



# Timberwolf Wilderness Society

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## Backgrounder

Timberwolf sues Fisheries Minister to release long-delayed action plan for threatened trout

### Decline & Loss of Southwestern Alberta's Signature Native Trout, the Westslope Cutthroat

The westslope cutthroat trout was once widespread and abundant in southwestern Alberta, primarily in mainstem rivers and their tributaries below barriers to upstream movement. Many of the populations existed as metapopulations; that is, populations composed of numerous subpopulations (stocks) exhibiting a variety of life-history forms. Stocks were genetically and often morphologically distinct. Their stock structure, each adapted to local conditions, allowed them to optimize their use of the available streams and lakes.

With settlement beginning in the late 1880s, westslope cutthroat trout populations declined rapidly from a combination of overfishing; habitat fragmentation, degradation and loss; introgressive hybridization with non-native trout; and replacement by non-native species introduced from elsewhere. Most westslope cutthroat stocks within the native range have been decimated, hybridized populations are widespread and less fit, and genetically-pure populations are rare. The very few true native stocks remaining are small and isolated. A single domesticated stock has been transplanted widely within and outside of the native range. The habitats of most stocks outside of protected areas (and often inside of them) have been dramatically altered by human land-use and dams. Changing climate is irreversibly limiting usable habitat, especially in larger, lower elevation mainstems and tributaries.

In the existing state, the remaining native cutthroat populations are small, isolated, less fit, and likely use the habitat less efficiently or less completely than was the case under pristine conditions, making them highly vulnerable to local extinction. These weakened remnants are confronted with artificial habitats, changing climate, and other habitat changes that the native stocks have never encountered before, while having to contend with new predators and competitors. These habitat changes tend to favour hybridization, accelerating stock losses. The subspecies as a whole has lost much of its adaptive and evolutionary potential with the loss of so many locally adapted stocks.

— summarized & adapted from Mayhood, D. W. 2014. Conceptual framework and recovery guidelines for restoring westslope cutthroat trout populations in Alberta. FWR Technical Report 2014/03-1 prepared on behalf of Timberwolf Wilderness Society for Alberta Sustainable Resource Development, and Species At Risk Division, Fisheries & Oceans Canada.  
<https://dx.doi.org/10.13140/2.1.1931.6809>

*Dave Mayhood, M.Sc, an aquatic ecologist & President, FWR Freshwater Research Limited <https://www.fwresearch.ca/Home.html>, has worked in the field for 50 years. He wrote the first conservation assessment of Alberta's westslope cutthroat trout, and authored or co-authored several reports that formed the basis for Alberta's recovery plan and the federal recovery strategy for the species. He is also President of Timberwolf Wilderness Society.*

## **Alberta's Westslope Cutthroat Trout and the Species At Risk Act**

The Species at Risk Act (SARA) is a federal law intended to provide legal protection for species at risk and meet Canada's commitments under the United Nations Convention on the Conservation of Biological Diversity. Central to the act is the identification and protection of 'critical habitat' - habitat that is necessary for the survival and recovery of the species at risk.

The Committee on the Status of Endangered Wildlife in Canada identified the westslope cutthroat trout as threatened in 2005, but the Canadian government took until 2013 to put the species on the list of legally identified at-risk species. SARA requires the minister to issue a recovery strategy that identifies the critical habitat of the species within one year of a species being put on the list. The recovery strategy was released in 2014, but it only partially identified the critical habitat of the westslope cutthroat trout and noted the identified habitat was insufficient to recover the species. In the recovery strategy, the minister said a second round of critical habitat sufficient to recover the species would be identified in an action plan by March 31, 2015.

SARA requires the Minister to issue an order protecting critical habitat within 180 days of critical habitat being identified in an action plan. However, the Minister did not do so until December 2015, after being sued by Timberwolf Wilderness Society and the Alberta Wilderness Association.

The legal protection of critical habitat sufficient to recover the species should have been done almost four years ago. Freedom of information requests for government records show critical habitat was identified by mid-2017, if not earlier. The records also raise concerns that Alberta Forestry and Agriculture has resisted expanded critical habitat that might interfere with logging operations around the habitat of the westslope cutthroat trout. Leaving critical habitat identification for action plans and then delaying them for years at a time cheats species at risk out of the habitat protection the act was supposed to provide them. Timberwolf Wilderness Society is suing the Minister of Fisheries and Oceans to get the legal protection SARA promised for the westslope cutthroat trout.

*Drew Yewchuk is staff lawyer with the University of Calgary's Public Interest Law Clinic. He has worked extensively on the westslope cutthroat trout file in connection with the Species At Risk Act.*