



NWT CONFERENCE OF MANAGEMENT AUTHORITIES

CONSENSUS AGREEMENT ON LISTING RED-SIDED GARTER SNAKE (*Thamnophis sirtalis parietalis*)

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

Not to add red-sided garter snake (*Thamnophis sirtalis parietalis*) to the Northwest Territories List of Species at Risk.

The Minister of Environment and Climate Change, Government of the Northwest Territories, will provide to the Species at Risk Committee (SARC), and make available to the public, the reasons for inconsistency between this Consensus Agreement and SARC's assessment of the status of the species, as per section 40 of the *Species at Risk (NWT) Act*.

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 red-sided garter snake is the Government of the Northwest Territories (GNWT).

WE THE UNDERSIGNED, having reached this consensus, provide this Consensus Agreement on this **2nd day of May 2025**, to the Minister of Environment and Climate Change, Government of the Northwest Territories.



Witness



Dr. Brett Elkin, Assistant Deputy Minister,
Wildlife and Forest Management
Dept. of Environment and Climate Change
Government of the Northwest Territories

ANNEX A

REASONS FOR THE CONSENSUS AGREEMENT

On May 2, 2024, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for red-sided garter snake (*Thamnophis sirtalis parietalis*) to the Conference of Management Authorities (CMA) and recommended that red-sided garter snake be added to the NWT List of Species at Risk as a species of Special Concern. The *Species at Risk (NWT) Act* provides a 12-month period for the CMA to develop a consensus agreement on listing.

The CMA has reached consensus under paragraph 36(3)(a)(i) not to add red-sided garter snake to the NWT List of Species at Risk. This Consensus Agreement was informed by the completed species status report, SARC's assessment and reasons for assessment, written clarification provided by SARC under section 34 of the *Species at Risk (NWT) Act*, public input (solicited by the Management Authority), and the results of GNWT engagement with Indigenous governments and Indigenous organizations. No information was provided to SARC by the CMA or the Management Authority under paragraph 31(1)(c) of the *Species at Risk (NWT) Act*. 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.

Reasons for assessment that were noted by SARC:

SARC assessed the biological status of red-sided garter snake on April 24-26, 2024, as a species of Special Concern in the NWT. An assessment of Special Concern means that SARC determined that Red-sided garter snake may become Threatened or Endangered in the NWT because of a combination of biological characteristics and identified threats. The assessment process and objective biological criteria used by the Species at Risk Committee determined that Red-sided garter snake met criterion SK (d) for Special Concern under SARC's Species Assessment Process:

Special Concern SK (d): The species qualifies for Threatened status but there is clear indication of rescue effect from extra-limital subpopulations.

Main factors:

- Red-sided garter snake qualifies for Threatened under criterion SK(D2) because the index area of occupancy is less than 20 km² (the known hibernacula cover 12 km² in the NWT) and the number of locations is low (4-6 locations in the NWT) such that it is prone to stochastic events (e.g., drought and wildfires) within a short period of time.

- The red-sided garter snake in the Northwest Territories (NWT) is only known to occur at five hibernacula in the karst landscape around Fort Smith, where they need to spend the winter to survive.
- Their restricted area of occupancy (based on their hibernacula) means the entire NWT population is susceptible to the impacts of drought and wildfire, both of which are increasing in frequency and severity with the uncertainty of a changing climate.
- As the species is at the northernmost extent of its range in North America, a combination of threats and biological characteristics makes this species susceptible to extirpation from the NWT.
- The potential for rescue from nearby populations in northern Alberta is high, therefore the risk of extirpation was reduced from Threatened to Special Concern.

Additional factors:

- Road mortality has been documented in the NWT. This has been identified elsewhere as being a clear cause of population decline. The impact of road mortality on NWT populations is unknown.
- Extreme drought conditions are likely to have an impact on the freshwater wetlands summering range of red-sided garter snakes, primarily by reducing the availability of prey such as amphibians.
- The extent, intensity, and speed of the 2023 fires in the range of red-sided garter snake is a prominent concern. Wildfires affect predation rates in snakes (increasing vulnerability to predation due to decreased cover), can cause direct injury (e.g., burns, overheating, asphyxiation) and death, alter vegetation/habitat structure, and cause shifts in forage or shelter site availability.

Decision of the Management Authority

After reviewing the status report, assessment, clarification provided by SARC, public input and the results of engagement, the Management Authority determined that adding red-sided garter snake to the NWT List of Species at Risk is not necessary at this time. The Government of the Northwest Territories' assessment is that not listing red-sided garter snake will not infringe on Aboriginal or treaty rights. Based on this, the Conference of Management Authorities has agreed not to add red-sided garter snake to the NWT List of Species at Risk.

Reasons for the inconsistency between this Consensus Agreement and SARC's assessment:

The purpose of the *Species at Risk (NWT) Act* is to prevent species from becoming extirpated or extinct by establishing an integrated and cooperative system for recovery and conservation of species at risk that integrates principles of co-management included in land claims agreements, and that recognizes the roles and responsibilities of all Management Authorities (s.9 of the Act). The risk of extirpation or extinction is assessed using best available Indigenous, community and scientific knowledge. In this case, the Species at Risk Committee (SARC) assessed red-sided garter snake (*Thamnophis sirtalis parietalis*) as a species of Special Concern in the NWT. Their rationale was focused on the snakes' very small area of occupancy (they occupy a small area in winter, with 11 known hibernacula (dens) within about 25 km of Fort Smith), the snakes' vulnerability to events like drought and wildfires, and the increasing frequency and severity of these events with a changing climate.

As the SARC noted in their assessment, red-sided garter snakes in the NWT are at the northernmost edge of their range in North America. There are large, secure populations of red-sided garter snakes in neighbouring jurisdictions, particularly Alberta and Manitoba. Red-sided garter snakes are capable of long-distance movement (travel of 20 km has been recorded), and most available information suggests there is some immigration/emigration between hibernacula. These factors provide some capacity for the red-sided garter snake population in the NWT to be 'rescued' through immigration, to buffer local effects of threats such as drought and wildfire and reducing the likelihood of irreversible harm.

There are already measures in place that help to manage threats to red-sided garter snakes in the NWT and northern Alberta. The NWT *Wildlife Act* prohibits damaging or destroying a snake hibernaculum (den). In Alberta, the provincial *Wildlife Act* provides similar protections for snake hibernacula and also makes it illegal to kill, possess, buy or sell red-sided garter snakes. Additionally, Wood Buffalo National Park protects a large area of red-sided garter snake habitat – including some key overwintering sites – from impacts of human activities.

The Conference of Management Authorities is of the opinion that adding red-sided garter snake to the NWT List of Species at Risk at this time is not likely to provide significant additional conservation benefits to the species. The Management Authority for red-sided garter snake, Government of the Northwest Territories (GNWT), recognizes that red-sided garter snake is an important component of NWT's biodiversity and a valued species for many NWT residents. In the absence of listing under the *Species at Risk (NWT) Act*, work to conserve red-sided garter snakes and their habitat in the NWT can still proceed. The SARC provided recommendations for conservation measures which offer useful guidance for this work.

Currently, research is underway to study the red-sided garter snake population in the NWT and northern Alberta, particularly their response to large, intense wildfires that occurred in their range in 2023. The GNWT is supporting this research. The *Species at Risk (NWT) Act* allows that the status of a species may be re-assessed in the future if information becomes available that may change the status, or if there is evidence of a significant change in its status or a significant change in the threats or positive influences to the species or its habitat.

Given these factors, the Conference of Management Authorities determined that adding red-sided garter snake to the NWT List of Species at Risk is not necessary at this time.

ANNEX B

ACTIONS THE MANAGEMENT AUTHORITY HAS UNDERTAKEN OR WILL UNDERTAKE WITH RESPECT TO LISTING

As provided for in section 36(3)(b) of the *Species at Risk (NWT) Act*, the Management Authority, having reached consensus not to add red-sided garter snake (*Thamnophis sirtalis parietalis*) to the NWT List of Species at Risk, is reporting the actions they have undertaken or agree to undertake with respect to the required approvals and their participation in this process:

Government of the Northwest Territories

The Government of the Northwest Territories' (GNWT) position on listing was formed through review of the species status report and assessment, written clarification provided by SARC, and engagement with Indigenous governments and Indigenous organizations, as well as the public. The Department of Environment and Climate Change (ECC) 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 red-sided garter snake. The comment period was August 15 to November 1, 2024. The GNWT invited comments using a news release, print ads, fact sheets, radio announcements, social media posts, an online survey, the NWT Species at Risk website, and an email distribution list. Information was also shared through posters and fact sheets at the Northern Whooping Crane Festival in Fort Smith, September 6-7, 2024. The GNWT received four submissions of comments on the listing of red-sided garter snake through this process. All four were in support of listing. The written comments highlighted concerns about threats to red-sided garter snakes in the NWT including wildfire, road mortality, climate change, and other human impacts. Respondents emphasized the need for protection, research and increased awareness. Most indicated that listing would be beneficial to achieving these, although one respondent indicated that listing the species would have little impact. All comments were considered in forming the GNWT's position on listing.

Indigenous Governments and Indigenous Organizations

The GNWT's assessment is that not listing red-sided garter snake as a species of Special Concern will not infringe on Aboriginal or treaty rights. This decision will not change

regulations, land management, anyone's ability to harvest, or rules around red-sided garter snake viewing or activities allowed in red-sided garter snake habitat.

The GNWT engaged with IGIOs through letters. IGIOs located in or near the NWT range of red-sided garter snake were invited to comment on the potential listing of the species. One response was received through this process, indicating that the responding IGIO was not affected by the listing decision.

The IGIOs engaged are listed below. Full records of engagement are on file at Wildlife Management Division, GNWT ECC, Yellowknife.

- Akaitcho Territory Government
- Denínu Kúę First Nation
- Łutsel K'e Dene First Nation
- Yellowknives Dene First Nation (Dettah)
- Yellowknives Dene First Nation (Ndıłq)
- Salt River First Nation
- Northwest Territory Métis Nation
- Fort Resolution Métis Government
- Fort Smith Métis Council
- Hay River Métis Government Council
- Smith's Landing First Nation
- Kátł'odeeche First Nation
- Dehcho First Nations
- Deh Gáh Got'ie First Nation
- Fort Providence Métis Council
- The Métis Association Local 52 – Fort Simpson, N.W.T.
- Łíídlı Kúę First Nation
- Ka'a'gee Tu First Nation
- West Point First Nation
- Jean Marie River (Tthets'éhk'édélı) First Nation
- Pehdzéh Kı First Nation
- Sambaa K'e First Nation
- Athabasca Chipewyan First Nation