



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON LISTING NORTHERN LEOPARD FROG (*Lithobates pipiens*)

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

To add Northern Leopard Frog to the Northwest Territories List of Species at Risk as a 'threatened' species.

INTERPRETATION

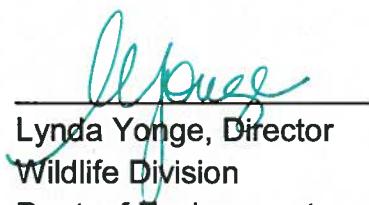
For greater certainty, terms and processes in this Consensus Agreement are as defined and described in the *Species at Risk (NWT) Act*.

For greater certainty, the Management Authority for Northern Leopard Frog is the Government of the Northwest Territories.

WE THE UNDERSIGNED, having reached this consensus on this 14th day of November 2014, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories.



Witness



Lynda Yonge

Lynda Yonge, Director
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Dept. of Environment and Natural Resources
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ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

On December 20, 2013, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for Northern Leopard Frog (*Lithobates pipiens*) to the Conference of Management Authorities (CMA) and recommended that Northern Leopard Frog 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 July and September 2014), 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 Northern Leopard Frog on December 11, 2013 as a 'threatened' species in the NWT. An assessment of 'threatened' means that SARC determined that the Northern Leopard Frog 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 Northern Leopard Frog met criterion (b) for 'threatened' under SARC's Species Assessment Process (2012): (b) there is evidence that the range is limited and there is a decline in range and population size such that it could disappear from the NWT in our children's lifetime.

The following reasons for assessment were noted by SARC:

- In the NWT, the Northern Leopard Frog is at the northern-most limit of its range in the world.
- Unlike some species of frogs, Northern Leopard Frogs are not freeze-tolerant and do not hibernate. To overwinter, they go dormant under water. These sites must be well-oxygenated and not freeze.
- Northern Leopard Frogs are therefore limited to only the very southern NWT where suitable overwintering sites exist.

- Extent of occurrence is 16,041 km² using all observation records, but only 5,784 km² using observations since 1995, providing some evidence for population and range reductions.
- Rescue of the species in the NWT is not plausible because nearby Northern Leopard Frog populations in northern Alberta and Saskatchewan have disappeared or are at risk.

Clarification on the assessment provided by SARC provided further information on why Northern Leopard Frog is at risk, including the following points:

- Using evidence from local and community knowledge, it is clear that the range has contracted from the Slave River and hence the entire population of the NWT has declined.
- The restricted distribution and the decline of the Northern Leopard Frog in the NWT are the reasons for conservation concern, given the decline of the Northern Leopard Frog elsewhere in western Canada and the decline of amphibians globally.
- SARC considered the limited range of the Northern Leopard Frog as contributing to the risk of extirpation from the NWT because one threatening event may affect the entire population within our children's lifetime.
- SARC considered the probability of a die-off affecting the NWT's entire population to be high, due to one or a combination of these diseases (i.e., chytridiomycosis, ranavirus infections, "red-leg" bacterial infections) impacting the population within our children's lifetime.

The Management Authority for Northern Leopard Frog, the Government of the Northwest Territories, did not receive any information indicating that the assessment of Northern Leopard Frog as 'threatened' in the NWT was incorrect. After reviewing the results of consultation, the Government of the Northwest Territories' assessment is that the action of listing Northern Leopard Frog 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 Northern Leopard Frog 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 Northern Leopard Frog (*Lithobates pipiens*) 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 Northern Leopard Frog. The comment period was July 9 – September 8, 2014. The GNWT invited comments using print ads, green screens, posters, the NWT Species at Risk website and an email distribution list.

The GNWT received 3 comments on the Northern Leopard Frog through this process. One suggested that the evidence for threatened status was weak. The other two supported the listing. The GNWT did not receive any information indicating that the assessment of Northern Leopard Frog as threatened in the NWT was incorrect.

The GNWT recorded all the comments and all comments were 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 mainly through letters. Consultation was triggered with organizations that hold

asserted or established Aboriginal or treaty rights in or near the NWT range of Northern Leopard Frog.

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. The GNWT provided clarification and answers to questions as needed.

While not opposed to the listing of Northern Leopard frog, the Northwest Territory Métis Nation (NWTMN) was the only group that expressed any concern. The NWTMN stated that any habitat protection could infringe on their asserted Aboriginal rights. The NWTMN indicated that they want to be involved in developing the recovery strategy. The GNWT provided assurances that they would be involved in developing the strategy and would be consulted prior to implementing any management actions that could infringe on Aboriginal rights. All the comments and concerns were recorded and were considered in forming GNWT's position on listing.

After reviewing the results of consultation, the GNWT's assessment is that the action of listing Northern Leopard Frog 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 infringe on 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, Department of Environment and Natural Resources, Yellowknife.

- Northwest Territory Métis Nation
- Akaitcho Treaty 8 Tribal Corporation
- Salt River First Nation
- Smith's Landing First Nation
- Athabasca Denesuline (Saskatchewan)
- Athabasca Chipewyan First Nation
- Mikisew Cree First Nation

- Fort Chipewyan Métis Local 125
- North Slave Métis Alliance