

Updates

A Swim Forward for Cutthroats

On December 2, 2015, the Minister of Fisheries and Oceans Canada announced that a Critical Habitat Order had been issued for the westslope cutthroat trout, Alberta populations. The Order, immediately coming into force, triggers the prohibition under the *Species at Risk Act* (SARA) of the destruction of any part of the trout's critical habitat.

SARA requires the Minister to issue a critical habitat order within 180 days after the final recovery strategy is published on SARA's Public Registry. The recovery strategy for the westslope cutthroat trout was issued on March 28, 2014, therefore, the 180-day statutory deadline expired long, long ago – on September 24, 2014. Because the federal government missed this legal deadline so badly, AWA teamed up with Timberwolf Wilderness Society, Shaun Fluker and his team of students with the University of Calgary's Faculty of Law to file an application in Federal Court to force the Minister to issue the Order. This legal avenue was the last straw. We had repeatedly and unsuccessfully requested the Conservative Minister to issue the overdue Order called for by the law. The registration of the Order by the Minister means we no longer need to continue with our litigation.

Theoretically and hopefully, this Order should make it more difficult for industrial or recreational activities to occur within or adjacent to streams listed as critical habitat in the westslope cutthroat trout federal recovery strategy. It provides legal protection to cutthroat critical habitat. If human activities destroy critical habitat the Department of Fisheries and Oceans (DFO) can prosecute. This should ultimately enhance the protection of this threatened native fish and facilitate their recovery in their native waters.

- *Brittany Verbeek*