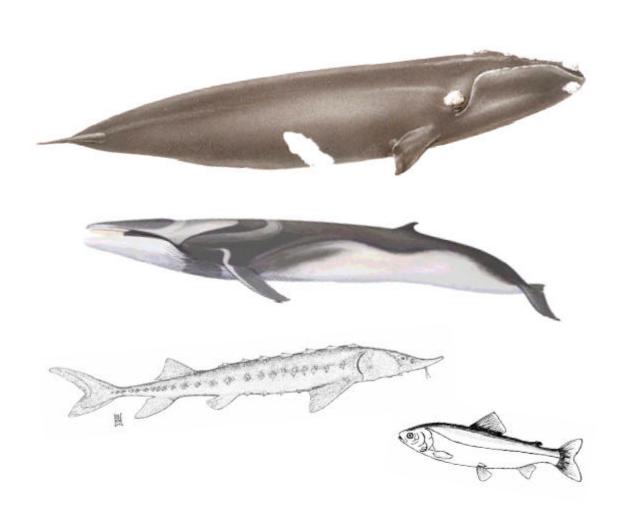






SPECIES AT RISK ACT

Legal Listing Consultation Workbook



Species at Risk Act-

Legal Listing of Aquatic Species

Consultation Workbook

1.0 Objective of this Consultation

Your views are being sought to assist the government of Canada in making an informed decision on whether to add any or all of the following four aquatic species to Schedule 1 (List of Wildlife Species at Risk) of the Species at Risk Act (SARA). The species have been designated by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), and include: North Pacific Right Whale (Endangered), Fin Whale (Threatened), Green Sturgeon (Special Concern) and Bering Cisco (Special Concern).

This workbook provides background information on SARA and the four species being considered for legal listing. At the end of this workbook, questions are provided to guide your feedback. Please complete any or all of the questions starting on page 15 and provide any additional comments you feel are relevant. Your ideas, knowledge, and advice are important to this process and will help the Government of Canada assess the impacts of adding any or all of these four species to Schedule 1.

A downloadable workbook, additional background information, references and contact information are available at:

http://www-comm.pac.dfo-mpo.gc.ca/pages/consultations/consultation2005/main_e.htm under: New Proposed SARA Listings Workbook. For further information on how to submit your workbook please see page 15.

To make sure your comments are considered, please send in your submission by **December 15**th, **2005**.

2.0 What is the Species at Risk Act?

The *Species at Risk Act (SARA)* was created to ensure the survival of wildlife species and the protection of our natural heritage. It requires Canada to provide for the recovery of species at risk due to human activity, and to manage species of special concern to make sure they do not become endangered or threatened. It provides for the protection of the species, their residences and critical habitat.



Environment Canada is responsible for implementing SARA and Fisheries and Oceans Canada is responsible for aquatic species. Parks Canada Agency is responsible for all species that occur in National Parks (land and water), National Historic Sites, and National Marine Conservation Areas. Government agencies (federal, provincial, territorial, municipal), Aboriginal peoples, wildlife management boards, non-governmental organizations, landowners, resource users, and individuals across Canada must work together to ensure the survival of species at risk. In fact, the Act was designed to encourage such cooperation.

More information about SARA can be found at: www.speciesatrisk.gc.ca

2.1 The Role of COSEWIC

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC) is the independent body that assesses the status of wildlife species in Canada. Based on the scientific information compiled in a status report, COSEWIC classifies the species as being extinct, extirpated, endangered, threatened, of special concern, data deficient, or not at risk (see glossary for definitions). COSEWIC's Species Specialist Subcommittees (SSC) provide expertise on particular groups of plants and animals and make recommendations as to the appropriate status designation of a species to the entire Committee.

Members of COSEWIC do not formally represent the agency, group, or region from which they are drawn. They are appointed on the basis of their expertise, and to the best of their ability provide independent and impartial scientific advice and recommendations.

COSEWIC assesses the biological status of a species using the best available information. It reviews research, considers community and Aboriginal traditional knowledge, and applies strict assessment criteria based on criteria developed by the International Union for the Conservation of Nature (IUCN). COSEWIC sends its assessment to the Minister of the Environment to initiate the legal listing process.

More information about COSEWIC can be found at: www.cosewic.gc.ca

2.2 Legal Listing - What does this mean?

A species is not protected under SARA until it is included in the List of Wildlife Species at Risk (Schedule 1 of the Act).

Following receipt of COSEWIC assessments and public consultations, the federal government must do one of the following:

- a) Accept the assessment and add the species to the List;
- b) Decide not to add the species to the List; or
- c) Refer the current assessment back to COSEWIC for further information or consideration.



The decision on whether to add the species to the list takes into account the COSEWIC assessment, information received from consultations and other factors such as potential social and economic impacts of the listing.

Once a species is legally listed as extirpated, endangered, or threatened, specific protection measures come into effect barring any harmful actions against the species and their residences. In addition, a recovery process (see Section 2.4 below) must be completed within prescribed timelines.

SARA prohibitions only apply to species listed as extirpated, endangered and threatened, and not to species of special concern. Further, existing protections and prohibitions, such as those authorized by the Fisheries Act, Migratory Birds Convention Act and the Canada National Parks Act, continue to be in force.

2.3 Protection

Once species are legally listed as extirpated, endangered or threatened, automatic prohibitions apply. SARA has general prohibitions against killing, harming, taking, possessing, capturing, collecting and damaging or destroying the residences of species that are legally listed. SARA defines a residence as: a dwelling-place, such as a den, nest or other similar area or place, that is occupied or habitually occupied by one or more individuals during all or part of their life cycles, including breeding, rearing, staging, wintering, feeding or hibernating. There will be a need to define more explicitly what a residence is in the case of aquatic species, and to determine whether the term applies to each species.

2.4 Recovery and Management Planning

The recovery process is designed to improve the status of species at risk. There are two parts to the recovery planning process for species listed as either extirpated, endangered, or threatened: 1) the development of a recovery strategy, which identifies threats to the species, describes recovery objectives for that species, and identifies species' critical habitat; 2) and the development of an action plan, which describes activities to be carried out to promote the recovery of the species. Action plans are the method used to implement the recovery strategies. Recovery strategies and action plans are only developed for species listed as extirpated, endangered or threatened. For species of special concern, management plans are to be developed (or existing plans may be adopted if adequate) outlining conservation measures and species' habitats.

Recovery strategies and action plans will, to the extent possible, identify the species' critical habitat and describe examples of activities that are likely to result in its destruction and measures that are proposed to protect it. Where available information is inadequate, a schedule of studies will be included with the objective of identifying the species' critical habitat. Once critical habitat of a listed endangered or threatened species has been identified in a recovery strategy or



action plan, destroying any part of it will be prohibited. Recovery strategies, action plans, and management plans must be developed in cooperation and consultation with affected parties, and the public is encouraged to comment on any strategy via the Public Registry (see Section 2.5). Recovery planning is a continuous process and must be updated every five years until the species is considered recovered.

The timeline for recovery strategies will be one year from the time of legal listing for endangered species, two years for species listed as extirpated or threatened, and three years for species of special concern.

2.5 Public Registry

The SARA Public Registry is a comprehensive web-based source of information that allows for timely access to public documents relating to SARA. It is a key instrument in fulfilling the government's commitment to encourage public participation in environmental decision-making. The Public Registry can be viewed at: www.sararegistry.gc.ca.

The Registry includes documents such as regulations, orders, agreements, guidelines, standards, and codes of practice. In addition, it provides species assessments and status reports, recovery strategies, action plans, and management plans for the recovery of wildlife species.

Anyone may provide written comments on a proposed recovery strategy, action plan, or management plan for a wildlife species. The general public has 60 days after the strategy or plan is posted on the Registry to provide feedback.

3.0 Information on Species Designated by COSEWIC

The rest of this workbook is structured to provide you with specific information on each of the four COSEWIC-proposed species that are being considered for legal listing. Information is provided on COSEWIC status, distribution and biology, reason for designation by COSEWIC, potential protective measures, and impacts. For the full status report for each species, including the threats and limiting factors, please visit: www.sararegistry.gc.ca.

When discussing any impacts associated with legally listing a species, it is important to consider what impacts could result from management actions implemented to:

- o comply with the automatic prohibition provisions in the Act for species listed as extirpated, endangered, and threatened; and
- o achieve recovery objectives.

In general, actions taken to comply with automatic prohibitions are immediate, while those implemented to achieve the recovery objectives are longer term. A recovery plan will likely expand the initial management measures taken to protect the species



and its critical habitat for species listed as extirpated, endangered, or threatened. Any additional or expanded measures will only be implemented after further consultations.

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3.2	Fin Whale (TH)	pg.	9
3.3	Green Sturgeon (SC)	pg.	11
3.4	Bering Cisco (SC)	pg.	13



3.1 North Pacific Right Whale (Eubalaena japonica)

Status: Endangered

Last Examination by COSEWIC:

November 2004

Species biology and distribution:

Right whales are large, robust whales, with square chins and a generally black coloration with occasional white belly and chin patches and no dorsal fin. They grow to about 18 meters in length, with adult females averaging about 1 meter larger than adult males. Historical distribution from offshore whaling data (1785-1913) shows that right whales were present in British Columbia waters during the months of April to October, possibly feeding or migrating to or from calving grounds. Modern whalers (1900-1951), who operated mainly in coastal waters, took only seven right whales. The last confirmed right whale sighting that may have been in British Columbia waters was in 1970 west of the Queen Charlotte Islands. It is not possible to describe the current distribution of the North Pacific right whales off British Columbia.

COSEWIC Reason for Designation:

Although there have not been confirmed sightings of this species in the last 50 years in Canadian waters, the species does not fit the criteria for Extirpated. There have been sightings both south and north of British Columbia waters suggesting that the species must use Canadian waters.

Possible Protective Measures and Impacts: There are currently no planned measures as a result of automatic prohibitions. However, over the longer term, recovery planning may result in management measures that impact individuals, businesses, and governments.

Examples of potential protective measures may include:

Developing guidelines for oil and gas development/seismic exploration

- Modifying shipping traffic
- Establishing strict guidelines for those who wish to carry out research on the species, or in their critical habitat
- Conducting more research on potential threats to the species and the resulting impacts from various human



activities, focusing on impacts from gillnets and human-created sounds, including non-military and research sonar

It should be noted that management measures will be developed through the recovery planning process, and implemented after further consultation.



3.2 Fin Whale (Balaenoptera physalus)

Status: Threatened

Last Examination by COSEWIC:

May 2005

Species biology and distribution:

The fin whale is the second largest whale in the world, after the blue whale (*Balaenoptera musculus*). Fin whales are characterized by fast swimming speeds and streamlined bodies. The species is often confused with blue and sei (*B. borealis*) whales in Canadian waters, and their most distinguishing feature is the asymmetrical pigmentation on the lower jaw - dark on the left and light on the right. Fin whales are found in all oceans of the world and generally make seasonal migrations from low-latitude wintering areas to high-latitude summer feeding grounds. In Canada, fin whale populations occur in both the North Atlantic and North Pacific. Adult fin whales reach physical maturity at 25 years of age, and range in size from 20-27 meters, and Northern hemisphere populations tend to be slightly smaller than their Southern counterparts.

COSEWIC Reason for Designation:

Although a current abundance estimate is not available, the species is seen regularly off British Columbia. Coastal whaling off British Columbia took at least 7,605 animals from the population between 1905 and 1967, and thousands of additional animals were taken by pelagic whalers through the 1970s. Catch rates from coastal whaling stations declined precipitously off British Columbia in the 1960s. The severe depletion and lack of sufficient time for recovery indicate a population less than 50% of its level 3 generations ago.

Possible Protective Measures and Impacts: Protective measures that may impact individuals, coastal and First Nations communities, businesses, or governments may be developed through the recovery planning process.

Potential measures that could be implemented after further consultation may include:

- Developing guidelines for oil and gas development or seismic exploration
- Modifying shipping traffic



- Establishing strict guidelines for those who wish to carry out research on fin whales, or in their critical habitat
- Addressing threats from noise, including military, nonmilitary and research sonar



3.3 Green Sturgeon (Acipenser medirostris)

Status: Special Concern

Last Examination by COSEWIC:

November 2004

Species biology and distribution:

Green sturgeon are a primitive fish that first appeared many millions of years ago. They can live up to 60 years of age, and grow to over 2 m and 150 kg in size. The upper body is generally dark green in colour and the underside typically white. The body lacks scales, and possesses five rows of bony scutes, and a single dorsal fin located near a sharklike tail. The mouth is located under an elongated snout, behind a row of barbels used to detect food. Green sturgeon occur on the Pacific coast of North America, primarily inhabiting marine and estuarine environments, entering the lower reaches of coastal rivers to spawn. Documented spawning locations are limited to three rivers in the US. There are no known reproducing populations in Canada, though green sturgeon have been reported in the marine environment as well as in the lower Fraser, Nass, Stikine, Skeena, and Taku river systems in British Columbia.

COSEWIC Reason for Designation:

The number of green sturgeon utilizing Canadian waters is unknown, but is undoubtedly not large. Globally threatened, the species may be at risk here due to exploitation issues, including poaching.

Potential Protective Measures and Impacts: The impacts on stakeholders of listing green sturgeon should be minimal, since its designation of Special Concern would not invoke the automatic protection provisions of SARA. Listing would require the development of a Management Plan, intended to prevent the species from becoming further at risk. This plan could call for a variety of collaborative protection and recovery measures.

Potential management activities could include:

- Stewardship and outreach to generate stakeholder awareness and involvement in green sturgeon protection and recovery;
- Directed research on the species' biology, distribution, abundance, trends, and threats in Canada;



- Enhanced monitoring of green sturgeon bycatch in commercial, aboriginal, and recreational fisheries;
- Collaborative measures to reduce the incidence and harm of incidental capture in fisheries which encounter green sturgeon;
- Increased monitoring and enforcement of potential illegal harvest of the species;
- Collaborative green sturgeon habitat protection and restoration initiatives.



3.4 Bering Cisco (*Coregonus laurettae*)

Status: Special Concern

Last Examination by COSEWIC:

November 2004

Species biology and distribution

The Bering cisco is troutlike, having an elongate silvery body and terminal jaws. Adults may attain fork lengths of up to 48 centimeters; however, the average (fork) length of migrating fish in the Yukon River is about 37 centimeters. The species is distinguished from other cisco by the pale, almost colourless pelvic and pectoral fins and 18 to 25 gill rakers on the lower portion of the first gill arch. The Bering cisco is presumably anadromous, with extensive spawning migrations into the upper reaches of large rivers that flow into the Beaufort, Bering and Chukchi seas. Spawning migrations are almost exclusively limited to Alaska, where it represents the most abundant of five whitefish species in the river and is considered secure. Some migrants in the Yukon River reach Canadian waters with sporadic observations as far upstream as Dawson City, Yukon Territory. It is not known whether reproduction occurs in the upper portion of the Yukon River drainage in Canada. It is conceivable that the species may be found along the Yukon Territory portion of the Beaufort Sea coastline, but its presence there has not been confirmed.

COSEWIC Reason for Designation:

This is an anadromous species that depends on barrier-free access to upstream spawning sites. In Canada, it is known only from the Yukon River. The numbers utilizing Canadian portions of the Yukon River are low compared to lower sections of the river in United States parts of the range and could be negatively impacted by hydroelectric development and expansion of commercial or subsistence fisheries, targeting other species in the river.

Potential Protective Measures and Impacts: At this time, no automatic prohibitions are expected since the recommended designation is "special concern". In the long term, a management plan for Bering cisco will be required although there are no known threats to the species in the Canadian portion of its range. The plan could include the development of projects designed to better understand the distribution, life history and habitat requirements of Bering cisco. In the meantime, immediate steps will include:



- Increasing public awareness of the identification and presence of this species in the Canadian section of the Yukon drainage through meetings with the Yukon Salmon Committee, the Yukon Fish and Wildlife Management Board, First Nations, fishers and other groups;
- Developing an annual program to obtain information regarding the incidental catch of Bering cisco in commercial and First Nation fisheries and stock assessment projects.



Contact Information

If you have questions about the *Species at Risk Act* or the consultation process, or would like to submit a workbook please feel free to contact us.

Mail:

Fisheries and Oceans Canada Attn: Species at Risk Consultations 200 - 401 Burrard Street Vancouver, BC V6C 3S4

Tel: (604) 666-2792

E-mail: sara@pac.dfo-mpo.qc.ca

In Person: Any Fisheries and Oceans Office

1. Consultation Workbook Survey

The government's decision on whether or not to list a species under the Species at Risk Act will be based on a full description and understanding of the costs and benefits protection and recovery may have on First Nations, individuals, organizations, industries and Canadian society in general. Legally listing a species may provide additional benefits through species recovery and/or may cause disruption in your ability to access the species. SARA prohibitions only apply to species listed as extirpated, endangered, or threatened, and not to species of special concern. Please see section 2.3 of this workbook for further information on SARA prohibitions.

Individuals value the existence of a species for many reasons, including harvest for food, social and ceremonial, income or recreational purposes for present and future generations; the role it plays within the ecosystem in maintaining a healthy, diverse environment; and scientific and academic research. The purpose of this survey is to better understand your values, opinions and preferences in regards to legal listing of the species discussed in this workbook.

The four options available for submitting the workbook survey are:

- 1. Submit written responses at the consultation sessions.
- 2. Download a word or PDF version of the workbook at:

 http://www-comm.pac.dfo-mpo.gc.ca/pages/consultations/consultation2005/main_e.htm and e-mail completed electronic versions to: sara@pac.dfo-mpo.gc.ca
- 3. Fill out the workbook on-line
- 4. Mail completed hard copies to the address above.

Workbooks must be submitted by **December 15th**, 2005.



1) For each species below, please indicate your suppo	rt for, or against, legal listing.
A species is not protected under SARA unless it is le	egally listed, which means
included in the List of Wildlife Species at Risk.	

	YES Legal List	NO Don't list	Undecided	Not familiar with species
North Pacific Right Whale				
Fin Whale				
Green Sturgeon				
Bering Cisco				

2) Please tell me how important conserving each of these species is to you. Please check one box per species.

	Not at all Important	Not very Important	Somewhat Important	Very Important	Extremely Important	Not Sure
North Pacific Right Whale						
Fin Whale						
Green Sturgeon						
Bering Cisco						

3) How much benefit (economic, social or ceremonial) do you foresee conserving each of the following species might have on you & your household? Please check one box per species.

	No benefit at all	Minor benefits	Moderate benefits	Substantial benefits	Not Sure
North Pacific Right Whale					
Fin Whale					
Green Sturgeon					
Bering Cisco					



one box per species.

	No cost at all	Minor costs	Moderate costs	Substantial costs	Not Sure	
North Pacific Right Whale						
Fin Whale						
Green Sturgeon						
Bering Cisco						

4) How much cost (economic, social or ceremonial) do you foresee conserving

each of the following species might have on you & your household? Please check

5)	How much benefit (economic, social or ceremonial) do you foresee conserving
	each of the following species might have on your community? Please check one
	pox per species.

	No benefit at all	Minor benefits	Moderate benefits	Substantial benefits	Not Sure
North Pacific Right Whale					
Fin Whale					
Green Sturgeon					
Bering Cisco					

6) How much cost (economic, social or ceremonial) do you foresee conserving each of the following species might have on your community? Please check one box per species.

	No cost at all	Minor costs	Moderate costs	Substantial costs	Not Sure
North Pacific Right Whale					
Fin Whale					
Green Sturgeon					
Bering Cisco					



- 7) Please indicate how much you agree, or disagree, with each of the following statements for each species:
- a) I think that the following species play an important role in maintaining healthy ecosystems:

	Strongly Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Strongly Agree
North Pacific Right Whale					
Fin Whale					
Green Sturgeon					
Bering Cisco					

b) I think that the following species will be valuable to future human generations:

	Strongly Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Strongly Agree
North Pacific Right Whale					
Fin Whale					
Green Sturgeon					
Bering Cisco					

c) I think that many people in Canada would value the following species even though they may never have personally seen one:

	Strongly Disagree	Somewhat Disagree	Neither Agree nor Disagree	Somewhat Agree	Strongly Agree
North Pacific Right Whale					
Fin Whale					
Green Sturgeon					
Bering Cisco					

8) Protection of all species that are legally listed under SARA would be paid for by all Canadian households as well as industry. How much would you and your household be willing to pay annually for conservation, protection and recovery efforts for each species below? When answering this question, please consider how valuable the particular species is to you, how much you would be able to pay and the number of species you would be willing to pay to protect, hence the total amount. You can specify any amount you like.



	Amount Willing to Pay Annually
North Pacific Right Whale	\$
Fin Whale	\$
Green Sturgeon	\$
Bering Cisco	\$
Total of All 4 Species Combined	\$
survey, how much, <u>IN TOTAL</u> , we donate on an annual basis to a n conservation, protection and rec	er species, not just the four listed in this buld you and your household be willing to con-governmental organization for species covery in general? (Your donation would be the other non-profit/non-governmental
Total Annual Donation	\$
The following questions will help u	s analyze and group your answers:
10) Will legal listing of a species im	pact (benefit or a cost) you and your family?
☐ Yes → i.) Which species	will impact (benefit or a cost) you and how?
ii.) Do you foresee	any management actions that may be
taken to reduce the	social, economic or ceremonial impact a
legal listing of this/	these species could have?
□ No	



11) Where do you reside? (Check one only)

	Mid Vancouver Island (Campbell River)	North Vancouver Island (Port Hardy)		
	Lower West Coast Vancouver Island (Tofino)	Upper West Coast Vancouver Island (Kyuquot)		
	Queen Charlotte Islands	☐ Central Coast BC		
	North Coast BC	☐ Interior BC		
	North Yukon Area	Dawson Area		
	Mayo-Stewart Area	Selkirk Area		
	Carmacks Area	Ross River Area		
	Laberge Area	☐ Whitehorse area		
	Haines Junction Area	☐ Kluane Area		
	Teslin Area	Kaska-Liard Area		
	Other In BC	☐ Other Outside of BC		
	12) Which sector(s) do you represent?	Check all that apply.		
	Commercial Fishing/Processing/Sales	☐ Academic (Professor, Teacher, Student)		
	Forestry	☐ Homemaker		
	Professional Services	☐ Guiding/Fish Charter/Whale Watching		
	Farming and Agriculture	☐ Retail or Service Industry		
	Government (Federal, Provincial, Territorial, Municipal or First Nation)	□ Private Sector, Other		
	Non Governmental Organization	□ Unemployed		
	Self-Employed	□ Retired		
	Oil, Gas, & Hydro	□ Other, please specify		
13) Are you of First Nations descent? ☐ Yes → Did you participate or were you able to access any of the species being considered for legal listing (those listed in Q.1) for Food, Social and Ceremonial purposes? ☐ No				
	No			
	14) You are: ☐ Male ☐ Female			
	15) Your age is: years			



16) What was your total household income before taxes & other deductions in 2004?

□ Le	ess than \$10,000	\$70,000 to \$79,999
□ \$1	0,000 to \$19,999	\$80,000 to \$89,999
□ \$2	0,000 to \$29,999	\$90,000 to \$99,999
□ \$3	0,000 to \$39,999	\$100,000 to \$109,999
□ \$4	0,000 to \$49,999	\$110,000 to \$119,999
□ \$5	0,000 to \$59,999	\$120,000 to \$129,999
□ \$6	0,000 to \$69,999	\$130,000 and greater

17)	How man	v peopl	e live in	vour	household?

□ 1	□ 2	□ 3	□ 4	□ 5	☐ 6 or more
Of these p	eople in you	ır househo	old, how ma	any are inco	ome earners:
□ 1	□ 2	□ 3	□ 4	□ 5	☐ 6 or more

Thank you for taking the time to complete this survey.

****Workbooks must be submitted by December 15th, 2005****



Appendix 1: Glossary of Terms

Action Plan: A document that sets out specific ways to put a recovery strategy into effect.

Aquatic species: All 'fish' including:

- a) parts of fish;
- b) shellfish, crustaceans, marine animals, and any parts of shellfish, crustaceans, or marine animals; and
- c) the eggs, sperm, spawn, larvae, spat, and juvenile stages of fish, shellfish, crustaceans, and marine animals.

Competent Minister: The Minister of Fisheries and Oceans is the competent minister for listed aquatic species. The Minister of the Environment, through Parks Canada Agency, is the competent minister for listed species found in national parks, national historic sites, and other national protected heritage areas. The Minister of the Environment is also the competent minister for all other listed species and for the overall administration of the law.

COSEWIC: Committee on the Status of Endangered Wildlife in Canada.

Critical habitat: The habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as the species' critical habitat in the recovery strategy or action plan.

Habitat: In respect to aquatic species, spawning grounds and nursery, rearing, food supply, migration, and any other areas on which aquatic species depend directly or indirectly in order to carry out their life processes, or areas where aquatic species formerly occurred and have the potential to be reintroduced.

Endangered species: A wildlife species that is facing imminent extirpation or extinction.

Extirpated species: A wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild.

Recovery Strategy: A document prepared by the competent minister in cooperation and consultation with other governments, wildlife management boards, Aboriginal organizations, landowners, and others who are likely to be affected by the strategy. It identifies the population goal and objectives, and broad recovery approaches to abate threats.

Species of special concern: A wildlife species that may become a threatened or endangered species because of a combination of biological characteristics and identified threats.

Threatened species: A wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction.

