



Manitoba's Endangered Species and Ecosystems Act (ESEA) FAQ's

1. Q: What species and ecosystems are designated under the Endangered Species and Ecosystems Act (ESEA)?

A: Plants and animals native to Manitoba can be designated under the ESEA. A full list of species designated under the ESEA can be found [here](#).

In 2013, the ESEA was amended to allow for the designation of ecosystems. There are two ecosystems designated under the act: alvar (Endangered) and tall grass prairie (Endangered).

2. Q: What protections does a species or ecosystem have when it's designated under the ESEA?

A: Once a species has been declared by regulation as being threatened, endangered or extirpated (no longer present in Manitoba in the wild), it is unlawful to kill, injure, possess, disturb or interfere with the species; destroy, disturb or interfere with the habitat of the species; or damage, destroy, obstruct or remove a natural resource on which the species depends for its life and propagation. Although the prohibitions do not immediately apply to a species declared by regulation to be of special concern, the department must prepare a plan that sets out the steps to be taken to manage the population of the species, including implementing prohibitions deemed necessary.

For ecosystems, a parcel of crown land that supports a designated ecosystem can be designated as an Ecosystem Preservation Zone (EPZ), and activities allowed in EPZs may be restricted in order to protect the ecosystem.

3. Q: How is the status of a species or ecosystem under the ESEA determined?

A: A species' status under the ESEA is determined by how threatened it is throughout all or a significant portion of its range in Manitoba. To assess the level of threat, factors such as the species' distribution and population size in Manitoba are considered, along with threats to the species and any existing protection it may have. The technical criteria used to assess species are modelled on those used by the [Committee on the Status of Endangered Wildlife in Canada \(COSEWIC\)](#).

The status of an ecosystem is determined by assessing how at risk it is throughout all or a significant portion of its range in Manitoba. To assess the level of risk, factors such as distribution, rates of decline and degradation, and threats to the ecosystem are considered. The technical criteria used to assess ecosystems are modelled on those used by the [International Union for the Conservation of Nature \(IUCN\)](#).

4. Q: Does the ESEA apply on private land?

A: The legal protection provided to species applies on all land in Manitoba. For ecosystems, only provincial crown land can be designated as an EPZ.

5. Q: What happens if there's a designated species on my land?

A: Congratulations! You are a valuable partner in managing Manitoba's natural heritage. Your management of the land has maintained or created habitat for this species, so it's likely that the species would continue to benefit from the current management activities. If you want more information about the species and how to manage for it, please contact the Wildlife Branch. You can also share your observations of the species with the [Manitoba Conservation Data Centre](#).

6. Q: How can I ensure rare species on my land stay protected even if I sell the land?

A: There are several options available. The land may be donated or sold to a land conservation organization. Alternatively, landowners can sign a [Conservation Agreement](#) that remains with the land title even if the land is sold. Please contact the following organizations for more information about land donation/sales and Conservation Agreements: [Manitoba Habitat Heritage Corporation \(MHHC\)](#), [Nature Conservancy of Canada \(NCC\)](#), and [Ducks Unlimited Canada \(DUC\)](#).

7. Q: What happens if someone destroys a designated species?

A: The Wildlife Branch will work with the person or corporation to ensure that no further destruction occurs and determine if rehabilitation of the habitat and/or compensation for the loss is feasible or required. If charges are pursued and the person or corporation is found guilty, the maximum penalty for an individual is a fine of \$50,000 and/or six months imprisonment; the maximum penalty for a corporation is a fine of \$250,000.

8. Q: What are conservation status ranks and how are they different from the ESEA protection categories?

A: Unlike ESEA designations, [conservation status ranks](#) are not legally defined nor do they offer any legal protection to a species. Any species or ecosystem can be assigned a conservation status rank, which

simply indicates the commonness or rarity of a species or ecosystem. These status ranks can be assigned at three geographic levels: global (G), national (N), or subnational (S). The ranks range from 1 (very rare) to 5 (very common). The subnational ranks, or S ranks, of species in Manitoba are assigned by the conservation Data Centre and can be found [here](#). Global and national ranks can be found via [NatureServe Explorer](#).

9. Q: What's the difference between the ESEA and the federal Species At Risk Act (SARA)?

A: The ESEA is provincial legislation, while SARA is federal. While there is no legal connection between the two acts, many of the species designated under the ESEA are also designated under SARA. In most cases, SARA does not apply on private land. SARA prohibitions apply to all species on federal land (eg. National Parks), all aquatic species everywhere in Canada, and all migratory birds listed under the Migratory Bird Convention Act everywhere in Canada. In some cases protection under SARA may apply on provincial crown land or on private land. For more information about SARA, please contact [Environment Canada](#).

Permits

1. Q: Is a permit required to work with a species protected under the ESEA?

A: Yes. Permits, to kill, collect, or capture and hold alive, may be issued for scientific purposes or for purposes related to the protection, management or reintroduction of endangered, threatened or extirpated species.

2. Q: What information should be provided in an ESEA permit application?

A: Applicants should include a description of all actions to be taken that have the potential to impact a designated species, the expected results or accomplishments to be achieved through the described research, and an explanation of how the proposed activities will contribute to the protection, management or reintroduction of a designated species.

3. Q: To whom should an ESEA permit application be submitted?

A: Permit applications should be submitted to the following address:

Director, Wildlife Branch
200 Saulteaux Crescent
Winnipeg, MB R3J 3W3

Conservation Data Centre Information

1. Q: What information does the Conservation Data Centre (CDC) have?

A: The CDC maintains a list of species found in Manitoba along with their Conservation status ranks. The CDC also maintains a geographic database that stores information about where species of Conservation concern have been found in Manitoba. The CDC also has information about recommended management practices for land that supports rare species.

2. Q: How can CDC data be accessed?

A: Species lists and conservation status ranks are available on the CDC website. Information about the biology, ecology and management of rare species can be obtained by contacting Wildlife and Fisheries Branch at 204-945-7775. Information about locations of species of conservation concern may be obtained by submitting a data request. A data-sharing agreement may be required to obtain sensitive or very specific location information.

3. Q: Can I share my data with the CDC?

A: Absolutely! The CDC welcomes data about rare species as this helps keep the database current and accurate. For a small number of observations, the data reporting form on the CDC website can be used. For larger data sets, please contact the Wildlife and Fisheries Branch at 204-945-7775.

4. Q: How will the CDC use my data?

A: The CDC uses data to assign conservation status ranks and update our records of where species of conservation concern have been found. The rank and location information has many uses, including conservation and development planning, and may be made available to government, the private sector, and the public. If you have concerns about how your data might be used, please contact the Wildlife and Fisheries Branch at 204-945-7775 – the CDC can restrict how your data is accessed and used.

Project and Development Screening

1. Q: Can the CDC provide information about species of conservation concern in a project area?

A: Yes - please submit a data request. Be sure to include specific information about the project location and general information about the nature of the project.

2. Q: What happens if the CDC says an ESEA designated species has been recorded at the location of a proposed development?

A. When a CDC query returns records of a designated species in the project area and the proponent determines that the development can only occur in that location, the proponent has the following options:

- 1) conduct a survey (using suitable methodology – the CDC can review) to determine if the species is currently present, or confirm that the location no longer supports suitable habitat for the species. If the species is not identified on site, then the project can likely proceed. If the species is found, then a mitigation plan should be prepared and submitted to the CDC for approval prior to construction; or
- 2) adjust construction practices/techniques/timing that reduce potential harm or disturbance to the species to negligible levels; or
- 3) apply to the Minister of Sustainable Development for an exemption under section 12 of the ESEA. This option should only be considered if it is not possible to avoid harming a designated species.

If records of species of conservation concern (but not designated under ESEA) are returned, other wildlife legislation or regulations (eg: The Wildlife Act) may still apply, and/or some type of mitigation may be recommended. In such cases the proponent should contact the CDC for further information.