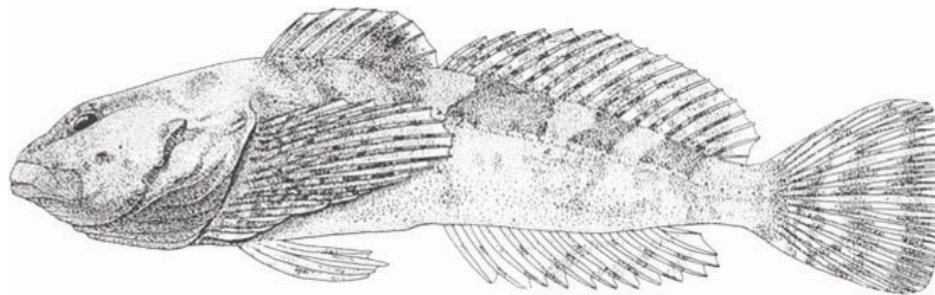


CONSULTATION WORKBOOK

on the addition of two aquatic
species to the SARA List:

*“Eastslope” sculpin (St. Mary & Milk rivers
populations)*

Grass pickerel



October 2005

Please send your comments on this consultation to Fisheries & Oceans Canada, Central and Arctic Region at:

fwisar@dfo-mpo.gc.ca

Or by regular mail comments should be sent to the following address:

Central and Arctic Region
SARA Coordinator
Freshwater Institute
Fisheries & Oceans Canada
501 University Avenue
Winnipeg, Manitoba
R3T 2N6

To request additional copies of the workbook, please call 1-866-715-7272.

For more information on the Species at Risk Act, please visit the Public Registry at

<http://www.sararegistry.gc.ca>

For more information on species at risk, please visit the Fisheries & Oceans Canada aquatic Species at Risk website:

<http://www.aquaticspeciesatrisk.gc.ca>

or

Environment Canada's Species at Risk website:

www.speciesatrisk.gc.ca

Information on species at risk is also available on the website of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC):

www.cosewic.gc.ca

Credits:

"Eastslope" sculpin (St. Mary and Milk rivers populations) – Peden
Grass pickerel – E. Holm (Royal Ontario Museum)

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PART 1: ADDING A SPECIES OR POPULATION TO THE SARA LIST

INTRODUCTION

The *Species at Risk Act* (SARA) was proclaimed on June 5, 2003, by the Government of Canada. SARA provides a framework for actions across Canada to promote the survival of wildlife species and the protection of our natural heritage. It sets out how to decide which species are a priority for action and what to do to protect a species. It identifies ways governments, organizations and individuals can work together, and it establishes penalties for failures to obey the law.

Two federal Ministers are responsible for the administration of SARA. The Minister of Fisheries and Oceans is the competent Minister for aquatic species. The Minister of the Environment is the competent Minister for all other species at risk, including those found in national parks, national historic sites and other protected heritage areas. The Minister of the Environment is also responsible for the overall administration of the Act.

The Act protects the plants and animals included on a list within SARA (Schedule 1). Schedule 1 is also referred to as the List of Wildlife Species at Risk and will be referred to as the SARA List in the rest of this workbook. Species are put on the SARA List as a result of the work of the scientists and conservationists who are members of the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). They conduct scientific assessments of the status of species. The Government then decides which species are added to the SARA List as such action could have economic or social implications.

233 species were included on the SARA List of the Act when Parliament passed SARA in December 2002. COSEWIC had already assessed these species as “at risk” using new updated assessment criteria and current information. When the Act came into force in June 2003, these species were on the initial SARA List.

Since then, COSEWIC has identified more species that are at risk. The Minister of Environment is now considering recommending those species for addition to the SARA List. As part of that process, the Minister of Fisheries and Oceans is currently carrying out public consultations on the “Eastslope” sculpin (St. Mary and Milk river populations) in Alberta, and grass pickerel in Ontario. The purpose of this consultation workbook is to

invite Canadians to let us know whether these populations should be added to the SARA List.

BACKGROUND

The Species at Risk Act

The *Species at Risk Act* strengthens the Government of Canada's ability to protect Canadian plants and animals in danger of becoming extinct. This protection applies only to species which are included on the SARA List. Adding a species to the SARA List requires a two-step process. The first step is identifying a species at risk and the second step is the listing of that species.

Identifying a species at risk

COSEWIC is an independent group whose mandate is to assess the status of plants and animals in Canada and identify those at risk. The committee is made up of biologists, ecologists, geneticists and individuals with Aboriginal traditional knowledge who are experts on wildlife species at risk. Members come from many areas, including government, universities, Aboriginal organizations and non-government agencies.

COSEWIC assesses the biological status of a species using the best available information on the biological status of the species. It reviews research, considers community and Aboriginal traditional knowledge, and applies strict assessment criteria. COSEWIC meets once a year to assess the biological status of species. Species that COSEWIC considers to be "at risk" are designated to one of the following categories:

Extinct – A wildlife species that no longer exists.

Extirpated – A wildlife species that is no longer found in the wild in Canada but may be found elsewhere.

Endangered – A wildlife species facing imminent extirpation or extinction.

Threatened – A wildlife species likely to become Endangered if nothing is done to reverse the factors threatening it.

Special Concern – A wildlife species that may become a Threatened or Endangered species because of a combination of biological characteristics and identified threats.

Listing a species at risk

The process of listing a species begins when COSEWIC submits its assessment to the Minister of the Environment. Upon receiving the assessment the Minister has 90 days to issue a Response Statement on how he or she intends to respond to the assessment and, to the extent possible, provide time lines for action. The Minister then forwards the

species assessment to Governor in Council (GIC)¹, along with his or her recommendation on whether GIC should...

- a) Accept the COSEWIC assessment and add the species to the SARA List;
- b) Not add the species to the SARA List; or,
- c) Refer the matter back to COSEWIC for further information or consideration.

GIC has nine months after receiving the COSEWIC assessment to decide whether the species should be added to the SARA List. If a decision has not been made within that time period, the Minister of the Environment will add the species to the SARA List.

What does it mean when a species or population is added to the SARA List?

The amount of protection the SARA provides depends on the assessed category. It is an offence to kill, harm, harass, possess, collect, buy, sell or trade an individual of an Extirpated, Endangered and Threatened species. It is also illegal under the Act to damage or destroy the residences of Endangered and Threatened species or for Extirpated species if a recovery strategy has recommended the introduction of the species into the wild in Canada. These prohibitions do not apply to species of Special Concern. SARA protects all listed birds covered under the *Migratory Birds Convention Act*, 1994, all listed aquatic species and all listed species on federal lands. The provinces and territories are responsible for making sure that all listed Extirpated, Endangered and Threatened species that are located outside federal lands receive adequate protection. However, if that protection is not given, the federal government can intervene, using “safety-net” provisions of SARA, but only after consulting with the province or territory concerned and carrying out public consultations.

The ministers of the Environment and of Fisheries and Oceans can, under special circumstances, make exceptions to SARA. For example, they can issue a permit that would allow a qualified scientist to carry out a research project that benefits a listed species or is required to enhance its chances of survival in the wild. Exceptions can only be made if all reasonable alternatives have been considered and if the Minister can be assured that the survival or recovery of the species will not be jeopardized.

Recovery strategies and action plans for Extirpated, Endangered and Threatened species

If a wildlife species is added to the SARA List as an Extirpated, Endangered or Threatened species, the competent Minister must prepare a strategy for its recovery. Recovery strategies must be completed and made available on the SARA Public Registry, for public review, within one year for newly listed Endangered species and within two years for Threatened and Extirpated species. The Recovery Strategy addresses known threats to the species, identifies critical habitat to the extent possible and gaps in knowledge. It also sets a recovery goal. The Recovery Strategy is followed up with one or more Action Plans that identify ways to reduce threats to the species and protect its critical habitat, as well as other measures to be taken to implement the Recovery Strategy.

The Recovery Strategy and Actions Plans are prepared in cooperation and consultation with Wildlife Management Boards, Aboriginal communities that are directly affected by the Recovery Strategy, and jurisdictions such as provincial or territorial governments who are responsible for the management of the species. Landowners and others who are directly affected will also be consulted.

Management plans for Species of Special Concern

If a wildlife species is listed as a species of Special Concern, the responsible Minister must prepare a Management Plan. It must be posted on the SARA Public Registry within three years of the species being added to the SARA List. The Management Plan identifies conservation measures aimed at protecting the species and its habitat. A Management Plan is prepared in cooperation with groups directly affected by the plans, including Wildlife Management Boards and Aboriginal organizations. To the extent possible, landowners, land users and others who may be directly affected by the plans will also be consulted.

PUBLIC CONSULTATION

Why are we having these consultations?

Before the Minister of the Environment makes a recommendation to GIC about whether to add a species to the SARA List, he or she will consider the balance between the social and economic benefits and costs associated with adding the species to the SARA List and the potential consequences for the species and Canadians of not adding it. The Government will meet with wildlife management boards, Aboriginal groups or organizations and other members of the public who have either a direct interest in the species under consideration or wish to comment on the issue. This includes – but is not limited to – landowners, land users, non-government environmental organizations, industries and industry groups. This consultation workbook is another way in which you can let us know what you think.

Comments received from Canadians will be carefully reviewed, evaluated and documented in a Regulatory Impact Analysis Statement (RIAS). The RIAS is an important part of the federal government's regulatory process. In addition, a draft Order (an instrument that serves notice of a decision taken by the executive arm of government) proposing to add the species to the SARA List is prepared. This draft Order along with the RIAS will be published in the Canada Gazette Part I for a period of time to allow Canadians another opportunity to comment. The Minister of the Environment will take into consideration all received comments before recommending to the GIC whether to add the species to the SARA List or not. The GIC's decision will be published in the Canada Gazette Part II and made available on the SARA Public Registry.

Invitation to submit comments

Consultations concerning adding species to the SARA List are part of the Government's commitment to encourage public participation in programs designed to protect Canadian plants and animals and their habitat. Two aquatic species –“Eastslope” sculpin (St. Mary and Milk river populations) and grass pickerel - have been recently reassessed by

COSEWIC as species at risk and are being considered for addition to the SARA List. We welcome your comments about whether these fish populations should be added to the SARA List.

A questionnaire has been provided near the end of this workbook. Please fill it out and mail your answers and comments to

Central & Arctic Region SARA Coordinator
Freshwater Institute
Fisheries & Oceans Canada
501 University Avenue
Winnipeg MB R3T 2N6

or

fwisar@dfo-mpo.gc.ca

The deadline for submission of comments is December 31, 2005.

SARA PUBLIC REGISTRY

The SARA Public Registry, available on the Internet, is a complete source of information on topics covered by the Act and offers access to public records concerning the administration of SARA. It is a key instrument that allows the government to respect its commitment to support public contribution in the environmental decision-making process. The Public Registry can be found at the following address:

<http://www.sararegistry.gc.ca>

PART 2: INFORMATION ABOUT THE SPECIES

“Eastslope” sculpin (St. Mary and Milk river populations)

Status: **Threatened**

Last Examination by COSEWIC: May 2005

Biology

The “Eastslope” sculpin (St. Mary and Milk river populations) is a small freshwater sculpin with a large head and heavy body that tapers from head to tail are characteristics of this family of fish.

Diet consists mainly of aquatic insect larvae but mollusks, fish and sculpin eggs are also ingested.

Life history information for this sculpin is extremely limited and most of it is based on one study of *Cottus* species (that includes the “Eastslope” sculpin (St. Mary and Milk river populations)) in Alberta. Spawning occurs in late spring when the water temperature is between 7.5°C and 15°C. Fecundity generally ranges from 100-250 eggs. Eggs hatch within 2 to 3 weeks depending on the temperature. Young of the year measure 30-40 mm in total length by the end of their first summer and yearlings achieve a length of at least 50 mm. Both sexes are sexually mature by 23 months of age. Maximum fork length is 114 mm.

Where is this fish found?

The “Eastslope” sculpin (St. Mary and Milk river populations) is found in the St. Mary and Milk rivers in Alberta and Montana. In Alberta, it has an extremely limited distribution, being present in the St. Mary River above the St. Mary reservoir, the North Milk River and main stem of the Milk River.

It prefers cooler water temperatures and clean rocky substrates. Fish are found predominately in shallow runs and riffles, as well as run/boulder gardens.

How many fish are there?

No studies have been conducted to estimate the population size of this sculpin in Alberta. However, surveys were conducted in 2000 and 2001 to measure its relative abundance. Highest abundance values were observed in the North Milk River. Abundance decreased downstream to where they were absent in the lowest section of the Milk River mainstem. In contrast, they were evenly distributed throughout the St. Mary River.

Threats to the population

Water removal, diversions and reservoirs associated with irrigation, in combination with the frequent droughts of southern Alberta, have likely had the greatest impact on population size and distribution over time and will continue to be the greatest threats to its existence.

COSEWIC Reason for Designation:

This species has a very restricted area of occurrence in the St. Mary and Milk rivers in Canada, where it has been impacted by habitat loss and degradation from water diversion, conditions that have been exacerbated in recent years by drought.

What will happen if this population is added to the SARA List?

- If listed, general prohibitions under SARA would come into effect making it unlawful to kill, harm, harass, capture or take the species
- Under SARA, a recovery strategy must be developed within two years of listing for the “Eastslope” sculpin (St. Mary and Milk river populations). Preliminary work on a recovery strategy has already been initiated by Fisheries & Oceans Canada in co-operation with Alberta Sustainable Resource Development in connection with the

Milk River Fish Species Recovery Team. This initial work will be expanded to include the St. Mary River populations upon listing

Grass pickerel

Status: **Special Concern**

Last Examination by COSEWIC: May 2005

Biology

The grass pickerel resembles a small northern pike; it, however, can be distinguished from northern pike and muskellunge by its small adult size (less than 30 cm in length), more cylindrical body shape and the presence of three dark bars below the eyes. The body of the grass pickerel is green to brownish in colour with 12 to 24 irregular, more or less vertical, narrow, dark bars and a mid-dorsal brownish stripe and fins that lack strong colour or markings.

Diet of newly hatched individuals consists of various large aquatic insects, changing gradually to include fishes and crayfishes as the grass pickerel matures.

Spawning occurs mainly in spring in, or at the edge of aquatic vegetation. Eggs are slightly adhesive and adhere to vegetation that is at or near the bottom of the water. In Ontario, spawning takes place in water temperatures approximately 8-12°C, eggs hatch in 11-15 days at temperatures of 7.8-8.9°C and the time period between spawning and the start of feeding by young is 2-5 weeks depending on water temperature. In Ontario adults reach sexual maturity at two years of age. Maximum recorded size in Canada is 328 mm total length and 204 g.

Where is this fish found?

In Canada, the grass pickerel is limited to extreme southwestern Québec and southern Ontario. In Québec, it is known from three sections of the St. Lawrence River. In Ontario, it is present in the St. Lawrence River and its tributaries; Lake Ontario and its tributaries (including Upper Niagara and Welland rivers); north shore of Lake Erie; the upper portion of, and drainage tributaries to, Lake St. Clair; Lake Huron watershed.

The grass pickerel prefers warm, slow moving streams, and shallow bays of lakes. It is always associated with extensive submergent and floating aquatic vegetation.

How many fish are there?

Population numbers fluctuate depending on water conditions. An estimate of 100 individuals has been reported in isolated pools of typical streams.

Threats to the population

All conditions resulting in low water levels, loss of aquatic vegetation, decreased water transparency, and lowering of stream temperatures are threats to the grass pickerel.

COSEWIC Reason for Designation:

It is a subspecies known from 10 locations between Lake St. Louis, Quebec and Lake Huron, Ontario. Its usual habitat is shallow water with abundance of aquatic vegetation. An overall decline of approximately 22% in the area of occupancy has been observed. This decline appears to be related to degradation and loss of habitat due to channelization and dredging operations in wetland habitats where this species occurs.

What will happen if this population is added to the SARA List?

- Under SARA, a management plan must be developed within three years of the grass pickerel being listed
- The grass pickerel is included in the Essex-Erie Fishes Recovery Strategy which is in development

PART 3: LET US KNOW WHAT YOU THINK

By answering the following questions you will help the federal government understand the benefits and impacts of adding the two aquatic species – “Eastslope” sculpin (St. Mary and Milk river populations) and grass pickerel - to the SARA List.

Please fill out the questionnaire that follows and send us your answers either by mail

Central and Arctic Region
SARA Coordinator
Freshwater Institute
Fisheries & Oceans Canada
501 University Avenue
Winnipeg, Manitoba
R3T 2N6

by fax (204) 983-5192

or by e-mail fwisar@dfo-mpo.gc.ca

The deadline for receiving comments is Dec 31, 2005.

For questions or comments concerning the *Species at Risk Act* or concerning this consultation process, please write to us at the address given above or call us at (204) 984-0599.

THANK YOU

Your name (optional): _____

Population of interest: "Eastslope" sculpin (St. Mary and Milk river populations)

What is your interest in "Eastslope" sculpin (St. Mary and Milk river populations)?
(for example: fishing/hunting as a food source, tourism, guiding, research, etc.)

1) Are you in favour of the Government of Canada adding the "Eastslope" sculpin (St. Mary and Milk river populations) to the SARA List?

☐ Yes ☐ No

Why?

2a) Based on what you have learned about the *Species at Risk Act*, do you think adding "Eastslope" sculpin (St. Mary and Milk river populations) to the SARA List would affect your activities?

☐ Yes ☐ No

b) If "Yes", do you see these effects as a cost or benefit to you, and in what way?

c) If you think adding “Eastslope” sculpin (St. Mary and Milk river populations) to the SARA List will have a negative effect on you or your activities, can you suggest ways to reduce the impact?

3. Do you think you could contribute to the conservation of “Eastslope” sculpin (St. Mary and Milk river populations) as an individual or organization? Can you give a few examples of activities?

4. To be effective, the recovery or conservation of a species at risk must be a cooperative process that includes organizations and individuals with knowledge of the population and the threats it faces. Please tell us which organizations or individuals you feel should be involved in the recovery or conservation of "Eastslope" sculpin (St. Mary and Milk river populations)?

5. Please add any other comments or concerns (include additional sheets, if necessary).

PLEASE SEND COMMENTS BY Dec 31, 2005

Your name (optional): _____

Population of interest: grass pickerel

What is your interest in grass pickerel?

(for example: fishing/hunting as a food source, tourism, guiding, research, etc.)

- 1) Are you in favour of the Government of Canada adding the grass pickerel to the SARA List?

☐ Yes ☐ No

Why?

2a) Based on what you have learned about the *Species at Risk Act*, do you think adding grass pickerel to the SARA List would affect your activities?

☐ Yes ☐ No

b) If “Yes”, do you see these effects as a cost or benefit to you, and in what way?

c) If you think adding grass pickerel to the SARA List will have a negative effect on you or your activities, can you suggest ways to reduce the impact?

3. Do you think you could contribute to the conservation of grass pickerel as an individual or organization? Can you give a few examples of activities?

4. To be effective, the recovery or conservation of a species at risk must be a cooperative process that includes organizations and individuals with knowledge of the population and the threats it faces. Please tell us which organizations or individuals you feel should be involved in the recovery or conservation of grass pickerel?

5. Please add any other comments or concerns (include additional sheets, if necessary).

PLEASE SEND COMMENTS BY Dec 31, 2005