFO properties)
South Shore Canal	6741		

Preservation Campus and vacant land (facing the Preservation Centre)	27337; 14995	Library & Archives Canada (LAC)	Quebec, Gatineau,
Contrecoeur Property	N/A	Montreal Port Authority	Quebec, Contrecoeur
Gatineau Park Properties (RR# 1; RR# 6, 7, 8, 9, 10, 11, 12, 13, Canton d'Eardley; 205 Bradley - Lot 2 682 510)	1610; 1456; 2194; 2139 4606; 4333; 4377; 8326	National Capital Commission	Quebec, Chelsea area and Luskville
Corridor de Philemon Wright	3520; 3521; 3698; 3699	National Capital Commission	Quebec, Gatineau
Leamy Lake Park	3519; 4300	National Capital Commission	
Ecological Park North	3508	National Capital Commission	
Rifle Range (St-Bruno)	32575	Department of National Defence	Quebec, Saint-Bruno
Saint-Hubert Garrison	6710	Department of National Defence	Quebec, Longueuil

\* You can access the Treasury Board of Canada Secretariat's Directory of Federal Real Property via this link: <https://www.tbs-sct.gc.ca/dfrp-rbif/home-accueil-eng.aspx>