

# Greater Sage-Grouse:

## Failing Them Shouldn't Be An Option

BY WONNITA ANDRUS



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I am on the phone with my mother, who still lives on our farm in southeastern Alberta and the conversation turns to greater sage-grouse. “I remember your father coming home with one of those things one day,” she says. “He had shot it while doing the rounds.” Through the 1960s and 1970s my father was a range rider for various ranches around southern Alberta and would often bring home game he had shot while checking cattle. “It stunk so bad we couldn’t even eat it. Later your uncle told us you have to clean them immediately or they go foul. Apparently they could be good if you took care of the meat right away but we never bothered with it again.”

She tells me this story so nonchalantly that I am hit quite hard by the implications of what it means. Within a generation we have gone from a situation where sage-grouse were a supper option to one where it is likely to disappear completely from Canada within a year or two. How did we get here? Is there a way back? Does anyone out there even care?

### Ministerial Disregard

Based on the Minister of Environment’s reaction to the sage-grouse crisis you would think the answer to the question about caring is a resounding “NO.” Despite pleas from concerned Albertans and Saskatchewanians, supportive research by scientists and warnings from landowners and conservation groups, the federal minister arguably appears to be ignoring his responsibilities to Canadians through his failure to issue an Emergency Order to protect the sage-grouse under the *Species at Risk Act* (SARA).

SARA’s intent is to “prevent wildlife species from becoming extinct or extirpated (lost from the wild in Canada); help in the recovery of extirpated, endangered or threatened species; and ensure that species of special concern do not become endangered or threatened.” ([http://www.sararegistry.gc.ca/involved/you/folder\\_e.cfm](http://www.sararegistry.gc.ca/involved/you/folder_e.cfm)) While primarily designed for and applicable to federal lands SARA does give the Minister the ability to issue emergency orders to ensure habitat is protected on

provincial lands. But with many still reeling from recent changes to the Canadian Environmental Assessment and Fisheries Acts under Bill C-38, a promise by the Minister in a recent interview to “improve” SARA sounds more like a threat. At the heart of the discussion surrounding SARA lies this question: is the *Species at Risk Act* not working in Canada or is it not being used to its full potential?

### Exhibit A: The Greater Sage-grouse

In 2011, following the revelation of startlingly low sage-grouse numbers during spring lek counts (13 males in Alberta; 35 males in Saskatchewan) AWA hosted an emergency summit attended by leading sage-grouse scientists, landowners, conservationists, and environmental organizations. As a product of this Sage-Grouse Summit, a communiqué was drafted that outlined the actions both provincial and federal governments need to take to prevent the extirpation of the greater sage-grouse and protect its habitat in Canada.

In November 2012 Ecojustice, believ-



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ing provincial recovery strategies were ineffective, submitted a legal petition on behalf of AWA and 11 other environmental groups. It requested the federal Environment Minister issue an Emergency Order to provide immediate protection for sage-grouse habitat under Section 80 of SARA. Section 80 states “(1) The Governor in Council may, on the recommendation of the competent minister, make an emergency order to provide for the protection of a listed wildlife species. (2) The competent minister must make the recommendation if he or she is of the opinion that the species faces imminent threats to its survival or recovery.”

Minister Kent’s failure to address the petition was interpreted as delinquency in upholding his duties under SARA and Ecojustice launched subsequent legal action. In March 2012 the Minister issued

a Certification and Objection; it claimed “Cabinet Confidence” prevented the Minister from disclosing whether he has made a decision on issuing an Emergency Order. The matter is currently in the appeals process but frustration grows in the conservation community since it’s the failure of the government to use its legislative power, not the absence of power, that is stalling action.

While Alberta continues to wait with bated breath on the Minister’s decision to protect sage-grouse, the future of the species in Canada grows dimmer and dimmer. Already extirpated from British Columbia even former strongholds of the Canadian population, such as Grasslands National Park, are being breached. The 2012 lek counts revealed that, while the Alberta population held steady at 13 males, Saskatchewan’s population shrank

to just 18 males. The estimate for the entire Canadian population now is less than 100 individuals.

The effectiveness of Alberta Environment and Sustainable Resource Development efforts to augment the vanishing population look futile without immediately protecting and expanding designated critical habitat. Landowners and conservation organizations continue to fight at the front lines, working to ensure the implementation of appropriate grazing regimes, adequate range health, and installing fence tags to prevent grouse mortality related to collisions. The hard reality is that without the deindustrialization of some sage-grouse critical habitat and using SARA to protect that habitat such efforts simply delay a tragic inevitability – extirpation.

The federal minister’s consistent refusal to invoke federal legislation invites us to



reconsider the need for dedicated provincial endangered species legislation. Without such a law, provincial protection for sage-grouse habitat in Alberta depends primarily on the *Alberta Wildlife Act*. Section 36 (1) reads: “A person shall not wilfully molest, disturb or destroy a house, nest or den of prescribed wildlife or a beaver dam in prescribed areas and at prescribed times.” Section 6 (1) of the Act also gives the Endangered Species Conservation Committee the mandate, if requested by the minister, to recommend listing a species as endangered and developing a recovery plan. Given this ministerial discretion does the law actually put useful and powerful tools into the hands of our frequently overtaxed and underfunded provincial resource managers, whose mandates are recurrently compromised by the economic bottom line? Or does it leave them all too often with a large amount of “grey area” to navigate and an inability to “just say no?”

Even if the Redford government embraced the need for stronger endangered species and biodiversity legislation it would take time to draft, time to consult, time to pass, and time to implement. Time is something the greater sage-grouse doesn't have anymore. We need to make hard decisions to protect critical habitat and create the potential for real positive change. Can we?

The weight of this heavy burden is not only on the shoulders of our politicians, industry, resource managers, biologists, conservation groups or landholders. It falls on each Albertan, each Canadian, to make a difference in whether we embrace action or continue to sit back. Do we continue

to ignore the reality of the situation and watch quietly while another species disappears from the Canadian landscape or do we relentlessly petition our politicians to take leadership in this fight? In the end, the battle for the sage-grouse is not about a single species; it's part of a larger debate about the kind of province and country we want to become – are we honest in our attempt to pair progress with preservation or

has the “True North Strong and Free” become a slave to unfettered development?

This farm kid knows how she wants the question answered.

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**Kestrel**

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