

# Seven years into an Emergency Protection Order, are Sage Grouse any Greater?



By Grace Wark, *Conservation Specialist*

In 2012, Canadian populations of Greater sage grouse (*Centrocercus urophasianus urophasianus*) had been pushed to the brink of local extinction and could no longer rely on good will and voluntary efforts to support their numbers. This was the year that, despite being a federally-listed *endangered* species since 1998, a mere thirteen males were counted in Alberta. The outlook was bleak, to say the least.

You may ask yourself, why wasn't the federal *endangered* status enough to sustain sage grouse? The not-so-simple answer: habitat and jurisdiction. Under the federal *Species at Risk Act*, responsibility

to manage land-based species, like sage grouse, still falls to the provinces on provincial lands. A somewhat reluctant babysitter, the federal government will supervise the provinces' recovery efforts, but leave them to choose their own conservation pathway. Only where the provinces fall short will the federal government intervene.

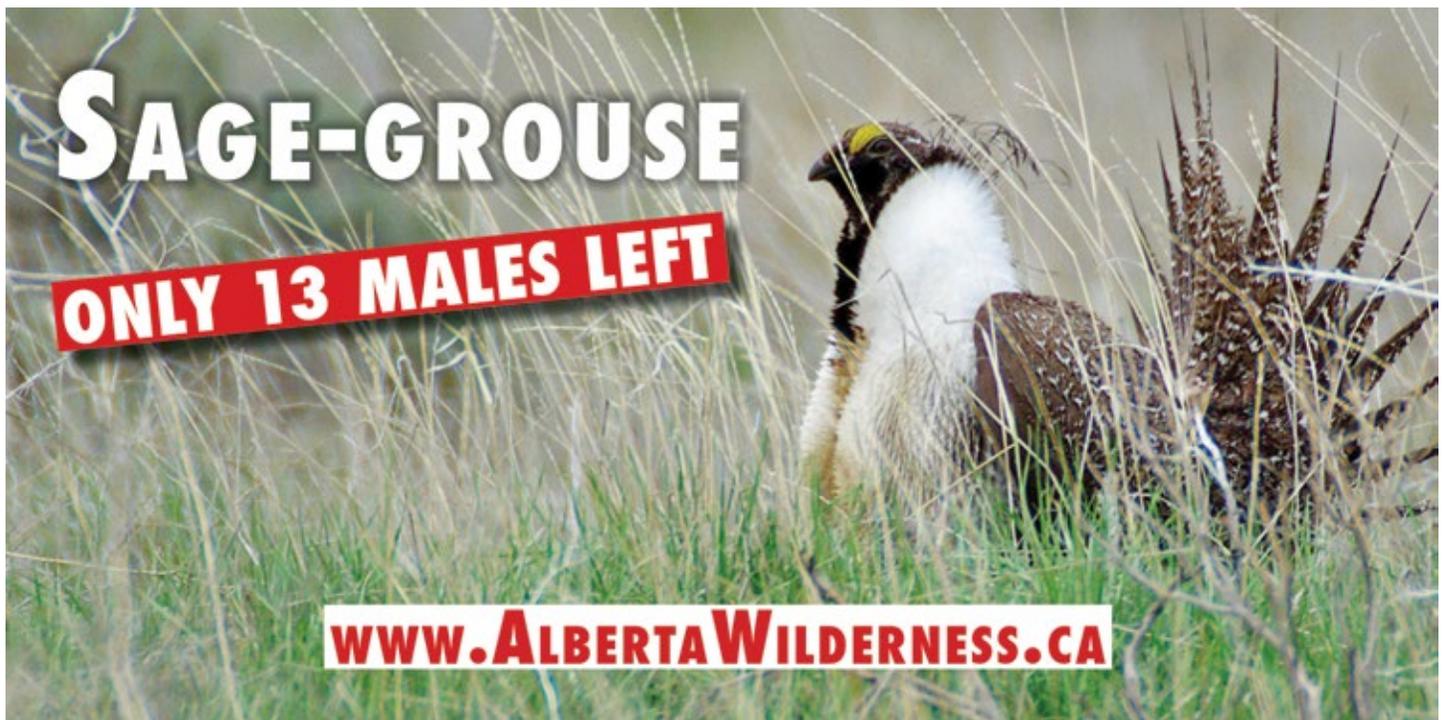
In the years leading up to 2012, provincial efforts to recover sage grouse proved unfruitful, largely because energy development in sage grouse habitat remained unchecked. Meanwhile the federal government did nothing but drag their heels on a much needed critical habitat

designation, wherein areas essential to sage grouse survival and recovery would be mapped and protected. The general excuse from the federal Minister of the Environment was that insufficient data were available to determine sage grouse habitat. Without a critical habitat designation, industrial activity, road building and other highly disruptive hazards were allowed to persist within important sage grouse habitat on provincial public lands.

Being a specialist species, sage grouse have extremely specific habitat requirements in order to feed, nest and breed. True to their name, Alberta populations of Greater sage grouse rely on stands of



Two male sage grouse strut across a lek in Zortman, Montana. In Alberta, a mere three leks remain. PHOTO: © C. OLSON



In 2011, AWA commissioned a billboard in the City of Edmonton to draw attention to the critically low numbers of male sage grouse remaining in the wild. Years of concerns, campaigns, and legal challenges eventually culminated in the 2013 Emergency Protection Order.

silver sagebrush (*Artemisia cana*), which dominates their diet throughout the year and acts as important cover during rearing stages and in winter months. Further to this, sage grouse habitat also needs to be highly undisturbed. Research on 'leks', sage grouse breeding grounds, found that nearly 99 percent of active leks are found in areas where less than three percent of the landscape has been developed. Alberta's grasslands are one of the most developed and least protected Natural Regions in the province. It's unsurprising, albeit disappointing, that sage grouse are now limited to a mere 10 percent of their historical range.

While the government idled on sage grouse habitat protections, Alberta and Saskatchewan conservation groups, including AWA, decided it was time to turn up the heat on sage grouse protections. Over a number of years, AWA and a collective of conservation groups and landowners coordinated actions for Greater sage grouse protection, including a sage grouse emergency summit, an interprovincial sage grouse partnership, a legal petition and multiple lawsuits – all of which proved *critical* to the Minister fi-

nally declaring an Emergency Protection Order (EPO) on December 4, 2013.

I spoke with Ecojustice lawyer Sean Nixon, who represented AWA and our environmental colleagues in the long legal journey to achieving an EPO. Sean explained to me that while the EPO was a historic action on behalf of the federal government, the first of its kind in protections, it was not, however, a perfect legal mechanism for long-term recovery. In this case, the EPO is meant to "fill the gap" between designating a species under SARA and mapping its critical habitat. In this most dire of situations, the EPO aimed to prevent any further destruction of known sage grouse habitat, which in this case was the leks and some surrounding area. Important to note, the EPO does not apply to private lands, but instead only to "a number of legal subdivisions found on federal and provincial Crown lands." In actual terms, the EPO prohibited impacts to sagebrush plants and native grasses and forbs, the installation or construction of new fences, "tall or noisy structures" and machinery, and new or widened roads on a total of 1,672 square kilometres of designated habitat.

This was a huge success for sage grouse and conservation groups, although only a first step in the road to recovery.

I asked Cliff Wallis, AWA Director and Grasslands biologist, about the importance of the EPO. "I think it has been effective on a couple fronts," said Cliff. It stopped immediate threats and drew important attention and funding towards the issue. However, Cliff pointed out that funding and recovery efforts need to be sustained over multiple decades if we are to actually reach a point where sage grouse are no longer endangered.

### How do you recover a species?

Since the EPO was announced in 2013, a number of recovery efforts have been applied to both Greater sage grouse populations and their habitat to, in Cliff's words, "see what sticks." The EPO provided important political leverage for sage grouse which allowed for provincial and federal funds to be allocated towards their recovery in 2014.

As population sizes were critically low at the time of the emergency protection order, both captive breeding and trans-

location programs have been used to try to bring populations up to sustainable numbers. The captive breeding program, another first of its kind, is led at an off-site location by the Calgary Zoo, using eggs from Montana and elsewhere in Canada to breed birds for the wild. The program has been operating since 2014, and in 2018 released 66 birds into an area near Manyberries. The translocation program has been in effect since before the EPO, where birds have been brought up from Montana to attempt to bolster the Alberta populations – although with mixed results due to nest predation from largely crows, magpies and ravens.

Sage grouse numbers have risen and fallen since 2013. They remain at perilously low levels. This recent history is an important reminder of how any and all actions for the species need to be complemented by improvements in habitat. For example, to improve the likelihood of survival, the Government of Alberta has implemented another program to reduce “predator subsidies,” old buildings and perches that support sage grouse predators.

A portion of Alberta’s sage grouse habitat falls within the Manyberries oilfield, meaning that Greater sage grouse recovery also has significant overlap with another major conservation issue in the province: the abandonment of wells. In 2013, 1,533 wells had been drilled within Alberta sage grouse range. This presence is detrimental to the species as sage grouse actively avoid any anthropogenic footprint. While the reclamation of well pads is a priority item for their recovery, funding is desperately needed to restore habitat within a meaningful timeline.

With all of these recovery actions in place, what is the current status of sage grouse in Alberta? In 2020, 24 males were observed across three leks, with a total estimated population of 72 birds (2:1 female to male). This is still a far cry from the pre-1968 numbers of more than 600 males. A long road to recovery

still lies ahead of us.

Considering the Greater sage grouse range in the western United States, I was curious about how recovery efforts there compare with Alberta. I had heard anecdotes that the U.S. had much stronger protections in place, due in part to the federal jurisdiction over sage grouse habitat paired with strong voluntary efforts. Hoping for some optimistic news, I reached out to Dr. Dave Naugle, the science advisor for the U.S.-based Sage Grouse Initiative (SGI), to learn about how sage grouse are being managed in the western rangelands and what we might be missing here in Alberta.

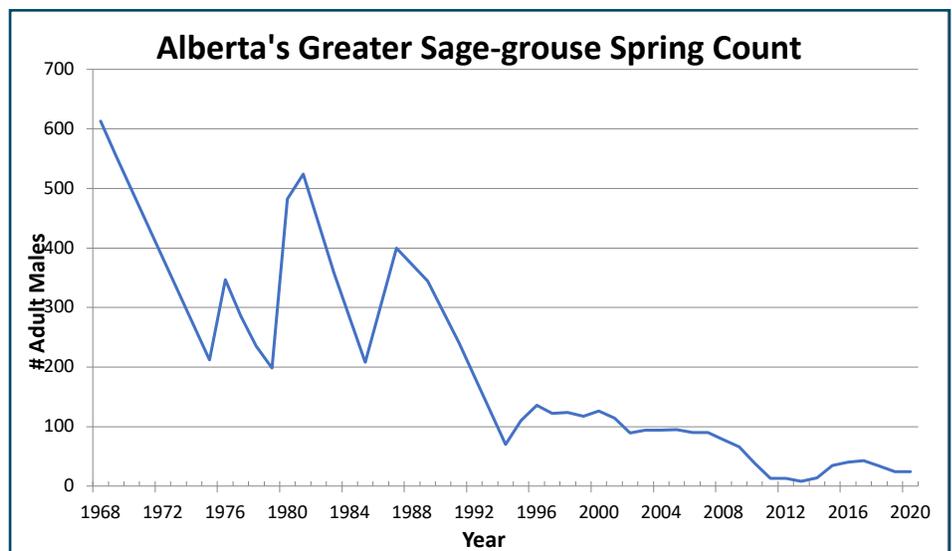
Although they’ve faced a similar trend in declines, the western states appear to have achieved a general air of acceptance around sage grouse conservation efforts. This is evidenced by the large contributions to private protection and wide variety of conservation initiatives. As Dr. Naugle described, although each state has their own plan “everybody is largely working on the same sheet of music.”

Programs are currently underway to not only tackle predation and energy development, but also the impacts of wild-fires, invasive cheat grass and conifer encroachment, agricultural conversion, residential development, and migration-impeding fences. The SGI has experienced a huge amount of success in es-

tablishing voluntary programs, including conservation easements, to protect and enhance remaining sagebrush habitat. To date, more than eight million acres of sagebrush habitat have been conserved through SGI’s programs, largely through private partnerships.

In describing Alberta’s current efforts, I asked Dr. Naugle for his opinion on what’s needed to restore populations to sustainable levels. Once again, it boils down to habitat. “Even if you made what you have left perfect habitat, it still won’t be enough to support populations.” The needs of sage grouse extend far beyond the boundaries of the EPO; what we need to do is grow the amount of viable habitat.

What really resonated with me was something Sean Nixon said: “once there is no longer an active threat to the species, the Minister is actually supposed to recommend to cabinet that [the Emergency Protection Order] be removed.” Looking at current populations, an emergency still exists today. There’s still work to be done, critical habitat beyond leks that needs to be designated, and land that needs to be restored. Hopefully, we can figure out how to do this while there are still sage grouse left to save. 🐦



SOURCE: AWA