



Français

Endangered Species Act, 2007

ONTARIO REGULATION 832/21

HABITAT

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Interpretation

1. (1) In this Regulation,

“land classification system for southern Ontario” means the land classification system set out in the document entitled *Ecological Land Classification for Southern Ontario: First Approximation and its Application*, dated September, 1998 and published by the Ontario Ministry of Natural Resources; (“système de classification écologique des terres du Sud de l’Ontario”)

“watercourse segment” means a section of the watercourse that,

- (a) consists of relatively similar hydrography and surficial geology which is not separated by in-stream barriers that would prevent fish movement, and
- (b) is delineated in accordance with the document entitled “Protocol for Applications Used in the Aquatic Landscape Inventory Software Application for Delineating, Characterizing and Classifying Valley Segments within the Great Lakes Basin”, dated September 2002, that is published by the Ontario Ministry of Natural Resources and available on a website of the Government of Ontario. (“tronçon de cours d’eau”)

(2) A reference in this Regulation to a geographic area is a reference to a geographic area named and described in Schedule 1 or 2 to Ontario Regulation 180/03 (Division of Ontario into Geographic Areas) made under the *Territorial Division Act, 2002*.

American badger habitat

2. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of the American badger:

- 1. An American badger den that is being used by an American badger or was used by an American badger at any time during the previous 12 months.
- 2. The area within five metres of the entrance of a den described in paragraph 1.
- 3. A woodchuck burrow or Franklin’s ground squirrel burrow that,
 - i. is being used by a woodchuck or Franklin’s ground squirrel or was used by a woodchuck or Franklin’s ground squirrel at any time in the past, and
 - ii. is within 850 metres of a den described in paragraph 1.

(2) In this section,

“American badger” means an American badger (Northwestern Ontario population) and an American badger (Southwestern Ontario population).

American white pelican habitat

3. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the geographic areas of Thunder Bay, Kenora and Rainy River are prescribed as the habitat of American white pelican.

(2) Subsection (1) applies to the following areas:

1. An area that is being used, or was used at any time during the previous 10 years, for nesting by a single American white pelican or a colony of American white pelicans.
2. The area within 300 metres of an area described in paragraph 1.

Barn owl habitat

4. For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of the barn owl:

1. A nesting or roosting site that is being used by a barn owl or was used by a barn owl at any time during the previous 12 months.
2. A barn, building or other structure, or a tree or other natural feature, on or in which a nesting or roosting site described in paragraph 1 is located.
3. If a nesting or roosting site described in paragraph 1 is located on a tree or other natural feature, the area within 25 metres of the base of the tree or other natural feature.
4. Those parts of the area within one kilometre of an area described in paragraph 1 or 2 that provide suitable foraging conditions for a barn owl.

Bent spike-rush habitat

5. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic townships are prescribed as the habitat of bent spike-rush:

1. The geographic Township of Walsingham within the County of Norfolk.
2. The geographic Township of Raleigh within the Municipality of Chatham-Kent.

(2) Subsection (1) applies to the following areas:

1. An interdunal pond in which bent spike-rush exists or on which bent spike-rush depends to carry on its life processes.
2. An area belonging to a Great Lakes coastal meadow marsh or any other ecosite identified under the land classification system for southern Ontario if bent spike-rush exists in that area or depends on the area to carry on its life processes.
3. Any other area in which bent spike-rush exists or on which bent spike-rush depends to carry on its life processes.

(3) For the purposes of paragraph 1 of subsection (2), the boundaries of an interdunal pond referred to in that paragraph shall be determined based on its maximum historic extent.

Bogbean buckmoth habitat

6. (1) For the purposes of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic townships are prescribed as the habitat of bogbean buckmoth:

1. The geographic Townships of Goulbourn and Marlborough, within the City of Ottawa.
2. The geographic Township of McNab, within the County of Renfrew.
3. The geographic Township of Pakenham, within the County of Lanark.

(2) Subsection (1) applies to the following areas:

1. An area that belongs to a community class identified as a fen under the land classification system for southern Ontario and that,
 - i. is being used by a bogbean buckmoth or is a fen on which a bogbean buckmoth depends to carry on its life processes, or
 - ii. was used by a bogbean buckmoth at any time during the previous three years and provides suitable conditions for a bogbean buckmoth to carry on its life processes.
2. Any area within 120 metres of an area described in paragraph 1.

Common five-lined skink (Carolinian population) habitat

7. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the geographic areas of Chatham-Kent, Elgin, Essex, Haldimand, Halton, Lambton, Middlesex and Niagara are prescribed as the habitat of the common five-lined skink (Carolinian population).

(2) Subsection (1) applies to the following areas:

1. A naturally occurring area that is being used, or was used at any time in the past three years, by a common five-lined skink (Carolinian population) as a nesting or hibernation site.
2. The area within 30 metres of the area described in paragraph 1.
3. An area other than a naturally occurring area being used by a common five-lined skink (Carolinian population) as a nesting site from the time it is used until the following August 31.
4. An area other than a naturally occurring area being used by a common five-lined skink (Carolinian population) as a hibernation site from the time it is used until the following May 31.
5. An area that is being used, or has been used at any time in the previous three years, by a common five-lined skink (Carolinian population) to carry on life processes other than nesting or hibernation.
6. If an area described in paragraph 1, 2, 3, 4 or 5 is located in an area belonging to a land classification described in subsection (3), the entire area so classified and any other contiguous areas, or areas connected by swamp or marsh, that also belong to a land classification described in subsection (3).
7. An area within 50 metres of an area described in paragraph 3, 4 or 5 if that area provides suitable conditions for a common five-lined skink (Carolinian population) to carry on its life processes.

(3) The following are the land classifications referred to in paragraph 6 of subsection (2):

1. Any of the following community classes identified under the land classification system for southern Ontario:
 - i. A beach/bar.
 - ii. A sand dune.
 - iii. A sand barren.
 - iv. A tallgrass prairie, savannah or woodland.
 - v. A forest.
2. A community series identified as cultural meadow under the land classification system for southern Ontario.

Eastern flowering dogwood habitat

8. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following municipalities are prescribed as the habitat of eastern flowering dogwood:

1. The cities of Brantford, Hamilton, London and Windsor.
2. The counties of Brant, Elgin, Essex, Haldimand, Lambton, Middlesex, Oxford and Norfolk.
3. The Municipality of Chatham-Kent.
4. The regional municipalities of Halton and Niagara.

(2) Subsection (1) applies to the following areas:

1. A terrestrial area within 20 metres of the stem of an eastern flowering dogwood.
2. An area populated by a vegetation type referred to in the land classification system for southern Ontario if,
 - i. the vegetation type occurs naturally in Ontario, and

- ii. eastern flowering dogwood also exists in the area.

(3) In paragraph 1 of subsection (2),

“terrestrial area” means an area where,

- (a) the water table is rarely or briefly above the substrate surface, and
- (b) hydric soils have not developed.

(4) The document referred to in paragraph 2 of subsection (2) is available at the Ministry of Natural Resources District offices and the Ministry of Natural Resources corporate library in Peterborough, Ontario.

Eastern Foxsnake (Carolinian population) habitat

9. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas and parts of geographic areas are prescribed as the habitat of eastern foxsnake (Carolinian population):

- 1. The geographic areas of Chatham-Kent, Essex, Haldimand, Lambton and Norfolk.
- 2. The parts of the geographic area of Elgin composed of the lower-tier municipalities of Bayham and West Elgin.

(2) Subsection (1) applies to the following areas:

- 1. An eastern foxsnake (Carolinian population) hibernaculum.
- 2. The area within 100 metres of the area described in paragraph 1.
- 3. A naturally occurring eastern foxsnake (Carolinian population) egg laying site that is being used, or has been used at any time in the previous three years, by an eastern foxsnake (Carolinian population).
- 4. An eastern foxsnake (Carolinian population) egg laying site, other than a naturally occurring egg laying site, being used by an eastern foxsnake (Carolinian population) from the time it is used until the following November 30.
- 5. A naturally occurring eastern foxsnake (Carolinian population) shedding or basking site that is being used, or has been used at any time in the previous three years, by two or more eastern foxsnakes (Carolinian population).
- 6. An eastern foxsnake (Carolinian population) shedding or basking site, other than a naturally occurring shedding or basking site, that is being used by two or more eastern foxsnakes (Carolinian population) from the time it is used until the following November 30.
- 7. The area within 30 metres of an area described in paragraph 3, 4, 5 or 6.
- 8. Any part of a prairie, savannah, hedge row, shoreline, marsh, old field, forest, sand dune or similar area that is being used by an eastern foxsnake (Carolinian population) or on which an eastern foxsnake (Carolinian population) directly depends to carry on its life processes.
- 9. An area that provides suitable foraging, thermoregulation, or hibernation conditions for eastern foxsnake (Carolinian population) that is within 1,500 metres of any area described in paragraph 8.
- 10. An area that provides suitable conditions for an eastern foxsnake (Carolinian population) to move between areas described in paragraphs 1 through 9.

(3) Subsection (1) does not apply to an area that is part of a lake or river below the historical low water mark.

Eastern Foxsnake (Georgian Bay population) habitat

10. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas and parts of geographic areas are prescribed as the habitat of eastern foxsnake (Georgian Bay population):

- 1. The geographic areas of Parry Sound and Sudbury.
- 2. The part of the geographic area of Muskoka composed of the lower-tier municipality of Georgian Bay.

3. The parts of the geographic area of Simcoe composed of the lower-tier municipalities of Midland, Penetanguishene, Severn, Tay and Tiny.

(2) Subsection (1) applies to the following areas:

1. An eastern foxsnake (Georgian Bay population) hibernaculum.
2. The area within 100 metres of the area described in paragraph 1.
3. A naturally occurring eastern foxsnake (Georgian Bay population) egg laying site that is being used, or has been used at any time in the previous three years, by an eastern foxsnake (Georgian Bay population).
4. An eastern foxsnake (Georgian Bay population) egg laying site, other than a naturally occurring egg laying site, being used by an eastern foxsnake (Georgian Bay population) from the time it is used until the following November 30.
5. A naturally occurring eastern foxsnake (Georgian Bay population) shedding or basking site that is being used, or has been used at any time in the previous three years, by two or more eastern foxsnakes (Georgian Bay population).
6. An eastern foxsnake (Georgian Bay population) shedding or basking site, other than a naturally occurring shedding or basking site, that is being used by two or more eastern foxsnakes (Georgian Bay population) from the time it is used until the following November 30.
7. The area within 30 metres of an area described in paragraph 3, 4, 5 or 6.
8. Any part of a rock barren, open forest, old field, marsh, shoreline or similar area that is being used by an eastern foxsnake (Georgian Bay population) or on which an eastern foxsnake (Georgian Bay population) directly depends to carry on its life processes.
9. An area that provides suitable foraging, thermoregulation, or hibernation conditions for eastern foxsnake (Georgian Bay population) that is,
 - i. within 3,600 metres of an area described in paragraph 8 and no more than 500 metres above the high water mark of Georgian Bay, or
 - ii. within 1,500 metres of any area described in paragraph 8 and within the boundaries set out in subsection (3).
10. An area that provides suitable conditions for an eastern foxsnake (Georgian Bay population) to move between areas described in paragraphs 1 through 9.

(3) The boundaries referred to in subparagraph 9 ii of subsection (2) are as follows:

1. Beginning at the point where the northern limit of the road allowance between Concessions 6 and 7 of the Geographic Township of Baxter meets the waters edge of Georgian Bay.
2. Thence easterly along said limit to the western limit of Highway 400.
3. Thence southerly along the western limit of Highway 400 to the northern waters edge of Tug Channel.
4. Thence northerly along the shore of Georgian Bay to the point of commencement.

(4) Subsection (1) does not apply to,

- (a) an area that is part of a lake or river below the historical low water mark; or
- (b) an area that was used to grow corn, potatoes, soya beans, wheat or any other row crop in the previous 12 months.

Eastern prairie fringed-orchid habitat

11. (1) For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of the eastern prairie fringed-orchid:

1. Areas described in subsection (2) where eastern prairie fringed-orchids exist or existed at any time in the past in,
 - i. the City of Ottawa,
 - ii. the counties of Bruce, Essex, Grey, Lambton, Lanark, Lennox and Addington and Simcoe,

- iii. the Municipality of Chatham-Kent,
- iv. The Regional Municipality of York, and
- v. the United Counties of Leeds and Grenville and the United Counties of Stormont, Dundas and Glengarry.

(2) Paragraph 1 of subsection (1) applies to the following areas:

- 1. Fens.
- 2. Tallgrass prairies.
- 3. Moist old fields.

Eastern sand darter habitat

12. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas and parts of geographic areas are prescribed as the habitat of eastern sand darter:

- 1. The geographic areas of Brant, Chatham-Kent, Essex, Elgin, Haldimand, Middlesex, Norfolk and Prince Edward, including the water bodies of Lake Erie, Lake St. Clair and the Detroit River that are adjacent to those geographic areas.
- 2. The parts of the geographic area of Lambton composed of the lower tier municipalities of Brooke-Alvinston and Dawn-Euphemia.

(2) Subject to subsection (3), subsection (1) applies to the following areas:

- 1. Any part of a river, stream or other watercourse, other than the Detroit River, up to the high water mark, that is being used, or has been used at any time in the previous four years, by an eastern sand darter.
- 2. Any part of a river, stream or other watercourse, up to the high water mark, that is within the same watercourse segment as the area described in paragraph 1.
- 3. Any area adjacent to the part of a river, stream or other watercourse described in paragraph 1 or 2 that is,
 - i. an area consisting primarily of vegetation that occurs naturally or with minimal human intervention, such as a forest, woodland, thicket, wetland, old field, pasture or meadow, and
 - ii. within 30 metres of the relevant high water mark.
- 4. Any part of the Detroit River or other body of water, other than a watercourse described in paragraph 1, up to the high water mark, that is being used, or has been used at any time in the previous 4 years, by an eastern sand darter.
- 5. Any part of a body of water that is within the same body of water as an area described in paragraph 4 if that part is,
 - i. dominated by sand or fine gravel substrate, and
 - ii. within 1000 metres of the area described in paragraph 4.

(3) Subsection (1) does not apply to the following areas:

- 1. The part of the Sydenham River downstream of the downstream edge of the bridge on County Road 21 in the town of Dresden within the Municipality of Chatham-Kent.
- 2. A river, stream or watercourse that would be part of a watercourse segment described in paragraph 2 of subsection (2) that is a tributary to the watercourse containing the area described in paragraph 1 of subsection (2), unless that tributary is being used, or has been used at any time in the previous 4 years, by an eastern sand darter.

Engelmann's quillwort habitat

13. For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of Engelmann's quillwort:

1. The area shown as “Engelmann’s Quillwort Habitat” on a map entitled “Engelmann’s Quillwort (*Isoetes engelmannii*) Habitat / Habitat de l’isoète d’Engelmann (*Isoetes engelmannii*) – Rivière Gull River” that is filed in the office of the Surveyor General and is dated July 28, 2016, but not including,
 - i. any part of the area that has quickly flowing turbulent water,
 - ii. any part of the area where the water is more than five metres deep, or
 - iii. any part of the area that is heavily shaded by trees or other vegetation between June 1 and September 30.
2. The area shown as “Engelmann’s Quillwort Habitat” on a map entitled “Engelmann’s Quillwort (*Isoetes engelmannii*) Habitat / Habitat de l’isoète d’Engelmann (*Isoetes engelmannii*) – Rivière Severn River” that is filed in the office of the Surveyor General and is dated July 28, 2016, but not including,
 - i. any part of the area that has quickly flowing turbulent water,
 - ii. any part of the area where the water is more than five metres deep, or
 - iii. any part of the area that is heavily shaded by trees or other vegetation between June 1 and September 30.
3. The area above the high water mark that is within five metres of an area described in paragraph 1 or 2.

Few-flowered club-rush habitat

14. For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of few-flowered club-rush:

1. Dry fresh oak deciduous forest located in,
 - i. Lot 32, ranges 2 and 3, in the geographic Township of Pickering, located in the City of Pickering in The Regional Municipality of Durham,
 - ii. Lots 21 to 26, Concession 1, in the Royal Botanical Gardens in the geographic Township of Flamborough, located in the City of Hamilton, or
 - iii. Lot 1, Concession Gore, in the Royal Botanical Gardens in the geographic Township of Ancaster, located in the City of Hamilton.
2. Dry fresh oak-maple-hickory deciduous forest located in,
 - i. Lot 32, ranges 2 and 3, in the geographic Township of Pickering, located in the City of Pickering in The Regional Municipality of Durham,
 - ii. Lots 21 to 26, Concession 1, in the Royal Botanical Gardens in the geographic Township of Flamborough, located in the City of Hamilton, or
 - iii. Lot 1, Concession Gore, in the Royal Botanical Gardens in the geographic Township of Ancaster, located in the City of Hamilton.
3. Dry tallgrass woodland located in,
 - i. Lots 21 to 26, Concession 1, in the Royal Botanical Gardens in the geographic Township of Flamborough, located in the City of Hamilton, or
 - ii. Lot 1, Concession Gore, in the Royal Botanical Gardens in the geographic Township of Ancaster, located in the City of Hamilton.

Four-leaved milkweed habitat

15. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas and parts of geographic areas are prescribed as the habitat of four-leaved milkweed:

1. The geographic area of Prince Edward.
2. The parts of the geographic area of Hastings composed of the single-tier municipality of Belleville and the lower-tier municipality of Tyendinaga.
3. The part of the geographic area of Lennox and Addington composed of the lower-tier municipality of Greater Napanee.
4. The parts of the geographic area of Niagara composed of the lower-tier municipalities of Niagara Falls and Niagara-on-the-Lake.

(2) Subsection (1) applies to the following areas:

1. An area where a four-leaved milkweed exists or existed at any time in the previous six years.
2. Any area within 50 metres of an area described in paragraph 1.
3. Any area that is beyond 50 metres of an area described in paragraph 1 but within 200 metres of that area if the area is suitable for natural colonization by four-leaved milkweed such as a treed alvar, woodland, cultural meadow, thicket, young deciduous forest or similar area.

Fowler’s toad habitat

16. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas are prescribed as the habitat of Fowler’s toad:

1. The geographic Township of Bayham within Elgin county.
2. The geographic Townships of Harwich and Howard within the Municipality of Chatham-Kent.
3. The geographic Townships of Bertie, Humberstone and Wainfleet within the Regional Municipality of Niagara.
4. The geographic Townships of Charlotteville, Houghton and Walsingham within Norfolk County.
5. The geographic Townships of Cayuga, Dunn, Moulton, Rainham and Sherbrooke within Haldimand County.

(2) Subsection (1) applies to the following areas:

1. Any part of a wetland, pond or other body of water, including a vernal or other temporary pool, that is being used, or was used at any time in the previous five years, by a Fowler’s toad for breeding, egg laying or tadpole development.
2. Any area within 30 metres of an area described in paragraph 1.
3. An area that is being used, or was used at any time in the previous five years, by a Fowler’s toad as a hibernation site or for any purpose other than migration or dispersal.
4. Any of the following types of areas near Lake Erie that fall within a surrounding zone described in subsection (3):
 - i. a sand or pebble beach that is open or populated by shrubs or trees,
 - ii. a sand dune or sand barren that is open or populated by shrubs or trees,
 - iii. a marsh or a pond, pool or other body of water, including vernal or other temporary pools, or
 - iv. a rock shoal.
5. An area that is being used, or was used at any time in the previous five years, by a Fowler’s toad to migrate between two or more areas described in paragraphs 1, 3 or 4 if,
 - i. the areas are within one kilometre of each other, and

ii. the areas belong to a community series identified in the land classification system for southern Ontario.

6. An area situated between two areas described in paragraph 4, whether or not the two areas are within the same surrounding zone, if,

i. the two areas are within one kilometre of each other, as measured along the water's edge of Lake Erie, and

ii. the area provides suitable conditions for Fowler's toad to disperse from one of the two areas to the other.

(3) A surrounding zone referred to in paragraph 4 of subsection (2) is a zone that is in the shape of an approximate square or rectangle and that surrounds a habitat area described in paragraph 1 or 3 of subsection (2) near Lake Erie. The limits of the surrounding zone are determined as follows:

1. Trace two lines beginning from the outer edges of a habitat area described in paragraph 1 or 3 of subsection (2) and extending in both directions parallel to the water's edge for 150 metres to reach either side of the square or rectangle.
2. Then, changing direction and beginning at the end of both lines traced under paragraph 1, trace two lines towards the water's edge of Lake Erie until it is reached on both sides of the square or rectangle.
3. The water's edge of Lake Erie between the two lines traced under paragraph 2 forms the bottom line of the square or rectangle.
4. The top line of the square or rectangle is parallel to the bottom line and runs between the two side lines of the square or rectangle determined under paragraph 2, and is situated at a distance from the bottom line determined by extending the two side lines above the high water mark of Lake Erie to a distance of,
 - i. 700 metres, in the case of a surrounding zone situated in the geographic township of Walsingham within Norfolk County, or
 - ii. 300 metres, in any other case.

Gray ratsnake (Carolinian population) habitat

17. (1) For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas and parts of geographic areas are prescribed as the habitat of gray ratsnake (Carolinian population):

1. The geographic areas of Brant, Elgin, Haldimand, Niagara and Norfolk.
2. The part of the geographic area of Middlesex composed of the upper-tier municipality of Middlesex.

(2) Subsection (1) applies to the following areas:

1. A gray ratsnake (Carolinian population) hibernaculum.
2. The area within 150 metres of the area described in paragraph 1.
3. A naturally occurring gray ratsnake (Carolinian population) egg laying site that is being used, or has been used at any time in the previous three years, by a gray ratsnake (Carolinian population).
4. A gray ratsnake (Carolinian population) egg laying site, other than a naturally occurring egg laying site, being used by a gray ratsnake (Carolinian population) from the time it is used until the following November 30.
5. A naturally occurring gray ratsnake (Carolinian population) shedding or basking site that is being used, or has been used at any time in the previous three years, by two or more gray ratsnakes (Carolinian population).
6. A gray ratsnake (Carolinian population) shedding or basking site, other than a naturally occurring shedding or basking site, that is being used by two or more gray ratsnakes (Carolinian population) from the time it is used until the following November 30.
7. The area within 30 metres of an area described in paragraph 3, 4, 5 or 6.

8. Any part of a meadow, forest, hedge row, shoreline, old field, wetland or similar area that is being used by a gray ratsnake (Carolinian population) or on which a gray ratsnake (Carolinian population) directly depends to carry on its life processes.
9. An area that provides suitable foraging, thermoregulation, or hibernation conditions for gray ratsnake (Carolinian population) that is within 2,000 metres of an area described in paragraph 8.
10. An area that provides suitable conditions for gray ratsnake (Carolinian population) to move between areas described in paragraphs 1 through 9.

(3) Subsection (1) does not apply to an area that is part of a lake or river below the historical low water mark.

Gray ratsnake (Frontenac Axis population) habitat

18. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas and parts of geographic areas are prescribed as the habitat of gray ratsnake (Frontenac Axis population):

1. The geographic area of Leeds and Grenville.
2. The parts of the geographic area of Frontenac composed of the lower-tier municipalities of Central Frontenac, Frontenac Islands and South Frontenac and the single-tier municipality of Kingston.
3. The parts of the geographic area of Lanark composed of the lower-tier municipalities of Drummond-North Elmsley and Tay Valley.

(2) Subsection (1) applies to the following areas:

1. A gray ratsnake (Frontenac Axis population) hibernaculum.
2. The area within 150 metres of the area described in paragraph 1.
3. A naturally occurring gray ratsnake (Frontenac Axis population) egg laying site that is being used, or has been used at any time in the previous three years, by a gray ratsnake (Frontenac Axis population).
4. A gray ratsnake (Frontenac Axis population) egg laying site, other than a naturally occurring egg laying site, being used by a gray ratsnake (Frontenac Axis population) from the time it is used until the following November 30.
5. A naturally occurring gray ratsnake (Frontenac Axis population) shedding or basking site that is being used, or has been used at any time in the previous three years, by two or more gray ratsnakes (Frontenac Axis population).
6. A gray ratsnake (Frontenac Axis population) shedding or basking site, other than a naturally occurring shedding or basking site, that is being used by two or more gray ratsnakes (Frontenac Axis population) from the time it is used until the following November 30.
7. The area within 30 metres of an area described in paragraph 3, 4, 5 or 6.
8. Any part of a rock barren, forest, hedge row, shoreline, old field, wetland or similar area that is being used by a gray ratsnake (Frontenac Axis population) or on which a gray ratsnake (Frontenac Axis population) directly depends to carry on its life processes.
9. An area that provides suitable foraging, thermoregulation, or hibernation conditions for gray ratsnake (Frontenac Axis population) that is within 1,000 metres of an area described in paragraph 8.
10. An area that provides suitable conditions for gray ratsnake (Frontenac Axis population) to move between areas described in paragraphs 1 through 9.

(3) Subsection (1) does not apply to,

- (a) an area that is part of a lake or river below the historical low water mark; or
- (b) an area that was used to grow corn, potatoes, soya beans, wheat or any other row crop in the previous 12 months.

Hine's emerald habitat

19. (1) For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the parts of the geographic area of Simcoe composed of the single-tier municipality of Barrie and the lower-tier municipalities of Adjala-Tosoronto, Clearview, Essa, Innisfil, Springwater and Wasaga Beach are prescribed as the habitat of Hine's emerald.

(2) Subsection (1) applies to the following areas:

1. Any part of a fen, marsh, seepage area, pond or other body of water, including a vernal or other temporary pool, that is being used, or has been used at any time in the past, by a Hine's emerald for egg laying or larval development.
2. Any part of a wetland, watercourse, pond or other body of water, including a vernal or other temporary pool, up to the high water mark, that is within 1600 metres of an area described in paragraph 1.
3. Any area that does not have an impervious surface and that is within 500 metres of an area described in paragraph 2.

(3) In this section,

"impervious surface" means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot; ("surface imperméable")

"seepage area" means a site of emergence of ground water where the water table is present at the ground surface, including a spring. ("surface de suintement")

Hungerford's crawling water beetle habitat

20. (1) For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas are prescribed as the habitat of Hungerford's crawling water beetle:

1. The parts of the geographic area of Bruce composed of the lower-tier municipalities of Arran-Elderslie, Brockton, South Bruce and South Bruce Peninsula.
2. The parts of the geographic area of Grey composed of the lower-tier municipalities of Chatsworth, Hanover and West Grey.

(2) Subsection (1) applies to the following areas:

1. Any part of a river, stream or other watercourse, up to the high water mark, that is being used, or has been used at any time in the previous five years, by a Hungerford's crawling water beetle.
2. Any part of a river, stream or other watercourse, up to the high water mark, that is within 400 metres of an area described in paragraph 1.
3. Any area adjacent to the part of a river, stream or other watercourse described in paragraph 1 or 2 that is,
 - i. an area consisting primarily of vegetation that occurs naturally or with minimal human intervention, such as forest, woodland, thicket, wetland, old field, pasture or meadow, and
 - ii. within 30 metres of the relevant high water mark.

Jefferson salamander habitat

21. For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of the Jefferson salamander:

1. In the City of Hamilton, the counties of Brant, Dufferin, Elgin, Grey, Haldimand, Norfolk and Wellington and the regional municipalities of Halton, Niagara, Peel, Waterloo and York,
 - i. a wetland, pond or vernal or other temporary pool that is being used by a Jefferson salamander or Jefferson dominated polyploid or was used by a Jefferson salamander or Jefferson dominated polyploid at any time during the previous five years,

- ii. an area that is within 300 metres of a wetland, pond or vernal or other temporary pool described in subparagraph i and that provides suitable foraging, dispersal, migration or hibernation conditions for Jefferson salamanders or Jefferson dominated polyploids,
- iii. a wetland, pond or vernal or other temporary pool that,
 - A. would provide suitable breeding conditions for Jefferson salamanders or Jefferson dominated polyploids,
 - B. is within one kilometre of an area described in subparagraph i, and
 - C. is connected to the area described in subparagraph i by an area described in subparagraph iv, and
- iv. an area that provides suitable conditions for Jefferson salamanders or Jefferson dominated polyploids to disperse and is within one kilometre of an area described in subparagraph i.

Laura's clubtail habitat

22. (1) For the purposes of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas or parts of geographic areas are prescribed as the habitat of Laura's clubtail:

1. The geographic areas of Brant and Norfolk.
2. The parts of the geographic area of Elgin composed of the lower-tier municipalities of Bayham and Malahide.
3. The parts of the geographic area of Oxford composed of the lower-tier municipalities of Norwich, South-West Oxford and Tilsonburg.

(2) Subsection (1) applies to the following areas:

1. Any part of a river, stream or other body of water, up to the high water mark, that is being used by a Laura's clubtail or on which a Laura's clubtail directly depends in order to carry on its life processes.
2. Any part of a river, stream or other body of water, up to the high water mark, that was used by a Laura's clubtail at any time during the previous 5 years and that provides suitable conditions for a Laura's clubtail to carry on its life processes.
3. An area within 200 metres of a high water mark referred to in paragraph 1 or 2 that is populated by a vegetation type referred to in the land classification system for southern Ontario if the vegetation type occurs naturally in Ontario.

Northern barrens tiger beetle habitat

23. (1) For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the following areas in the geographic Township of Bosanquet, located in the County of Lambton are prescribed as the habitat of northern barrens tiger beetle:

1. An area that,
 - i. is being used, or has been used at any time in the previous five years, by a northern barrens tiger beetle, and
 - ii. provides suitable conditions for a northern barrens tiger beetle to carry on its life processes.
2. An area of exposed sand substrate that is contiguous with an area described in paragraph 1 and within 250 metres of an area described in paragraph 1.
3. An area suitable for foraging, thermoregulation, hibernation, reproduction, or dispersal within 250 metres of an area described in paragraph 1.

(2) For greater certainty, an area of exposed sand substrate referred to in paragraph 2 of subsection (1) may include trails, hydro corridors, access roads, and other similar areas.

Ogden's pondweed habitat

24. (1) For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic townships are prescribed as the habitat of Ogden's pondweed:

1. The geographic Township of South Crosby, located in the Municipality of Rideau Lakes in the United Counties of Leeds and Grenville.
2. The geographic Township of Burgess, located in the Municipality of Tay Valley in the County of Lanark.

(2) Subsection (1) applies to the following areas:

1. An aquatic vegetation community where Ogden's pondweed exists or has existed at any time in the past that is in an area of a stream, river or other body of water that is less than five metres deep.
2. Any part of a river, stream or other body of water within an area described in paragraph 1, up to the high water mark.
3. The area above the high water mark that is within five metres of an area described in paragraph 2.

Pale-bellied frost lichen habitat

25. (1) For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas, parts of geographic areas and provincial park are prescribed as the habitat of pale-bellied frost lichen:

1. Algonquin Provincial Park.
2. The geographic areas of Haliburton, Hastings, Lanark, Lennox and Addington, Peterborough and Renfrew.
3. The parts of the geographic area of Frontenac composed of the lower-tier municipalities of Central Frontenac, North Frontenac and South Frontenac.
4. The parts of the geographic area of Leeds and Grenville composed of the lower-tier municipalities of Athens, Elizabethtown-Kitley, Merrickville-Wolford and Rideau Lakes.
5. The parts of the geographic area of Nipissing composed of the lower-tier municipality of South Algonquin.

(2) Subsection (1) applies to the following areas:

1. The host tree on which the pale-bellied frost lichen exists and the area within 50 metres of the trunk of the host tree.
2. An area within 100 metres of pale-bellied frost lichen that falls within a water body, watercourse or an area belonging to a community series identified under the land classification system for southern Ontario and that,
 - i. is suitable for natural colonization from an existing population of pale-bellied frost lichen, or
 - ii. contributes to the maintenance of suitable microsite characteristics for pale-bellied frost lichen to exist.

Pitcher's thistle habitat

26. (1) For the purpose of clause (a) of the definition of "habitat" in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic areas and geographic townships are prescribed as the habitat of Pitcher's thistle:

1. The part of the geographic area of Bruce composed of the lower-tier municipality of Kincardine.
2. The part of the geographic area of Lambton composed of the lower-tier municipality of Lambton Shores.
3. The parts of the geographic area of Manitoulin composed of the single-tier municipalities of Burpee and Mills, Central Manitoulin, Cockburn Island, Northeast Manitoulin and the Islands and Tehkummah.
4. The geographic townships of Dawson and Robinson within the geographic area of Manitoulin.

(2) Subsection (1) applies to the following areas:

1. A sand dune with less than 25 per cent tree cover, where Pitcher's thistle exists or has existed at any time in the previous five years.
2. Any area that is within 15 metres of the area referred to in paragraph 1, if the area consists primarily of vegetation that occurs naturally or with minimal human intervention and has greater than 25 per cent tree cover.

Queenssnake habitat

27. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the geographic areas of Brant, Bruce, Chatham-Kent, Essex, Haldimand, Huron, Lambton, Oxford, Middlesex, Norfolk and Waterloo are prescribed as the habitat of queenssnake.

(2) Subsection (1) applies to the following areas:

1. A queenssnake hibernaculum.
2. All areas within 50 metres of an area described in paragraph 1.
3. Any part of a river, stream or other body of water or marsh that is below the high water mark and that,
 - i. is being used, or has been used at any time in the previous five years, by a queenssnake,
 - ii. is within 250 metres of an area described in subparagraph i, or
 - iii. is situated between two or more areas described in subparagraph ii that are within 500 metres of each other and provides suitable conditions for dispersal of queenssnake.
4. The area adjacent to the part of a river, stream or other body of water or marsh described in subparagraph 3 i or ii and within 30 metres above the relevant high water mark.
5. The area adjacent to the part of a river, stream or other body of water or marsh described in subparagraph 3 iii and within five metres above the relevant high water mark.

Rapids clubtail habitat

28. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following parts of geographic areas are prescribed as the habitat of rapids clubtail:

1. The part of the geographic area of Lanark composed of the lower-tier municipality of Mississippi Mills.
2. The part of the geographic area of Middlesex composed of the lower-tier municipality of Thames Centre.
3. The parts of the geographic area of Oxford composed of the lower-tier municipalities of South-West Oxford and Zorra.
4. The part of the geographic area of Peel composed of the lower-tier municipality of Caledon.
5. The parts of the geographic area of York composed of the lower-tier municipalities of King and Vaughan.

(2) Subsection (1) applies to the following areas:

1. Any part of a river, stream or other body of water, up to the high water mark, that is being used by a rapids clubtail or on which a rapids clubtail directly depends in order to carry on its life processes.
2. Any part of a river, stream or other body of water, up to the high water mark, that was used by a rapids clubtail at any time during the previous 5 years and that provides suitable conditions for a rapids clubtail to carry on its life processes.
3. An area of deciduous or mixed forest or of deciduous or mixed treed swamp that is adjacent to an area identified in paragraph 1 or 2 and within 200 metres of the relevant high water mark.

Redside dace habitat

29. For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of redside dace:

1. Within the cities of Hamilton and Toronto, the counties of Bruce, Grey, Huron, Simcoe and Wellington, the regional municipalities of Durham, Halton, Peel and York, the Townships of St. Joseph, Jocelyn and Hilton, and the Village of Hilton Beach,
 - i. any part of a stream or other watercourse that is being used by a redside dace,

- ii. any part of a stream or other watercourse that was used by a redbreasted nuthatch at any time during the previous 20 years and that provides suitable conditions for a redbreasted nuthatch to carry out its life processes,
 - iii. the area encompassing the meander belt width of an area described in subparagraph i or ii,
 - iv. the vegetated area or agricultural lands that are within 30 metres of an area described in subparagraph iii, and
 - v. a stream, permanent or intermittent headwater drainage feature, groundwater discharge area or wetland that augments or maintains the baseflow, coarse sediment supply or surface water quality of a part of a stream or other watercourse described in subparagraph i or ii, provided the part of the stream or watercourse has an average bankfull width of 7.5 metres or less.
2. Within the City of Hamilton, counties of Bruce, Grey, Huron, Simcoe and Wellington and the regional municipalities of Durham, Halton, Peel and York,
- i. any part of a stream or other watercourse used by a redbreasted nuthatch at any time in the past that is located in the same or adjacent sub-watershed as the area identified in subparagraph 1 i or ii that provides suitable conditions for successful stream corridor rehabilitation and for natural recolonization of redbreasted nuthatch,
 - ii. the area encompassing the meander belt width of an area described in subparagraph i,
 - iii. the vegetated area or agricultural lands that are within 30 metres of an area described in subparagraph ii, and
 - iv. a stream, permanent or intermittent headwater drainage feature, groundwater discharge area or wetland that augments or maintains the baseflow, coarse sediment supply or surface water quality of a part of a stream or other watercourse described in subparagraph i, provided the part of the stream or watercourse has an average bankfull width of 7.5 metres or less.

Rusty-patched bumble bee habitat

30. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located south of 45°30'0" north latitude are prescribed as the habitat of the rusty-patched bumble bee.

(2) Subject to subsection (3), subsection (1) applies to the following areas:

- 1. An area that is being used by a rusty-patched bumble bee as a nesting or hibernation site.
- 2. All areas within 30 metres of the area described in paragraph 1.
- 3. Any area that is part of a prairie, savannah, woodland, marsh, bog, forest, sand dune, old field or similar area that,
 - i. is being used by a rusty-patched bumble bee for any purpose, or was used by a rusty-patched bumble bee for any purpose at any time in the previous five years,
 - ii. is within 500 metres of an area described in subparagraph i and provides suitable foraging conditions for a rusty-patched bumble bee,
 - iii. is beyond the area described in subparagraph ii but within 1000 metres of an area described in subparagraph i and provides suitable foraging conditions for a rusty-patched bumble bee during the period from April 1 to May 31 of any given year,
 - iv. is within 500 metres of an area described in subparagraph ii and contiguous to that area and provides suitable foraging conditions for a rusty-patched bumble bee.

(3) Subsection (1) does not apply to an area that was used in the past 12 months for,

- (a) pasture;
- (b) growing, producing or raising farm animals;
- (c) producing agricultural crops; or
- (d) growing a garden or lawn.

Virginia mallow habitat

31. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the areas described in subsection (2) that are located in the following geographic townships are prescribed as the habitat of the Virginia mallow:

- 1. The geographic townships of Cayuga and Oneida, within the County of Haldimand.
- 2. The geographic townships of Clinton and Grimsby, within The Regional Municipality of Niagara.

(2) Subsection (1) applies to the following areas:

- 1. If Virginia mallow exists in an area belonging to a vegetation type identified under the land classification system for southern Ontario and the vegetation type occurs naturally in Ontario, the entire area so classified.
- 2. If Virginia mallow exists in an area other than an area described in paragraph 1, the area within 50 metres of a Virginia mallow that provides suitable conditions for Virginia mallow to carry on its life processes.

Wavy-rayed lampmussel habitat

32. (1) For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of wavy-rayed lampmussel:

- 1. In the geographic areas of Brant, Chatham-Kent, Huron, Lambton, Middlesex, Oxford, Perth, Waterloo and Wellington,
 - i. any part of a river, stream or other watercourse, other than the St. Clair River, up to the high water mark, that is being used, or has been used at any time in the past, by a wavy-rayed lampmussel,
 - ii. any part of a river, stream or other watercourse, up to the high water mark, that is,
 - A. within the same watercourse segment as the area described in subparagraph i, and
 - B. of a stream order greater than two,
 - iii. the area adjacent to the part of a river, stream or other watercourse described in subparagraphs i or ii that is,
 - A. an area consisting primarily of vegetation that occurs naturally or with minimal human intervention, such as a forest, woodland, thicket, wetland, old field, pasture or meadow, and
 - B. within 30 metres of the relevant high water mark.
- 2. In Lake St. Clair,
 - i. any part of Lake St. Clair, up to the high water mark, that has a water depth of two metres or less and that is being used, or has been used at any time in the past, by a wavy-rayed lampmussel,
 - ii. any part of Lake St. Clair, up to the high water mark, that has a water depth of two metres or less and that is within 5 kilometres of an area described in subparagraph i.
- 3. In the St. Clair River,
 - i. any part of the St. Clair River, up to the high water mark, that is being used, or has been used at any time in the past, by a wavy-rayed lampmussel,

- ii. any part of the St. Clair River, up to the high water mark, that is within 5 kilometres of an area described in subparagraph i.

(2) Subsection (1) does not apply to the part of the Sydenham River located downstream of the downstream edge of the bridge on County Road 21 in the town of Dresden within the Municipality of Chatham-Kent.

(3) In this section,

“stream order” means the ordering of streams in which the smallest unbranched channels are considered first order, the joining of such channels forms a second order and subsequent unions of similar stream orders results in successively higher stream orders. (“ordre de cours d'eau”)

Western silvery aster habitat

33. For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of the western silvery aster:

1. Bur oak savannah where a western silvery aster exists in the part of Ontario shown on a map entitled “Geographic Scope of Western Silvery Aster (*Symphyotrichum sericeum*) regulated habitat in Ontario / Étendue géographique de l’habitat réglementé de l’aster soyeux (*Symphyotrichum sericeum*) en Ontario – Cliff Island / Île Cliff” that is filed in the office of the Surveyor General and is dated July 28, 2016.
2. Bur oak savannah where a western silvery aster exists in the part of Ontario shown on a map entitled “Geographic Scope of Western Silvery Aster (*Symphyotrichum sericeum*) regulated habitat in Ontario / Étendue géographique de l’habitat réglementé de l’aster soyeux (*Symphyotrichum sericeum*) en Ontario – Big Traverse Bay / Grande baie Traverse” that is filed in the office of the Surveyor General and is dated July 28, 2016.

Wood turtle habitat

34. For the purpose of clause (a) of the definition of “habitat” in subsection 2 (1) of the Act, the following areas are prescribed as the habitat of the wood turtle:

1. In the regional municipalities of Halton, Niagara and Waterloo and the counties of Huron and Simcoe,
 - i. any part of a river, stream or other body of water, up to the high water mark, that is being used by a wood turtle or on which a wood turtle directly depends in order to carry on its life processes,
 - ii. any part of a river, stream or other body of water up to the high water mark that is within 2000 metres of the area described in subparagraph i and that provides suitable conditions for a wood turtle to carry out its life processes,
 - iii. the area above the high water mark that is within 200 metres of an area described in subparagraph i or ii, and
 - iv. an area above the high water mark that is not described in subparagraph iii and that is being used by a wood turtle as a nesting site or that is within 300 metres of that area.
2. In the territorial districts of Algoma, Nipissing and Parry Sound, the City of Greater Sudbury, and the County of Renfrew,
 - i. any part of a river, stream or other body of water, up to the high water mark, that is being used by a wood turtle or on which a wood turtle directly depends in order to carry on its life processes,
 - ii. any part of a river, stream or other body of water up to the high water mark that is within 6,000 metres of the area described in subparagraph i and that provides suitable conditions for a wood turtle to carry out its life processes,
 - iii. the area above the high water mark that is within 500 metres of an area described in subparagraph i or ii, and
 - iv. an area above the high water mark that is not described in subparagraph iii and that is being used by a wood turtle as a nesting site or that is within 300 metres of that area.

35. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION).

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