

POLICY DOCUMENT
NOVA SCOTIA DEPARTMENT OF NATURAL RESOURCES
SIGNIFICANT SPECIES AND HABITATS PROJECT
FEBRUARY 2007

Background

In the course of their regular duties and through contacts with other agencies, staff of the Department of Natural Resources become aware of sites with unusual wildlife concentrations, habitats used by species at risk, or habitats that are few in number within the province. Recording information about these locations and making it available to appropriate agencies and personnel, is the goal of the Significant Species and Habitats Project. The Project is coordinated by the Manager Wildlife Resources, Terrestrial Habitat, Wildlife Division. Data is assembled and recorded by the Regional Biologists and Wildlife Division staff. This document explains the policy surrounding data collection, storage and access.

Landowners, resource companies, developers, utility companies, and governments at all levels have an interest in the location of significant habitats so they can plan their activities accordingly. Mapping known significant habitats is the first step in the management and conservation of these sites. The mapping also plays a supportive role in the Department's Integrated Resource Management initiative, in impact assessment and natural resource management planning by private agencies. The Significant Species and Habitat Project's overriding philosophy is that conservation of the site can only proceed if those involved have knowledge of the information.

Project data bases include sensitive information. The widespread interest in significant habitats data requires a policy that balances information access for management purposes with information protection to prevent unauthorized or careless use of the sites. In addition, data is partially collected from non DNR sources. To obtain this data, staff often need to assure the owners that the information will be kept confidential and only available to persons with a scientific or conservation interest in the site.

Users of the information should be aware that **the data base is not a complete survey of all significant habitats in the province**. It should not be considered a planned inventory, nor comprehensive.

Partners

The Wildlife Division of the Department of Natural Resources, manages the project and is responsible for project design, data base standards, and data release. They are also responsible for the accuracy of the data they collect. The Division is responsible for making decisions relative to the status, distribution, sensitivity to threats and potential impacts of development on species and their habitats.

The Department of Natural Resources', Regional Wildlife Biologists take the lead on data collection within their regions. They identify local key data sources, and may collect data and forward it to the Wildlife Division for data entry. If the validity of data is in question, they take

the lead in confirming its accuracy and completeness. They will be consulted on questions of data release to ensure commitments on confidentiality are followed.

There is an extensive list of naturalists and institutions who have provided data to the project. They are responsible for the accuracy of their data and have committed themselves to sharing it with persons and institutions who have a scientific or conservation interest in the sites. Institutional data sources outside DNR include: Acadia University, Canada Department of Fisheries and Oceans, Canadian Lakes Loon Survey, Canadian Wildlife Service, Cape Breton Highlands National Park, Fortress Louisbourg National Historic Site, Nova Scotia Museum of Natural History, and University College of Cape Breton Herbarium.

What habitats are included?

The data base contains known occurrences of the following:

- (1) Locations of species at risk designated under COSEWIC or the Nova Scotia Endangered Species Act.
- (2) Locations of other species of conservation concern, e.g. Common Loons.
- (3) Specialized habitats that could be jeopardized or limited by human activities such that habitat supply may become the primary limiting factor for populations e.g. deer wintering areas; bat hibernacula; moose calving or wintering areas; nest sites of Northern Goshawk, Bald Eagle and Osprey; rivers with runs of Gaspereaux, Atlantic Salmon, Striped Bass; and islands with nesting sites of Leach's Petrel or Common Eider.
- (5) Sites of high biodiversity associated with a particular habitat (Amherst Marsh) or its fragile character (Dunes, Bat Caves).
- (6) Sites of local natural history interest e.g. eagle perch trees.

Release of information

The data base has two components, an ArcView shapefile and the FoxPro data base that contains detailed information about each site. The two components are linked by a common identifying number, the "wildnum".

The ArcView shapefile can be viewed or downloaded at the Wildlife Division website. Nine types of habitat polygons are identified (attributes in the shapefile .dbf file), species at risk, species of conservation concern, deer wintering areas, moose wintering areas, migratory bird habitat, freshwater habitats, rare plant sites, ecological sites, and other significant wildlife habitats.

The FoxPro data base files contain potentially sensitive information and may only be accessed through the Director of Wildlife, or locally through the Regional biologist or their designate. The Director of Wildlife is responsible for the decision to release any information. In most cases the Director will consult with the regional biologist to ensure any special conditions and/or a liability associated with release of the data are met.

Landowners may have all information about habitats on their land after proving ownership of the land to the satisfaction of the Director of Wildlife. At that time the landowner will be advised of conservation measures required for the site.

All other requests for information must be in writing. The request must explain what information is requested, the exact geographic location of interest, what the data will be used for, the period over which it is required and who is responsible for the information once it is released.

The Department's response will include disclaimers stating any limitations of the data. The reply will also stipulate any restrictions and limitations as to the use and duration over which the data may be deemed accurate. Data sets which are the property of non Department staff may also carry additional restrictions and limitations e.g. publication rights.

The release of information to persons other than the landowner, will reflect the context of the request. The following example based on a rare plant location may help with this decision.

1. Qualified reputable researchers studying the species can receive the most accurate locations available but only in their study area.
2. A representative of a management agency with authority for the conservation of the land e.g. forest contractor, DNR manager, environmental consultant, could receive the information for a polygon in or near their work site.
3. A tourist operator or government agency promoting wildlife in the province will not be given any information beyond that in the ArcView shapefile.

Requests for information will also be assessed with Section 19 of the Freedom of Information Act in mind:

“The head of a public body may refuse to disclose information to any applicant if the disclosure could reasonably be expected to result in damage to, or interfere with the conservation of,

- (a) fossil sites, natural sites or sites that have an anthropological or heritage value;
- (b) an endangered, threatened or vulnerable species, subspecies or race of plants, vertebrates or invertebrates; or
- (c) any other rare or endangered living resource”

If there is reasonable expectation that damage will ensue or conservation will be interfered with, requests for information can be denied. Alternatively, information can be released in a generalized manner e.g. records within a 10 km² square.