



## NWT CONFERENCE OF MANAGEMENT AUTHORITIES

### CONSENSUS AGREEMENT ON LISTING HAIRY BRAYA (*Braya pilosa*)

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

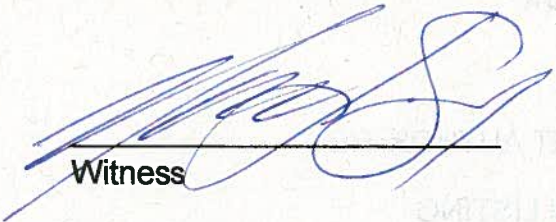
To add hairy braya (*Braya pilosa*) to the Northwest Territories List of Species at Risk as a ‘threatened’ species.

#### 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, Management Authorities for hairy braya (*Braya pilosa*) are: the Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT).

WE THE UNDERSIGNED, having reached this consensus on this 8<sup>th</sup> day of October 2013, provide this Consensus Agreement to the Minister of Environment and Natural Resources, Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT).



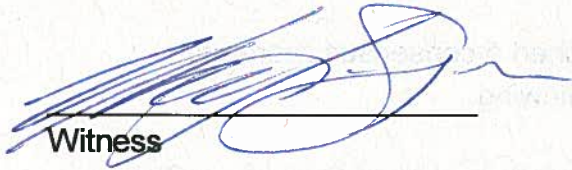
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Witness



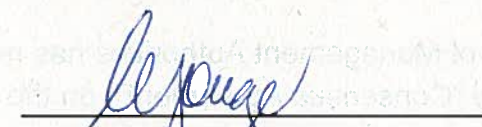
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Rob Gau, Member  
Wildlife Management Advisory  
Council (NWT)



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Witness



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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 12, 2012, the Northwest Territories (NWT) Species at Risk Committee (SARC) provided the assessment and status report for hairy braya (*Braya pilosa*) to the Conference of Management Authorities (CMA) and recommended that hairy braya 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, public input (solicited by the Management Authorities between April and August 2013), 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 a Management Authority under paragraph 31(1)(c) and no written clarification was provided by SARC under section 34 of the *Species at Risk (NWT) Act*. Actions taken by Management Authorities 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 as follows:

SARC assessed the biological status of hairy braya on December 3, 2012 as 'threatened' in the NWT. An assessment status of 'threatened' means that SARC determined hairy braya were likely to become endangered in the NWT if nothing is done to reverse the factors leading to their extirpation or extinction. SARC further determined that hairy braya 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, population size and habitat such that it could disappear from the NWT in our children's lifetime.

The following reasons for assessment were noted by SARC:

- Range is severely limited (extent of occurrence 250 square kilometers; index of area of occupancy 64 square kilometers).
- There are only 5 known locations, but there may be more on Cape Bathurst and Baillie Islands.
- Coastal habitat is declining (10 meters per year lost to erosion) and this is expected to increase.
- Hairy braya only exists on Cape Bathurst peninsula and Baillie Islands in the NWT, so there is no possibility of rescue from outside populations.
- The ability to expand its range is limited.
- Hairy braya has specialized habitat requirements.
- It does not compete well with other plant species when establishing or colonizing new areas.

The Management Authorities for hairy braya, the Government of the Northwest Territories and the Wildlife Management Advisory Council (NWT), did not receive any information indicating that the assessment of hairy braya 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 hairy braya as 'threatened' will not infringe on Aboriginal or Treaty rights. Based on this, and their support for SARC's conclusions and methodology, the Management Authorities agree that hairy braya should be added to the NWT List of Species at Risk as a species that is 'threatened' 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 Minister of Environment and Natural Resources, Government of the Northwest Territories (GNWT) and the Wildlife Management Advisory Council (NWT), having reached consensus on adding hairy braya (*Braya pilosa*) to the NWT List of Species at Risk, are reporting the actions each Management Authority 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, 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 and Managing This Land 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 hairy braya. The comment period was July 2 – August 14, 2013. The GNWT invited comments using print ads, green screens, posters, media interviews, the NWT Species at Risk website and an email distribution list.

The GNWT received 5 comments on the hairy braya through this process. All were in support of listing hairy braya as 'threatened'. The comments included questions about the NWT species at risk process and the opportunities for involvement, and about potential recovery actions. The GNWT did not receive any information indicating that the assessment of hairy braya as 'threatened' in the NWT was incorrect.

The GNWT recorded all the comments and provided clarification and answers to questions. 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; meetings were held when requested. Consultation was triggered with organizations that hold asserted or established Aboriginal or Treaty rights in or near the NWT range of hairy braya.

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 hairy braya would not change harvest quotas for any species or any other regulations already in place. The GNWT requested input on how the proposed listings may have the potential to adversely affect established or asserted Aboriginal or Treaty rights. The GNWT provided clarification and answers to questions as needed.

No comments or concerns were expressed with respect to the potential listing of hairy braya. After reviewing the results of consultation, the GNWT's assessment is that the action of listing hairy braya 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 hairy braya 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.

With respect to the listing of hairy braya, the GNWT consulted the Inuvialuit Game Council and Nunavut Tunngavik Inc. Full records of consultation are on file at the Wildlife Division, Department of Environment and Natural Resources, Yellowknife.

### **Wildlife Management Advisory Council (NWT)**

The Wildlife Management Advisory Council (NWT)'s (WMAC (NWT)) position on listing was formed through review of the species status report and assessment and its consultation meetings with the Inuvialuit Settlement Region (ISR) Hunters and Trappers Committees (HTCs) and the public.

WMAC (NWT) arranged for consultation meetings to be held in the four mainland ISR communities in April/May 2013. Meetings in the two island communities occurred in August 2013. All meetings were arranged with the HTCs but were advertised and open to the public to comment on the assessment and potential listing of hairy braya. WMAC (NWT) members and/or representatives went through a summary presentation and answered all questions put forward.

The comments included many questions: about the NWT species at risk process in the ISR and degree of Inuvialuit involvement; about the information that SARC used in their assessments; about future consultations; and about the threats to species. WMAC (NWT) recorded all the comments and provided clarification and answers to questions.

All the comments and concerns were recorded and were considered in forming WMAC (NWT)'s position on listing. After reviewing and considering the results of the consultation at the Council's September 2013 Regular Meeting, WMAC (NWT) will

support the listing of hairy braya to the NWT List of Species at Risk as a species that is 'threatened' in the NWT.