



May 6, 2011

Recovery Planning
Environment Canada
Via e-mail and SARA Registry

Re: Proposed Amendment to the final Recovery Strategy for the Sprague's Pipit (*Anthus spragueii*) in Canada, RE: Partial identification of critical habitat in Alberta and Saskatchewan and Action Planning – 2011

The Suffield Coalition, comprising Alberta Wilderness Association, Grasslands Naturalists, Nature Alberta, Nature Saskatchewan, Southern Alberta Group for the Environment, WWF Canada and Nature Canada, welcomes the opportunity to comment on this proposed Amendment to the final Recovery Strategy for the Sprague's Pipit (the Amendment). First and foremost, we are pleased to see the area within Suffield NWA preliminarily assessed in 2008 as Sprague's Pipit critical habitat confirmed as critical habitat for this species. We also welcome the identification in the proposed Amendment of critical habitat within Last Mountain Lake NWA, AAFC Nokomis Community Pasture and Grasslands National Park in Saskatchewan, and we commend the Recovery Team for their efforts.

At the same time, the Coalition is gravely concerned by the ongoing delays in identifying critical habitat for Sprague's Pipit and by the failure, despite available information, to identify critical habitat elsewhere in Alberta and in both federal and non-federal lands. Without question, there are areas throughout Alberta and Saskatchewan that support large numbers of Sprague's Pipits, in addition to the critical habitat mentioned in the proposed Amendment.¹

The final Recovery Strategy for the Sprague's Pipit indicated that critical habitat would be identified in southeast Alberta and southwest Saskatchewan by December 2009 and that Action Plans would be developed by March 31, 2011. According to the schedule of studies set out in the 2008 Recovery Strategy to identify critical habitat, sufficient information should be available at this time to identify most of the species critical habitat not only on federal land, but throughout the historic range of the

¹ Dr. Nicola Koper, Review of Sprague's pipit recovery strategy in Canada (focusing on critical habitat amendment). April 2011. Not published.

Sprague's Pipit. Protecting native grassland will also contribute to the maintenance and recovery of the full suite of grassland species, both common and at risk.

We are also concerned about the continuing lack of involvement of the provinces in identification and protection of critical habitat for Sprague's Pipit.

Approaches to identifying critical habitat

The Suffield Coalition supports the research and modeling developed to date and the research that is ongoing and planned to better understand Sprague's Pipit, and we recognize the important contributions to survival and recovery of Sprague's Pipit of this ongoing work. The proposed Amendment partially identifies critical habitat for Sprague's Pipit in two sites in Saskatchewan and one in Alberta, based on the following two approaches:

Approach 1: Where detailed occupancy and demographic information exists, sites (e.g., quarter-sections), or portions of sites, known to be important to pipits were identified based on persistence (singing males recorded in at least two of the past five years), density (≥ 5 singing males/100 ha), and confirmation of breeding (nests or fledged young recorded) in the past five years. While this is the preferred approach for identifying Sprague's Pipit critical habitat, data meeting these criteria were only available for two sites (see Section 2.7.2 [of the Amendment]).

Approach 2: In the absence of detailed occupancy and demographic information, identification of critical habitat was guided by spatially explicit predictive models where sufficient and current data existed for a given area. Because the species has undergone substantial population declines and distribution shifts, only data collected within the past 10 years was used to avoid erroneously identifying historic breeding sites that are no longer suitable for Sprague's Pipits. Reliance on predictive models was necessary because surveys and observations of pipits are widely scattered and tend to sample only a small proportion of a given area. Use of predictive models is a precautionary approach that allows one to determine the potential suitability of sites which were not sampled but can reasonably be expected to be inhabited by pipits. Models were validated to ensure reasonable usefulness for identifying critical habitat. This approach was used to identify Sprague's Pipit critical habitat for one site where suitable data was available (see Section 2.7.2 [of the Amendment]).

These two approaches are aimed at identifying ideal or high quality Sprague's Pipit habitat (the Amendment at pages 2 and 4 refers to "sites known to be important to pipits" and "areas [that] are particularly important for pipits"). Areas that are especially important to pipits are clearly critical habitat and should be so designated and protected. In fact, identifying special measures of protection for these areas in upcoming Action Plans is of great importance for the survival and recovery of this species. However, using only these two approaches to identify critical habitat in this Amendment is not precautionary in that it excludes other habitats that are used by the species, contribute to survival of Sprague's Pipits and may contribute to their recovery. These habitats may be of equal, lesser or greater

quality compared with those identified as critical habitat based in these two approaches. Sprague's Pipit is experiencing serious declines and is threatened by rapid and widespread habitat loss. The persistence, density and confirmation of breeding requirements in Approach 1 and the thresholds adopted in applying Approach 2 are too restrictive in light of the SARA definition of critical habitat as "the habitat that is necessary for the survival and recovery of a listed wildlife species", of the requirement in SARA Section 41. (1)(c) that a recovery strategy include "an identification of the species' critical habitat, to the extent possible, based on the best available information" and of the recovery goals for Sprague's Pipit, which are to:

- 1) Increase and maintain population size and distribution of the Sprague's Pipit at or above mean abundance levels experienced during the 1980–1989 time period throughout the pipit's historic range in Canada [...].
- 2) Prevent further loss and degradation of native prairie within the historic range of the species.

It is also worth recalling the July 2009 federal court decision related to Greater Sage Grouse.² The court made clear that identifying critical habitat is not discretionary, and that the federal determination of critical habitat must be based on "the best available information" "that exists at any one point in time" and which need not be exact and precise. In our view, the proposed Amendment does not include "an identification of the species' critical habitat, to the extent possible, based on the best available information" as required by Section 41. (1)(c) of SARA.

Available information indicates that Sprague's Pipits need native grasslands to survive and that further loss of native grasslands will jeopardize the recovery of this species. Available information from Breeding Bird Surveys regarding Sprague's Pipit occurrence and aerial land cover images can and should be used to identify as critical habitat all remaining native grasslands across the range of Sprague's Pipit that fall within the biophysical attributes described in Section 2.7.3 of the Amendment.

In addition to the critical habitat identified in this proposed Amendment, areas including the Govenlock-Nashlyn-Battle Creek Grasslands IBA in Consul, Milk River Natural Area, Kennedy Coulee Ecological Reserve and the extensive areas of native grasslands between Medicine Hat and Brooks should be identified in the final version of this Amendment. Identification of the remaining Sprague's Pipit critical habitat could be done at the latest within the next twelve months (more than a year later than the Recovery Strategy's March 31, 2011 timeline for Action Plans), and be further refined, as appropriate. Additional research should be conducted as planned (including field research on effects of vegetation composition and exotic species invasions on habitat suitability for pipits) and it should be used to refine critical habitat for Sprague's Pipit and, if appropriate, exclude areas that prove to be unnecessary for the survival and recovery of Sprague's Pipit.

² *Alberta Wilderness Association v. Canada (Environment)*; 2009 FC 710

Destruction of critical habitat

Section 2.7.4 of the Amendment provides examples of activities likely to result in destruction of critical habitat. The Suffield Coalition fully supports the content of this section. We note the importance of ensuring the consideration of cumulative effects over time in determining whether an activity destroys critical habitat. Clearly, no further conversion of native grasslands should be allowed.

It is also important to note that destruction of critical habitat would result if part of the critical habitat were degraded, either permanently or temporarily, such that it would not serve its function as effectively when needed by the species to survive or recover. With respect to grazing, which is not considered by the proposed Amendment as an activity that may destroy critical habitat, it should be noted that while this need not be a prohibited activity, it does need to be carefully managed. Research suggests that Sprague's Pipits abundances are somewhat sensitive to range condition and as such a decline from good to fair range conditions would decrease habitat suitability. This would likely not result in a permanent destruction of habitat because the habitat could recover well with improved range management and still support a population of Sprague's Pipits, albeit at a lower density than pastures of higher range conditions.³ Therefore, the Amendment should take these effects into account and action plans should include specific measures to promote and maintain high quality, suitable habitat.

Of course, heavily grazed and burned grasslands benefit other species at risk, such as Mountain Plover, Chestnut-collared Longspur, and juvenile Burrowing Owls and it is important to maintain and optimize a mosaic of all of these range conditions over the landscape to ensure recovery of all species at risk.

Finally, please note that Appendix 5 to the Amendment, at page 14 contains a footnote that refers the reader to a Section 2.2., which presumably should instead refer to Section 2.7.3 of the Amendment, as there is no Section 2.2. in the Amendment, while Section 2.2. of the Final Recovery Strategy concerns the recovery goals and does not discuss biophysical attributes as referred to in the footnote.

In summary, we look forward to a final version of this Amendment that identifies critical habitat of Sprague's Pipit "to the extent possible, based on the best available information" and to completion of critical habitat identification within the next twelve months, as well as the timely development of Action Plans with specific measures to ensure survival and recovery of Sprague's Pipit.

Sincerely,



Cliff Wallis
Chair,
Suffield Coalition

³ Dr. Nicola Koper