



CANADA
PRIVY COUNCIL • CONSEIL PRIVÉ

P.C. 2012-836
June 19, 2012

His Excellency the Governor General in Council,
on the recommendation of the Minister of the Environment,
pursuant to subsections 27(1.1) and (1.2) of the *Species at
Risk Act*

(a) decides not to add the Laura's Clubtail
(*Stylurus laurae*), Coast Manroot (*Marah oreganus*) or
Four-leaved Milkweed (*Asclepias quadrifolia*) to
the List of Wildlife Species at Risk set out in Schedule 1
to that Act; and

(b) approves that the Minister of the Environment include
in the public registry established under section 120 of
the Act the statement that is attached as the annex to
this Order and that sets out the reasons for the decisions
not to add those species to that List.

CERTIFIED TO BE A TRUE COPY—COPIE CERTIFIÉE CONFORME

CLERK OF THE PRIVY COUNCIL—LE GREFFIER DU CONSEIL PRIVÉ

ANNEX

STATEMENT SETTING OUT THE REASONS FOR DECISIONS NOT TO ADD THE LAURA'S CLUBTAIL, COAST MANROOT OR FOUR-LEAVED MILKWEED TO THE LIST OF WILDLIFE SPECIES AT RISK

On April 21, 2012, the Governor in Council, on the recommendation of the Minister of the Environment, published in the *Canada Gazette*, Part I, a proposed Order to add 18 species to the List of Wildlife Species at Risk (the "List") set out in Schedule 1 to the *Species at Risk Act* (the "Act") and to reclassify seven species on the List. The proposed Order provided for a 30-day period for interested persons to submit comments to the Minister. The accompanying Regulatory Impact Analysis Statement also indicated that the Minister had recommended to the Governor in Council not to add the Laura's Clubtail, Coast Manroot or Four-leaved Milkweed to the List.

Eleven submissions opposed the Minister's recommendation based on claims that it was inconsistent with the Act and, in their opinion, supported by weak scientific and economic rationales. Concerns were also expressed that the Minister's reliance on the limited occurrence of those species in Canada as a reason for his recommendation may set a precedent which could lead to a degradation of Canada's southern ecosystems.

Nonetheless, in light of the existing protection afforded to the Laura's Clubtail and Four-leaved Milkweed under a provincial law, the extremely small range of each of the three species in Canada and the limited contribution that recovery efforts in Canada could make to the conservation of these three species, the Minister states that, for the reasons more fully set out below, none of those species are being added to the List so that available resources can be allocated more efficiently to species for which Canada can make a more significant difference.

Laura's Clubtail (*Stylurus laurae*)

The Minister of the Environment has recommended that the Laura's Clubtail not be added to the List. This dragonfly of eastern North America is only known to occur in Canada in two locations in unusual fast-moving sandy streams on land other than federal land in southwestern Ontario. There is evidence of continuing decline of habitat. According to the status report of the Committee on the Status of Endangered Wildlife in Canada ("COSEWIC") the main threats to the aquatic habitat of the Laura's Clubtail are degradation through pollution, water removal for irrigation and invasive species.

This species has an extremely small range in Canada and COSEWIC acknowledged that a close estimation of population size and population trend information are not available. There is no evidence that Canada's contribution to this species' global status is significant. Moreover, the species is only known to occur on land other than federal land in Ontario and is already afforded legal protection under Ontario's *Endangered Species Act, 2007*. Similarly to the Act, the *Endangered Species Act, 2007*, among other things, prohibits the killing, harming, harassing, capturing or taking of a living member of a species that is listed under section 7 of the Ontario Act as extirpated, endangered or threatened. It also prohibits the possession, transportation, collection, buying, selling, leasing or trading of, or the offering to buy, sell, lease or trade, those species. In light of the existing protection afforded to the Laura's Clubtail under the Ontario Act, its only



known occurrence exclusively on land other than federal land in Ontario, its extremely small range in Canada and the limited contribution that recovery efforts in Canada could make to its conservation, it is not being added to the List so that available resources can be allocated more efficiently to species for which Canada can make a more significant difference.

Coast Manroot (*Marah oreganus*)

The Minister of the Environment has recommended that the Coast Manroot not be added to the List. It is a long-lived perennial vine only known to occur in Canada at three locations in southeastern Vancouver Island and the adjacent Gulf Islands. According to COSEWIC's status report, the main threats to the species are the development of the few known sites, alien species and chance events affecting the handful of remaining individuals.

According to COSEWIC, the Coast Manroot was never common in British Columbia since it is at the northern edge of its range. There is no evidence that Canada's contribution to the global status of the Coast Manroot is significant. Although the COSEWIC assessment was able to establish existing threats, the degree of impact of those threats is uncertain and it is unlikely that the Coast Manroot would be naturally re-established from outside populations. With the exception of one individual that occurs on a federal property, the Coast Manroot is only known to occur on land other than federal land in British Columbia and is included on the Red List established by the government of British Columbia to, among other things, provide a practical method to assist in making conservation and land-use decisions and to prioritize environmental research, inventory, management and protection activities. Given its extremely small range in Canada, and in light of the limited contribution that recovery efforts in Canada would make to its conservation, it is not being added to the List so that available resources can be allocated more efficiently to species for which Canada can make a more significant difference. However, the Garry Oak ecosystem, of which this species is a part, has been a priority ecosystem for the Habitat Stewardship Program for Species at Risk (HSP) since the program's inception in 2000. In the current five year plan for HSP, this ecosystem remains a priority. As part of Canada's national strategy for the protection of species at risk, the Government of Canada established the HSP, which allocates between \$9 and \$13 million a year to projects that conserve and protect species at risk and their habitats.

Four-leaved Milkweed (*Asclepias quadrifolia*)

The Minister of the Environment has recommended that the Four-leaved Milkweed not be added to the List. Only two small extant populations of the Four-leaved Milkweed are known in Canada and they occur at the eastern end of Lake Ontario, each with very low numbers of individuals. Historic populations within the Niagara Falls' region are believed extirpated. Extant populations are only known to occur in very rare limestone deciduous woodland communities on land other than federal land in Ontario. Residential development is a potential threat at the largest site. Future development on this site remains a reasonable possibility. According to COSEWIC's status report, the main threats to this species are habitat conversion, habitat degradation and invasive species.



COSEWIC's assessment of the Four-leaved Milkweed indicates that there is no information on recent trends in extant Canadian populations, although limited observations do not suggest any declines since 2006-2007. The Four-leaved Milkweed has an extremely small range in Canada and there is no evidence that Canada's contribution to the global status of the Four-leaved Milkweed is significant. Moreover, the Four-leaved Milkweed is only known to occur on land other than federal land in Ontario and is already afforded legal protection under Ontario's *Endangered Species Act, 2007*. Similarly to the Act, the *Endangered Species Act, 2007*, among other things, prohibits the killing, harming, harassing, capturing or taking of a living member of a species that is listed under section 7 of the Ontario Act as extirpated, endangered or threatened. It also prohibits the possession, transportation, collection, buying, selling, leasing or trading of, or the offering to buy, sell, lease or trade, those species. In light of the existing protection afforded to the Four-leaved Milkweed under the Ontario Act, its only known occurrence exclusively on land other than federal land in Ontario, its extremely small range in Canada and the limited contribution that recovery efforts in Canada could make to its conservation, it is not being added to the List so that available resources can be allocated more efficiently to species for which Canada can make a more significant difference.

