



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON LISTING WESTERN TOAD (*Anaxyrus boreas*)

The Conference of Management Authorities has reached a consensus (hereafter referred to as the "Consensus Agreement") on the following:

To add western toad to the Northwest Territories List of Species at Risk as a 'threatened' species.

INTERPRETATION

For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.

For greater certainty, the Management Authority for western toad is the Government of the Northwest Territories.

WE THE UNDERSIGNED, having reached this consensus on this 16 day of October 2015, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories.

Steph Charle

Witness

Lynda Yonge

Lynda Yonge, Director
Wildlife Division

Dept. of Environment and Natural Resources
Government of the Northwest Territories

ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

On December 10, 2014, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for western toad (*Anaxyrus boreas*) to the Conference of Management Authorities (CMA) and recommended that western toad be added to the NWT List of Species at Risk as a 'threatened' species. The *Species at Risk (NWT) Act* provides a 12-month period for the CMA to develop a consensus agreement on listing.

This Consensus Agreement was informed by the completed species status report, SARC's assessment and reasons for assessment, clarification on the assessment provided by SARC under section 34 of the *Species at Risk (NWT) Act*, public input (solicited by the Management Authority between May-July 2015), and the results of Crown consultation duties, performed by the Government of the Northwest Territories. No information was provided to SARC by the CMA or the Management Authority under paragraph 31(1)(c). Actions taken by the Management Authority with respect to the required approvals and their preparation for the development of the Consensus Agreement on listing are described in Annex B of this Consensus Agreement.

The reasons for the Consensus Agreement are the following:

SARC assessed the biological status of western toad on December 10, 2014 as a 'threatened' species in the NWT. An assessment of 'threatened' means that SARC determined that the western toad is likely to become endangered in the NWT if nothing is done to reverse the factors leading to its extirpation or extinction. SARC further determined that the western toad met criterion (d) for 'threatened' under SARC's Species Assessment Process (2012): (d) there is evidence that the range is limited and there are threats that could cause it to disappear from the NWT in our children's lifetime.

The following reasons for assessment were noted by SARC:

- The population of western toad in the NWT is small and its range is limited making it vulnerable to threats.
- There is evidence that chytrid fungus and ranavirus are already present in the NWT. This could be detrimental to the western toad population, particularly if coupled with additional stressors or threats that reduce immunity to diseases.
- Disease transmission can be facilitated by humans collecting and releasing toads or tadpoles between water bodies.

- Additional threats include habitat degradation, wildfire, resource exploration and development, and increased UV-B radiation. All of these threats can have complex interactions with each other and be challenging to manage.
- Life-history characteristics (e.g., long lifespan, delayed maturity of females, and females breeding only once a lifetime) make populations especially vulnerable to threats and declines.
- Currently, there are no data to determine if there is a population decline of western toads in the NWT.
- Since threats to western toads in British Columbia and Yukon Territory are similar to those present in the NWT, future rescue effect for the NWT population may be unlikely.

Clarification on the assessment provided by SARC included further information on the threats to western toad.

The Management Authority for western toad, the Government of the Northwest Territories, did not receive any information indicating that the assessment of western toad as 'threatened' in the NWT was incorrect. After reviewing the assessment and the results of engagement, the Government of the Northwest Territories, in cooperation with other interested partners, determined that listing western toad as 'threatened' is appropriate based on the range of the species and the threats it faces. After reviewing the results of consultation, the Government of the Northwest Territories' assessment is that the action of listing western toad as 'threatened' will not infringe on Aboriginal or treaty rights. Based on this, and their support for SARC's conclusions and methodology, the Management Authority agrees that western toad should be added to the NWT List of Species at Risk as a 'threatened' species in the NWT.

ANNEX B

ACTIONS MANAGEMENT AUTHORITIES HAVE UNDERTAKEN OR WILL UNDERTAKE WITH RESPECT TO LISTING

As provided for in section 36(3)(b) of the *Species at Risk (NWT) Act*, the Government of the Northwest Territories (GNWT), having reached consensus on adding western toad (*Anaxyrus boreas*) to the NWT List of Species at Risk, is reporting the actions it has undertaken or agrees to undertake with respect to the required approvals and its participation in listing the species:

Government of the Northwest Territories

The GNWT's position on listing was formed through review of the species status report and assessment, review of the clarification provided by SARC, public engagement, and Aboriginal and treaty rights consultation. The Department of Environment and Natural Resources (ENR) also worked with other GNWT departments through the Inter-departmental Species at Risk Committee.

Public Engagement

The GNWT provided an opportunity for members of the public and interested organizations to comment on the assessment and potential listing of western toad. The comment period was May 26 – July 20, 2015. The GNWT invited comments using print ads, posters, the NWT Species at Risk website and an email distribution list.

The GNWT received one comment on the western toad listing through this process. The comment supported listing western toad as threatened. The comment was considered in forming the GNWT's position on listing.

Aboriginal and Treaty Rights Consultation

The GNWT was responsible for consulting with Aboriginal organizations in respect of potential infringement of established or asserted Aboriginal or treaty rights. Consultation was done through letters. Consultation was triggered with organizations that hold asserted or established Aboriginal or treaty rights in or near the NWT range of western toad.

The GNWT explained the consequences of listing and explained that listing would not result in any automatic prohibitions or protections for species or habitat, and that listing would not change any harvest quotas or regulations already in place. The GNWT

requested input on how the proposed listing may have the potential to adversely affect established or asserted Aboriginal or treaty rights. No responses were received identifying potential infringement.

After reviewing the results of consultation, the GNWT's assessment is that the action of listing western toad as threatened will not infringe on Aboriginal or treaty rights. However, it is not known what management actions may be contemplated in the future after the species is listed. Possible approaches to recover the species will be discussed during the development of the recovery strategy. The GNWT recognizes that there is potential for future management actions arising from the NWT species at risk process to adversely affect Aboriginal or treaty rights. Therefore, the GNWT is committed to continued consultation as the recovery strategy is developed. The GNWT is also committed to being inclusive in the development of the recovery strategy.

The Aboriginal governments and organizations consulted are listed below. Full records of consultation are on file at Wildlife Division, Environment and Natural Resources (ENR), Yellowknife.

- Kaska Tribal Council
- Dehcho First Nations
- Acho Dene Koe First Nation