

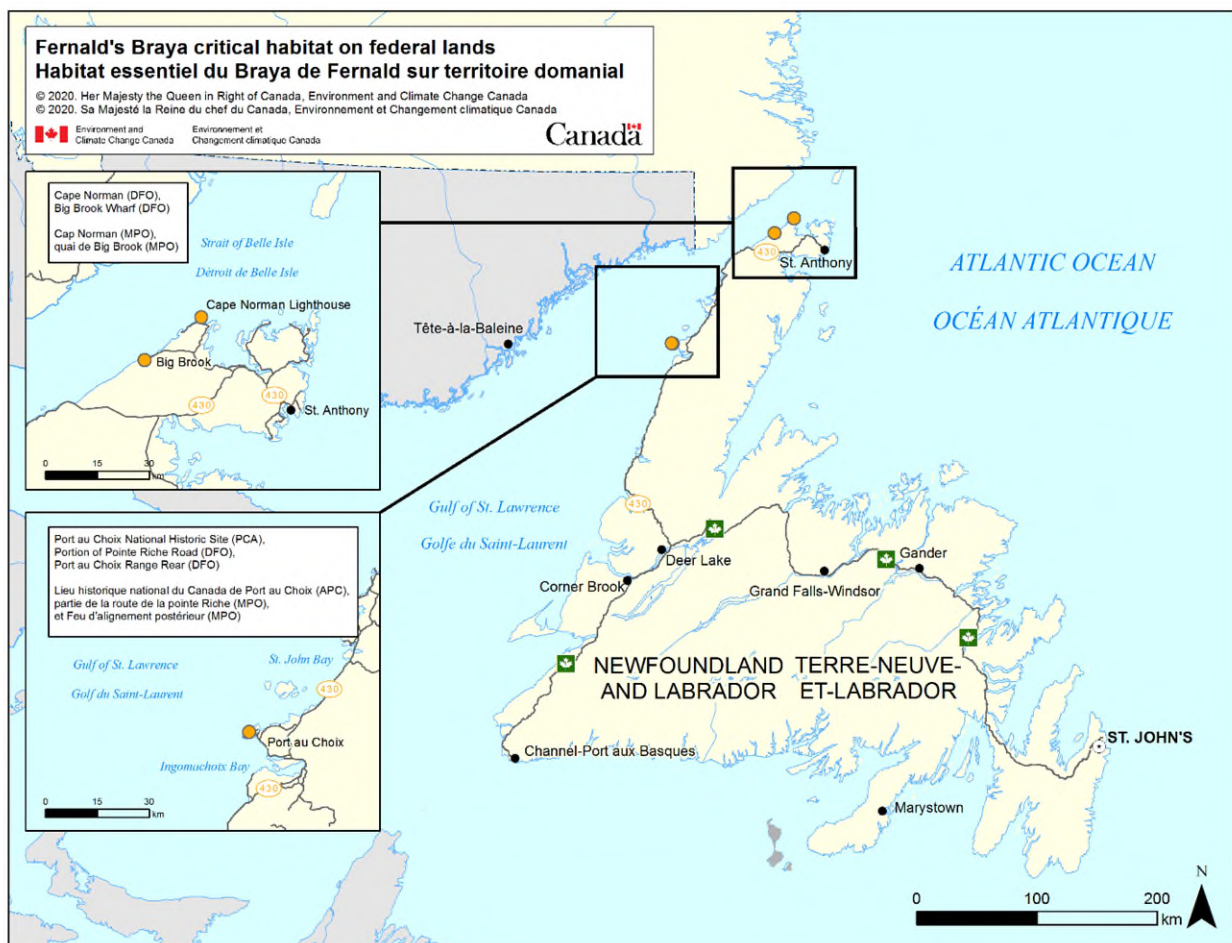
Order Summary: Critical Habitat of the Fernald's Braya (*Braya fernaldii*)



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The objective of the [Critical Habitat of the Fernald's Braya \(*Braya fernaldii*\) Order](#) (the Order) is to support the survival and recovery of the Fernald's Braya through the legal protection of its critical habitat on federal land as identified in the species' [action plan](#).

The Order applies to five federal properties, administered by the Department of Fisheries and Oceans (DFO) and Parks Canada Agency (PCA), located on the island of Newfoundland: Cape Norman lighthouse (DFO), Big Brook Wharf (DFO), Port au Choix National Historic Site (PCA), Port au Choix Range Rear (DFO), and a portion of the Point Riche Road (DFO). The federal lands are used for a variety of purposes including the operation of access roads, wharves, heritage conservation, and a lighthouse.



The Order was made under section 58 of the [Species at Risk Act](#) (SARA). It was brought into force on February 8, 2021.

About the Fernald's Braya

Fernald's Braya (*Braya fernaldii*) is a small (10 cm tall) herbaceous perennial plant endemic to the Limestone Barrens ecosystem on the island of Newfoundland, Canada. It has fleshy, dark green to purplish, linear spatulate (spoon-shaped) leaves arranged in rosettes and four-petalled white to pinkish or purplish flowers.

It is currently found in an area that spans about 260 km of coastline from Bellburns to Burnt Cape, Newfoundland. It is likely that Fernald's Braya occurs sparsely throughout the almost continuous strip of limestone barrens at the northern (70 km) end of its range. The main threats to the Fernald's Braya are loss and degradation of habitat due to human activities, as well as non-native species (e.g., insect pests and pathogens).

Fernald's Braya was listed as threatened under the Species at Risk Act (SARA) in 2003. The species was subsequently re-assessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) in 2012 as endangered. In February 2018, the species was reclassified from threatened to endangered. The general prohibitions under section 32 of SARA (for individuals) therefore apply to the Fernald's Braya on federal land. As such, it is prohibited:

- to kill, harm, harass, capture or take an individual Fernald's Braya; and
- to possess, collect, buy, sell or trade an individual Fernald's Braya or any part or derivative of such

The species is also listed as endangered under the Newfoundland and Labrador *Endangered Species Act* and benefits from protections under this piece of legislation.

Prohibitions under the Order

The Order applies the prohibition against the destruction of critical habitat, as set out in subsection 58(1) of SARA, to the critical habitat of the Fernald's Braya on federal land. Destruction of critical habitat would result if any part of the critical habitat were degraded, either permanently or temporarily, such that it would not serve its function when needed by the species. Examples of activities likely to result in destruction of critical habitat for the species include, but are not limited to the following:

- the removal of vegetation and/or the organic layer that can result in destruction of critical habitat. Specific examples include commercial or industrial activities such as limestone gravel excavation, quarrying, drilling and road construction. Other local activities include the development of recreational trails for eco-tourism purposes. It should be noted that these activities occur infrequently but result in a significant loss of habitat.
- substrate compaction and substrate damage (e.g. limestone shattering) that affects normal root function, seedling recruitment, and natural hydrologic patterns. Specific examples capable of causing compaction and substrate damage include inappropriate maintenance of roads, utility corridors, and service lines, recreational use of off-road vehicles, and the placement of temporary or permanent structures. It is important to note that even a single pass of an off-road vehicle (e.g. all-terrain vehicle or dirt bike), especially when substrate is wet, can cause enough compaction to result in the temporary loss of habitat function.
- any activity on critical habitat that may result in the disturbance or alteration of the habitat in such a way as to reduce the quality of habitat by removing substrate or damaging components of the plant community. Specific examples include the laying out of fish nets or other fishing equipment, wood piling, the collecting of rock or plants for horticultural purposes, the collecting of fossils, allowing any domestic animal to run at large, picnicking or camping, the depositing of waste material, and the introduction of plants or animals non-native to the limestone barrens.

Applying for 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 Fernald's Braya or destroy any part of its critical habitat, then you will need to apply for a permit under section 73 of SARA. A permit may be issued if the activity meets one of three purposes: (a) scientific research relating to the conservation of the species and conducted by a qualified person; (b) activity benefitting the species or required to enhance chance of survival in the wild; or (c) affecting the species is incidental to the carrying out of the activity.

Permits are assessed on a case-by-case basis at the time of application. They may be granted only when all three of the following preconditions are met: all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residence of its individuals; and the activity will not jeopardize the survival or recovery of the species.

To apply for a permit, refer to the [Species at Risk Permit System](#).

Enforcement and penalties under SARA

In the event of a contravention of the Act, SARA provides for penalties, including liability for costs, fines or imprisonment, alternative measures agreements, seizure and forfeiture of things seized or of the proceeds of their disposition. SARA also provides for inspections, and search and seizure operations by enforcement officers designated under SARA.

For more information

Fernald's Braya information and recovery documents are available on the [Fernald's Braya Species profile page](#), on the [Species at Risk Public Registry](#). For more details on SARA and how it may apply to you, please visit the [Species at Risk Education Centre](#).