

MEDIA BACKGROUNDER

Lawsuit over protection of endangered sage-grouse habitat Habitat and the *Species at Risk Act*

The federal *Species at Risk Act (SARA)*, which came into force in 2003, is Canada's national law to protect endangered species.

One of the main tools used in the *Act* to help an endangered species survive and recover is the recovery strategy. This is a document written by experts on the species, which reviews the biology and status of the species, what it needs to survive and recover, and what has caused it to become endangered. Later planning documents, known as action plans, can provide a more detailed plan for survival or recovery.

SARA explicitly recognizes that conserving a species' habitat is key to its conservation. The *Act* requires that the habitat necessary for an endangered species' survival or recovery ("critical habitat") be identified in the recovery strategy for that species "to the extent possible, based on the best available information".

Protection of critical habitat under *SARA* occurs only if it is identified in a recovery strategy or action plan. Unlike recovery strategies which must be prepared according to mandatory timelines, *SARA* contains no time limits for preparing action plans. Thus, failure to identify critical habitat at the recovery strategy stage, risks indefinite delay in its eventual identification and protection.

Systemic failure to identify critical habitat

Loss of habitat is the main threat for about 84% of Canada's species at risk. The longer we wait to identify and protect their critical habitat, the less chance they have of surviving, let alone recovering.

Yet the federal government seems to care little about the requirements of *SARA*. There are now 55 final recovery strategies on the *SARA* Registry – about one quarter of the number required to be finalized by now, according to the *Act*. Only 17 of the recovery strategies identify any critical habitat.

Often it is not a lack of scientific knowledge that is standing in the way. For instance, the endangered Piping Plover is one of the best studied of all bird species. Its habitat is known to a remarkable extent, in part because naturalists have, for decades, visited the Plovers' nesting, breeding and feeding sites in an attempt to count every single Piping Plover in Canada. Yet its critical habitat was not identified in its recovery strategy until a lawsuit was filed.

Greater sage-grouse

Greater sage-grouse need large blocks of unfragmented prairie wild-land to thrive. According to the federal recovery strategy, sage-grouse once occupied about 100,000 km², split between Alberta and Saskatchewan. The current range in Canada has been reduced to about 6% of the historic range (6000 km²). The final recovery strategy for sage-grouse failed to identify critical habitat despite there being sufficient scientific data to do so.

Environmental groups have been advocating the protection of the Cypress Hills-Sage Creek area of south-eastern Alberta and the PFRA (Prairie Farm Rehabilitation Administration) Pastures Complex of south-western Saskatchewan, one of the largest, least fragmented and most diverse ecosystems on the northern glaciated plains of North America. It is home to many species at risk, including greater sage-grouse.



The greater sage grouse (*Centrocercus urophasianus*) has been on Canada's endangered species list since 1998. It is the largest of all North American grouse and dependent on silver sagebrush (*Artemisia cana*) for food and cover. The grouse are best known for their spectacular courtship displays on dancing grounds (leks) in the spring. Now found only in the extreme southeast corner of Alberta and extreme southwestern corner of Saskatchewan, south of Cypress Hills; its habitat consists primarily of silver sagebrush flats that exist

only within extensive areas of the Dry Mixed grass region.

The grouse are very sensitive to oil and gas development, even at a distance of 3 km from leks. They also face threats from intensified livestock grazing near dugouts (artificial ponds), the spread of West Nile virus and its potential impacts on native birds, as well as a proposal to expand Highway 41 to a 24-hour international transportation corridor through the heart of the bird's range in Canada.

An inter-provincial greater sage-grouse recovery team was formed in 1997 and has worked with numerous stakeholders to a prepare recovery strategy. First prepared in 2001, the strategy was recently updated and released to the public by Canada's Minister of Environment in January 2008. For a copy of the recovery strategy go to http://www.sararegistry.gc.ca/virtual_sara/files/plans/rs%5Fsagegrouse%5F01_08%5Fe%2Epdf