



Submission to the Nunavut Wildlife Management Board

For

Information:

Decision: X

Issue: Request for decision on the proposed down-listing of Common Nighthawk and Olive-sided Flycatcher from Threatened to Special Concern under the federal *Species at Risk Act* (SARA).



Photo: © Gordon Court



Photo: © John D. Reynolds

Background:

Description

The Common Nighthawk and Olive-sided Flycatcher are both small birds that spend the winter in South America and migrate to North America to breed in the summer. Their range in Nunavut is minimal. They are both present on islands in James Bay during the breeding season.

Assessment & Threats

Common Nighthawk and Olive-sided Flycatcher are both listed under SARA as Threatened species. They were designated as Threatened due to rapid declines in their populations. The rate of decline of these two species has slowed over the past decade and, in April 2018, both were reassessed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) as Special Concern (a lower category of risk). The effects of human activities and changing climates reducing food and nest-site availability remains a concern for these species.

Implications of proposed down-listing

If down-listed, the national recovery strategy and critical habitat identification for both bird species will be discontinued. Instead, a management plan will be developed that identifies conservation measures to mitigate threats to the species' recovery.

Consultation on the proposed down-listing

Community consultation on the proposed down-listing were conducted in April to July 2019. Consultation packages were sent by email and mail to all 25 communities in April 2019. The packages included a letter, factsheet, and a questionnaire in English and Inuktitut. Organizations such as hunters and trappers organizations (HTOs) and regional wildlife boards were asked to provide their formal position on the proposed down-listing (i.e. oppose, support or are indifferent) and any other comments, concerns or information that they felt should be considered. Follow-up phone calls were made in June 2019 to ask if the organisations had any questions or required more information. The Government of Nunavut was the only organisation to provide a formal position on the down-listing (support).

Next Steps:

We are requesting a decision from the NWMB on the proposed down-listing of Common Nighthawk and Olive-sided Flycatcher from Threatened to Special Concern under the federal *Species at Risk Act* (SARA) as per the Nunavut Agreement s.5.2.34(f) and 5.3.16-5.3.23.

Following the Board's decision, the Minister will make a recommendation to the Governor in Council that takes into account the COSEWIC assessment, consultations with wildlife management boards authorized for that species by a lands claims agreement (including the NWMB), and the regulatory impact analysis statement. The final decision or final decision as varied, as arrived at through 5.3.16 of the Nunavut Agreement, must be respected in the Minister's recommendation to the Governor in Council.

As part of the federal regulatory process, a 30-day comment period follows the publication of the proposed decision in Canada Gazette, Part 1. The final step in the process is for the Governor in Council to make a final listing decision. If the Governor in Council decides to list a species, it is at this point that it becomes legally included on Schedule 1. The decision and the regulatory impact analysis statement will be published in the next edition of the Canada Gazette, Part II.