



# Evaluation of the Wildlife Compliance Promotion and Enforcement Program

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The evaluation was conducted in accordance with the 2016 Treasury Board (TB) Policy on Results. It was identified in the 2015 Departmental Risk-Based Audit and Evaluation Plan.

This report was approved by the Deputy Heads of Environment and Climate Change Canada on March 27, 2018. It is available on the Environment and Climate Change Canada website in both official languages.

This evaluation report was prepared by the Evaluation Division of the Audit and Evaluation Branch.

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## List of acronyms and abbreviations

AEPA	Antarctic Environmental Protection Act
ARAD	Assessment and Regulatory Affairs Directorate
CBSA	Canada Border Services Agency
CEC	Commission for Environmental Cooperation
CWA	Canada Wildlife Act
CWS	Canadian Wildlife Service
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
DPR	Departmental Performance Report
EB	Enforcement Branch
ECCC	Environment and Climate Change Canada
EPB	Environmental Protection Branch
EPO	Emergency Protection Order
IAB	International Affairs Branch
LNG	Liquefied Natural Gas
LOU	Letter of Understanding
MBCA	Migratory Birds Convention Act
MBR	Migratory Birds Regulations
MBSR	Migratory Birds Sanctuaries Regulations
PMF	Performance Measurement Framework
RPP	Report on Plans and Priorities
SARA	Species at Risk Act
SEF	Strategic Enforcement Framework
STB	Science and Technology Branch
TB	Treasury Board
UNODC	United Nations Office on Drugs and Crime
USFWS	United States Fish and Wildlife Service
WAPPRIITA	Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act
WAPTR	Wild Animal and Plant Trade Regulations
WCPE	Wildlife Compliance and Promotion (Program)
WED	Wildlife Enforcement Directorate
WEDB	Wildlife Enforcement Directorate Board

## Executive summary

This report presents the results of the evaluation of Environment and Climate Change Canada's (ECCC's) activities related to the Wildlife Compliance Promotion and Enforcement (WCPE) Program. The evaluation was conducted by ECCC's Audit and Evaluation Branch to meet the requirements of the 2016 Treasury Board (TB) [Policy on Results](#). It covered issues of relevance, effectiveness and efficiency related to overall program design and delivery. The WCPE Program was previously included in an evaluation of the Enforcement Program in 2009.

The evaluation was conducted between September 2016 and June 2017. It covered a five-year period, from 2012–13 to 2016–17. The focus was on the WCPE Program's compliance promotion and enforcement activities related to the individual acts and regulations for which it is responsible. These include the [Species at Risk Act](#) (SARA), the [Migratory Birds Convention Act, 1994](#) (MBCA), the [Canada Wildlife Act](#) (CWA) and the [Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act](#) (WAPPRIITA). The Canadian Wildlife Service (CWS) is responsible for the compliance promotion aspects of the program, while the Enforcement Branch (EB) delivers the enforcement activities. Data collection methods included document review, key informant interviews and two case studies. It should be noted that the sample size for some groups of key informants was relatively small and that the views expressed are not generalizable to the entire group.

## Conclusions

Overall, the available evidence indicates that the WCPE Program remains relevant and is carrying out compliance promotion and enforcement activities in accordance with its mandate. However, available performance information is insufficient to assess the extent to which the program is achieving all of its expected results. Moving forward, there are opportunities for the program to improve its approach to performance measurement, address perceived shortcomings in program governance and examine resource allocations for compliance promotion and enforcement activities.

## Relevance

Wildlife crime is a growing concern in Canada and internationally. If unaddressed, it will threaten ecosystems and lead to a loss of biodiversity and the extinction or extirpation<sup>1</sup> of species. Wildlife crime also negatively impacts legitimate and law-abiding regulatees, particularly in Indigenous, rural and remote communities, by creating an uneven playing field and contributing to the loss of wildlife resources. While numerous actors within Canada have a role in protecting biodiversity and addressing wildlife crime, the WCPE Program plays a unique role in coordinating national and international conservation efforts and enforcing international treaty obligations. There is general agreement among key informants that there would be a gap in addressing societal, economic and

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<sup>1</sup> "Extirpate" means to eradicate or destroy completely. In the case of wildlife species, it means that they no longer exist in the wild in Canada, but exist elsewhere in the wild.

environmental needs in the absence of the program. Overall, these findings suggest an ongoing need for the WCPE Program.

The WCPE Program aligns with current federal priorities and is consistent with the federal roles and responsibilities set out in legislation. Most stakeholders consider the continuing involvement of the federal government to be appropriate and necessary.

### **Performance – effectiveness**

The WCPE Program has taken action to educate regulatees on their legal obligations and to enforce compliance with relevant legislation. There is some evidence that the program is making progress towards achieving its expected outcomes.

However, a persistent theme in evaluating the program’s effectiveness is a relative scarcity of performance information on expected results. Available data focuses primarily on activities and outputs, rather than outcomes, and is often presented in the absence of targets or baseline data. For example, there is evidence that enforcement actions such as inspections and investigations are taking place and these actions can reasonably be expected to bring regulatees into compliance with relevant acts and regulation. Yet, it is uncertain how effective they are because ongoing compliance monitoring information is not being collected and overall compliance rates within each of the regulated communities are not reported. Similarly, while compliance promotion activities are being undertaken, their impact is not being consistently tracked. Some key informants are concerned that the program’s compliance promotion activities are minimal or ineffective.

Given the uncertainty resulting from limited reporting, it is not surprising that key informants are divided regarding the effectiveness of the actions of the WCPE Program in achieving its intermediate and long-term conservation goals. Some key informants perceive positive progress, while others see stagnation or even regression. In the absence of performance measurement information, it is not possible to draw definitive conclusions about the effectiveness of the WCPE Program’s activities.

### **Performance – design and delivery**

While the overall approach to program design and delivery is generally regarded as sound, there was a strong agreement among key informants representing all stakeholder groups that available resources are insufficient to carry out the WCPE Program’s mandate. Lack of resources for compliance promotion is the biggest perceived gap, but some key informants also identified insufficient resources for enforcement. Evidence from case studies indicates that major events can place a significant strain on the human resources in the regions. As well, the program’s successes in dealing with major incidents have been accomplished, to some extent, by compromising daily operations. Given these concerns, current resource allocations could be reviewed to ensure that the program is not exposed to undue risk and is positioned to fulfill its mandate for both compliance promotion and enforcement activities under the various acts for which it is responsible.

The evaluation findings suggest opportunities to improve program governance. While the roles and responsibilities of CWS and EB are clearly defined and well understood, concerns were raised that CWS and EB have different priorities and are acting relatively independently of one another to plan and deliver program activities. Furthermore, the formal committee structure is not universally known nor is it seen as effective by those within the program, particularly at the regional level. There is a perception that the program's approach to planning and priority setting does not adequately take regional issues into account. Addressing these perceived shortcomings in governance has the potential to improve the efficiency and effectiveness of program planning and delivery.

The WCPE Program currently has no formal performance measurement strategy. Performance information is either absent or insufficient to track progress towards achieving some expected outcomes and to support strategic decision making. The development and implementation of a robust performance measurement strategy could provide data to support decision making on priorities and resource allocation, as well as improve the program's ability to demonstrate its successes to Canadians.

## Recommendations

The following recommendations are based on the evaluation findings.

- Recommendation 1: Improve Wildlife Compliance Promotion and Enforcement Program's data monitoring to enable adequate reporting on progress towards achieving all expected outcomes and key indicators.**
- Recommendation 2: Enhance Wildlife Compliance Promotion and Enforcement Program's planning and delivery through greater alignment of priorities between the Enforcement Branch and the Canadian Wildlife Service.**
- Recommendation 3: Take appropriate measures to ensure that the Wildlife Compliance Promotion and Enforcement Program consider risks and optimizes resource use, to better position itself to fulfill its mandate.**

## 1. Context

This report presents the results of the evaluation of Environment and Climate Change Canada's (ECCC's) activities related to the Wildlife Compliance Promotion and Enforcement (WCPE) Program. ECCC's activities in this area fall within program 1.4 of the Program Alignment Architecture. The evaluation was conducted by ECCC's Audit and Evaluation Branch in fiscal years 2016 to 2017 and 2017 to 2018. The evaluation of the WCPE Program was identified in the ECCC Audit and Evaluation Branch 2015 Integrated Risk-Based Audit and Evaluation Plan, which was approved by the Deputy Minister. The evaluation was conducted in accordance with the 2016 Treasury Board (TB) [Policy on Results](#).

The WCPE Program was last evaluated in 2009, as part of an evaluation of the entire Enforcement Program (including both wildlife and environmental enforcement program activities). While the 2009 evaluation found that the Enforcement Program was making progress towards achieving its outcomes, recommendations included:

- the development of a performance measurement strategy for the Enforcement Program
- the clarification of roles and responsibilities for the Enforcement Program and its key internal partners
- the review of communications and information-sharing mechanisms and processes
- improved consistency and standardization in reporting, training and the sharing of intelligence between the sub-components of the program

The four recommendations were addressed and the deliverables have been implemented.

### 1.1 The Wildlife Compliance Promotion and Enforcement Program

Through the WCPE Program, ECCC works to conserve and protect the natural environment by means of compliance promotion and enforcement of the five following statutes that protect wildlife<sup>2</sup>:

- [Species at Risk Act](#) (SARA) (specifically for migratory birds and terrestrial species)
- [Migratory Birds Convention Act, 1994](#) (MBCA)
- [Canada Wildlife Act](#) (CWA)
- [Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act](#) (WAPPRIITA)
- [Antarctic Environmental Protection Act, S.C. 2003, c.20](#) (AEPA)

For the purposes of this evaluation, the AEPA was scoped out.

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<sup>2</sup> See [Appendix A](#) for related regulations and orders.

Currently, the focus of the WCPE Program includes over 550 SARA-protected species, about 450 MBCA-protected species and 146 ECCC protected areas in Canada, as well as approximately 35,000 species listed under the [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES).

Compliance promotion relates to activities that target specific audiences, to increase awareness and understanding of wildlife legislation. It also encourages and facilitates voluntary compliance with legislative or regulatory requirements. These activities include communicating information and addressing barriers to compliance, where possible. The WCPE Program also employs a contingent of enforcement officers, whose activities include verifying conformity with laws, regulations and permits pertaining to wildlife and ECCC protected areas. They also gather intelligence, conduct inspections and pursue investigations regarding alleged offenders. See Table 2 for the estimated size of the WCPE program's regulated communities.

Delivery of the WCPE Program is a shared responsibility. The Wildlife Enforcement Directorate (WED) in the Enforcement Branch (EB) is responsible for enforcement activities. The Assessment and Regulatory Affairs Directorate (ARAD) in the Canadian Wildlife Service (CWS) is responsible for compliance promotion activities. In addition, other ECCC entities contribute to the WCPE Program's objectives, including the Enforcement Services Directorate (training, operational policy and regulatory analysis), the Planning and Coordination Directorate (policy support and systems management), the Chief Executive Officer's office (administration, correspondence and planning) and the Science and Technology Branch (forensic research, analytical and laboratory services). A Letter of Understanding (LOU) between WED and CWS was signed in 2012, with the objective of ensuring a coordinated approach to compliance promotion and regulatory development. Overall accountability for the WCPE Program lies with both the Chief Enforcement Officer, EB and the Assistant Deputy Minister, CWS. It should be noted that prior to 2016, CWS was part of the environmental Stewardship Branch.

The WCPE Program relies on co-operation among many internal and external partners and stakeholders to deliver its results. These include other federal departments and agencies, provincial and territorial law enforcement bodies and conservation authorities, Canadian non-governmental organizations, police agencies and a broad range of international partners, including international governments and agencies and non-governmental organizations such as INTERPOL, the United Nations Office on Drugs and Crime (UNODC) and CITES.

Table 1 identifies expenditures for the WCPE Program by branch and type for the period from 2012–13 to 2016–17. Budgeted resources during this period included 1.5 full-time equivalents (FTE) for compliance promotion activities and 80 FTEs for enforcement activities. As of 2017 to 2018, 1 FTE is planned for compliance promotion activities, dependent on priorities. There are no grants and contributions allocated to this program.

**Table 1: Wildlife Compliance Promotion and Enforcement Program expenditures**

	Actual \$				
	2012 to 2013	2013 to 2014	2014 to 2015	2015 to 2016	2016 to 2017
<b>Enforcement Branch</b>					
Salary	\$12,290,889	\$14,316,149	\$13,033,448	\$12,541,161	\$12,927,824
O&M*	\$3,798,985	\$3,619,251	\$3,298,290	\$3,944,483	\$4,474,187
Capital	\$544,647	\$264,039	\$801,108	\$402,752	\$169,314
VNR**	(\$46,262)	(\$54,678)	(\$74,349)	(\$63,776)	(\$60,324)
<b>Total</b>	<b>\$16,588,258</b>	<b>\$18,144,761</b>	<b>\$17,058,497</b>	<b>\$16,824,619</b>	<b>\$17,511,001</b>
<b>Canadian Wildlife Services</b>					
Salary	97,464	54,791	0	0	0
O&M	\$0	\$0	\$0	\$3,117	\$0
Capital	\$0	\$0	\$0	\$0	\$0
VNR	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$97,464</b>	<b>\$54,791</b>	<b>\$0</b>	<b>\$3,117</b>	<b>\$0</b>
<b>Corporate Services and Finance Branch</b>					
Salary	\$9,570	\$9,403	0	\$3,128	0
O&M	\$0	\$0	0	\$0	0
Capital	0	0	0	\$3,087,005***	0
VNR	0	0	0	\$0	0
<b>Total</b>	<b>\$9,570</b>	<b>\$9,403</b>	<b>\$0</b>	<b>\$3,090,134</b>	<b>\$0</b>
<b>Totals</b>	<b>\$16,695,293</b>	<b>\$18,208,956</b>	<b>\$17,058,497</b>	<b>\$19,917,869</b>	<b>\$17,511,001</b>

Source: ECCC financial data.

\* O&M = operations and maintenance; VNR = vote-netted revenue.

\*\*The VNR related to Enforcement Branch represents revenues generated with the rental of residence.

\*\*\* Represents expenses related to the renovation of the Canada Centre for Inland Waters (CCIW) in Burlington.

Note: The expenditures under the Environmental Enforcement Directorate of the Enforcement Branch were excluded from the table, because they do not fall under 1.4 Wildlife Compliance and Enforcement.

## 1.2 About the evaluation

The present evaluation examined the WCPE Program's compliance promotion and enforcement activities related to the individual acts and regulations listed in [Appendix A](#), including the relationships with domestic and international partners. The evaluation covered the five-year period from fiscal year 2012 to 2013 to fiscal year 2016 to 2017. The evaluation team used three data collection methods to assess issues related to the relevance, effectiveness and efficiency of the program:

- a review of various types of documents pertaining to the program, the Department and the Government of Canada

- 32 interviews with key informants, including ECCC program staff, senior management and external stakeholders
- two case studies (the Canaport case and Operation Bluegrass Branta)

A detailed description of the evaluation questions and methodology is included in [Appendix C](#).

Limitations were encountered while conducting the evaluation and strategies were put in place to mitigate their impact, as follows:

Limitations	Mitigation strategies
There was very little data and no established baseline data that could be used to determine acceptable or expected levels of performance for several outcomes.	The evaluation relied more heavily on key informant interviews.
The main challenge associated with the key informant interview process was finding stakeholders outside of the WCPE Program to participate in an interview. Many potential key informants who were contacted for interviews declined to participate because they were unfamiliar with the WCPE Program and its activities. A few agreed to be interviewed, however, despite their lack of familiarity with the program. It should also be noted that the sample size for some groups was relatively small and that the views expressed are not generalizable to the entire group.	To the extent possible, information obtained from key informants has been corroborated with information from other lines of evidence.

Key findings are presented in the next three sections. A rating is provided for each element assessed, based on a judgment of the evaluation findings. The rating statements and their significance are as follows:

Statement	Definition
Expectations met	The intended outcomes or goals have been achieved.
Further work required	Considerable progress has been made to meet the intended outcomes or goals, but attention is still needed.
Priority attention required	Insufficient progress has been made to meet the intended outcomes or goals and attention is needed on a priority basis.
Unable to assess	Insufficient evidence is available to support a rating.

## 2. Findings: relevance

This section summarizes the evaluation findings related to the relevance of ECCC’s WCPE Program by exploring the demonstrable need for the program, its alignment with government priorities and its consistency with the roles and responsibilities of the federal government.

Relevance Criteria	Expectations met	Further work required	Priority attention required	Unable to assess
1. Is there a continued need for the program?	•			
2. Does the program align with federal government priorities?	•			
3. Does the program align with federal government jurisdiction?	•			

### 2.1 Continued need for program

**Findings:** The findings suggest an ongoing need for the WCPE Program. While numerous actors have a role in protecting biodiversity and addressing wildlife crime, the WCPE Program plays a unique role in coordinating national and international conservation efforts and enforcing international treaty obligations.

Wildlife crime is an ongoing environmental concern in Canada and internationally. It can result in significant damage to ecosystems, the loss of biodiversity and the extinction of species. It also negatively impacts legitimate and law-abiding regulatees, particularly in Indigenous, rural and remote communities, by creating an uneven playing field and contributing to the loss of wildlife resources. Wildlife crime and the associated trade is an international issue that ranks as the fourth most lucrative illegal activity globally.<sup>3</sup> An ECCC policy paper on the wildlife trade in Canada notes that Canada is often a transshipment point for smugglers attempting to bring illegal wildlife products into the United States (U.S.). The value of these products often exceeds that of illicit drugs, making the Canadian illegal market a profitable target. The rise in wildlife crime was the most commonly noted issue among all key informant groups.

Overall, the evaluation found that there is an ongoing need for the WCPE Program. It plays a unique role in coordinating national and international conservation efforts and enforcing international wildlife trade. Its national mandate includes supporting 146 ECCC protected areas, many of which are near urban areas and are facing significant pressures from human activities. Through its enforcement role in relation to WAPPRIITA, the WCPE Program directly contributes to meeting Canadian obligations under CITES. In addition, through the Enforcement Directorate’s national headquarters, the program provides national and international coordination, enforcement (specific permits under laws and special investigations) and strategic intelligence that are not provided by other agencies.

<sup>3</sup> Nellemann, C., Henriksen, R., Raxter, P., Ash, N., Mrema, E., & Pravettoni, R. (Eds.). (2014). The environmental crime crisis: threats to sustainable development from illegal exploitation and trade in wildlife and forest resources: a rapid response assessment. Nairobi, Kenya: United Nations Environment Programme.

Numerous other actors play a role in addressing wildlife crime. Each provincial and territorial government in Canada has legislation on wildlife conservation and employs officers to carry out compliance promotion and enforcement activities. About half of key informants agreed that the work of the WCPE Program and the provincial and territorial governments is complementary, with both orders of government addressing their respective regulations. Moreover, provincial and territorial jurisdiction does not include the regulation of international or interprovincial wildlife trade and transport, for which the WCPE Program is responsible for under WAPPRIITA. ECCC maintains enforcement agreements and memorandums of understanding (MOU) with Manitoba, Saskatchewan, Alberta, British Columbia, the Northwest Territories and Nunavut, under which these four provinces and two territories are responsible for enforcing WAPPRIITA with respect to interprovincial wildlife trade within their borders. ECCC oversees the enforcement of WAPPRIITA for international trade.

The WCPE Program also collaborates with other federal departments. The Department of Fisheries and Oceans (DFO) and Parks Canada have distinct responsibilities under SARA and the MBCA, while the Canada Border Services Agency (CBSA) has responsibilities under WAPPRIITA. For the most part, the respective activities and objectives of the WCPE Program and its partner organizations appear to be primarily complementary, rather than duplicative or overlapping.

The majority of key informants from all respondent groups agreed that there would be a gap in addressing wildlife compliance promotion and enforcement if the WCPE Program ceased to exist, especially with respect to federal species at risk legislation and international trade regulations. As well, a few CWS program staff and EB senior management key informants indicated that there are already major gaps in compliance promotion and that there would be even greater gaps if the WCPE Program ceased to exist. However, a few CWS and EB program staff and provincial and territorial stakeholders said that there would not be any gaps if the WCPE Program ceased to exist. They noted that compliance promotion work is already being undertaken by the provincial or territorial ministry in their region or that there is a limited amount of illegal wildlife trade happening in their region.

## 2.2 Alignment with government priorities

**Findings:** The WCPE Program aligns with current federal commitments to protect biodiversity and to enhance the protection of Canada's endangered species.

The WCPE program undertakes compliance promotion and enforcement activities related to five acts that it administers: AEPA, CWA, MBCA, WAPPRIITA and SARA. In addition, the 2015 [Ministerial Mandate Letter](#) directed the Minister of ECCC to help restore Canada's reputation for environmental stewardship, enhance the protection of Canada's endangered species and to manage and expand National Wildlife Areas and Migratory Bird Sanctuaries. In the [2016-17 Report on Planning and Priorities](#), the Minister of ECCC also confirmed a commitment to "continue to protect biodiversity and sensitive ecosystems". The WCPE Program is also aligned with the [2012 Cabinet Directive on Regulatory Management](#), which stipulates that federal departments and agencies are responsible for "promoting regulatory effectiveness by developing and implementing compliance and enforcement strategies".

### 2.3 Alignment with federal jurisdiction

**Findings:** The WCPE Program’s mandate and activities are consistent with departmental roles and responsibilities and with federal jurisdiction, as set out in legislation. Continuing federal involvement in this area is appropriate.

As stated previously, by virtue of several acts, the WCPE Program’s enforcement and compliance promotion activities are mandated under the authority of ECCC. Furthermore, the WCPE Program activities are undertaken in support of, and align with, ECCC’s first strategic objective to conserve and restore Canada’s natural environment.

About half of key informants from all respondent groups agreed that an ongoing role for ECCC in wildlife compliance promotion and enforcement of federal legislation is appropriate due to its jurisdiction and expertise in the area. That said, a few EB program staff and provincial and territorial stakeholders suggested that the program’s activities could be handled by provincial and territorial departments of wildlife, which they noted are better resourced than ECCC to undertake the work. However, these key informants were also of the view that provincial and territorial governments could only undertake these tasks with additional federal resources. The adequacy of the WCPE Program resources is discussed in [section 4.2](#) of this report.

### 3. Findings: expected results

This section summarizes the evaluation findings related to the achievement of the WCPE Program’s expected results. Overall, performance measurement information is insufficient to enable a full assessment of the extent to which the expected results have been achieved.

Evaluation issues	Expectations met	Further work required	Priority attention required	Unable to assess
1. Regulatees are aware of and understand their legal requirements				•
2. Non-compliant regulatees become compliant with regulatory requirements			•	
3. Regulatees are in compliance with regulatory requirements			•	
4. Unlawful damages and threats to: migratory bird nests; protected habitats; species at risk; and residences of species at risk are prevented or minimized			•	
5. Unlawful damages and threats to foreign and domestic species determined to be at high risk for illegal trade or transport are prevented or minimized			•	

#### 3.1 Awareness and understanding among regulatees

**Findings:** There is no evidence that awareness is being directly measured by the WCPE Program. There are concerns that the program is only minimally achieving this outcome.

Over the period covered by this evaluation, available evidence indicates that the WCPE Program has engaged in a variety of compliance promotion activities to foster awareness and understanding among regulatees of their obligations and requirements under the statutes for which it is responsible. For example, the program undertook the following compliance promotion activities related to WAPPRIITA:

- installed displays and posters at various venues, including at airports such as Pearson International Airport in Toronto, at science centres, customs offices, zoos and border crossings
- worked with the Canadian Veterinary Medicine Association to inform its members of required permits for exotic pet owners to travel with their animals
- targeted auction-house operators to raise awareness of WAPPRIITA and the [Wild Animal and Plant Trade Regulations](#) (WAPTR) and explain how the legislation may affect what they sell

- gave interviews, issued press releases and provided other communications materials on enforcement issues for television, radio and print media

The WCPE Program also undertook a number of compliance promotion activities related to SARA. For example, the program:

- produced and posted to the Species at Risk public registry a variety of fact sheets containing information for stakeholders with respect to the American Chimney Swift, the Greater Sage-Grouse, American Ginseng, the Boreal Caribou and three species of bats (Little Brown Myotis, Northern Myotis and Tri-coloured Bats)
- produced compliance strategies and promotion plans for the Greater Sage-Grouse, the Little Brown Myotis, Northern Myotis and Tri-coloured Bats and the Western Chorus Frog, which described the species, provided relevant background information and the conservation objectives, identified sectors and stakeholders potentially affected by the listing, provided strategies to help bring groups or individuals into compliance and identified potential risks

With respect to the MBCA, the WCPE Program produces and distributes paper and one-page summaries of the online [Migratory Birds Hunting Regulations](#) (MBHR) that contain hunting regulations for each province and territory, including bag limits and length of the season. In addition, the program produced questions and answers on the MBCA, the Migratory Game Birds Hunting Regulations, the [Migratory Birds Sanctuary Regulations](#) and goose management, and published web content related to incidental take. In relation to the CWA, in 2014, the department issued a letter to companies operating ships in Canadian northern waters. It contained information about the location of bird sanctuaries and protected areas, as well as the legal obligations pertaining to these areas.

There is evidence that compliance promotion activities are being undertaken. However, information on awareness levels is not routinely collected by the program. There is therefore little evidence of the effectiveness of the WCPE Program's compliance promotion activities at achieving increased awareness and understanding among regulatees. Some internal key informants were of the view that the WCPE Program was not meeting, or was only minimally meeting, its expected results with regard to awareness and understanding. From the perspective of these key informants, the program is not undertaking sufficient compliance promotion activities to achieve this outcome. A few key informants suggested that the outcome is being achieved for some regulated groups and regulations, but not for others.

A notable exception was a 2016 survey of permit applicants carried out by CWS to examine the administrative burden of the application process. The results suggested that the applicants were largely satisfied with the process, but that additional or improved informational resources would be valuable. It would be invaluable for the program and future evaluations if this type of survey approach could be extended to other elements of regulatory requirements.

Given the number of Acts that fall within the program's mandate, program stakeholders noted that identifying the regulated community is an ongoing challenge. This affects the program's ability to target compliance promotion and enforcement activities. Table 2 lists the estimated size of the

regulated community, using the actual and estimated number of permits issued as a guide. It is important to note that this number can fluctuate year over year and may not accurately represent the scope of regulatees for which the WCPE is responsible.

**Table 2: estimated size of WCPE Program's regulated communities**

<b>Act</b>	<b>Known regulatees (permits issued)</b>	<b>Variable regulatees (estimated permits)</b>	<b>Total (estimated)</b>
<b>Migratory Birds Convention Act</b>	185,559 Type: Airport, Aviculture, Damage or Danger, Eiderdown Collection, Scientific, Scientific Banding, Bird Sanctuary Activity and Hunting Permits	50,000 Type: Unlicensed and out of season hunters, Indigenous harvesters, unlicensed taxidermists, unlicensed aviculturalists, incidental take complaints, unpermitted activities in the 92 Migratory Bird Sanctuaries	<b>235,559</b>
<b>Canada Wildlife Act</b>	230 Type: National Wildlife Area Activity Permits	200,000 Type Visitors, Poachers, Harvesters, Entries in the 54 National Wildlife Areas	<b>200,230</b>
<b>Species at Risk Act</b>	178 Type: SARA s. 73 Permits, including science and banding permits	20,000 Type: Residents and Neighbours of emergency protection order areas, Complaints / observations of human / Species at Risk conflicts during inspections	<b>20,178</b>
<b>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</b>	5,810 Type: CITES Import, Export and Re-Export permits issued by Canadian authorities, WAPPRIITA Injurious Wildlife Import Permits	40,000 Type: Importations of CITES Appendix II species, referrals by Canadian Border Service Agency, Interprovincial transport of wildlife, Unlawful exports and imports of wildlife	<b>45,810</b>
<b>Antarctic Environmental Protection Act</b>	5 Type: Canadian permitted expeditions		<b>5</b>
<b>Total</b>	<b>191,782</b> 1.6% WED intervention rate (inspections and investigations) per year, including 2012-13 WAPPRIITA anomaly of Aloe ferox shipments (n=10,000)	<b>310,000</b> 1.2% WED Intervention rate per year when 2012-13 WAPPRIITA Aloe ferox shipments subtracted (n=10,000)	<b>501,782</b>

### 3.2 Non-compliant regulatees are brought into compliance

**Findings:** The WCPE Program is carrying out a variety of enforcement activities to monitor and respond to non-compliance. There is evidence that some of these activities have been successful in bringing non-compliant regulatees into compliance. Moreover, in cases where charges were laid, the vast majority resulted in convictions.

Enforcement officers monitor and respond to non-compliance across the acts for which the WCPE Program is responsible. Their activities include inspecting documents, permits and wildlife species (parts or products), monitoring protected areas and ports, conducting investigations and supporting the Public Prosecution Service of Canada. When an enforcement officer has reasonable grounds to believe that a violation has occurred, the officer has a number of possible responses ranging from no action<sup>4</sup>, issuing verbal or written warnings, issuing compliance orders, issuing notices of violation or tickets, seizures and criminal prosecution. The appropriate response is determined by a number of criteria, including the nature of the violation (such as the possible risk or potential harm to species or habitats), how best to achieve compliance with the legislation (considering the alleged violator's history of convictions, their willingness to cooperate and proof of related illegal activities under other statutes) and consistency in enforcement.

Data provided by EB regarding the WCPE Program's enforcement activities shows that, for the period from 2011–12 to 2015–16:

- 38,255 inspections were carried out, including 70% under WAPPRIITA, 26% under the MBCA, 3% under the CWA and 1% under SARA
- a total of 2,353 investigations were conducted, including 45% under WAPPRIITA, 49% under the MBCA, 5% under the CWA and 1% under SARA
- there were 978 convictions, of which 21% related to charges laid under WAPPRIITA, 74% under the MBCA and 5% under the CWA<sup>5</sup>

Overall, the WCPE Program achieved a 42% conviction rate post-investigation. The conviction rate is highest for charges laid under the MBCA (63%), followed by the CWA (48%) and WAPPRIITA (19%).

Table 3 shows the number of enforcement activities undertaken in relation to each act.

<sup>4</sup> "No action" may be the response when the offender cannot be located or the officer is unable to determine who committed the offence.

<sup>5</sup> According to the data, there were no convictions under SARA. However, program representatives noted that there was in fact a conviction under SARA in 2015 in the Canaport LNG Limited Partnership case. It is unclear why this conviction is not reflected in the enforcement data.

**Table 3: enforcement activity by Act, 2011–12 to 2015–16**

	WAPPRIITA	MBCA	CWA	SARA	Total
<b>Inspections</b>	26,839	10,058	1,109	249	38,255
<b>Investigations</b>	1,066	1,150	107	30	2,353
<b>Convictions</b>	206	721	51	0	978

Source: Enforcement Branch

Note: Data for fiscal year 2016 to 2017 were not available.

The data in Table 3 suggests that WAPPRIITA, and to a lesser extent the MBCA, were the focus of the WCPE Program's inspection and investigation activity over the period covered by the evaluation. The largest number of convictions and the highest conviction rate relate to charges laid under the MBCA. That said, program representatives indicated that this enforcement data may not represent a true picture of the program's enforcement activity.

- The number of inspections under WAPPRIITA is not controlled by EB. Rather, these inspections are undertaken in response to referrals from the Canada Border Services Agency for suspected non-compliance.
- In 2012 to 2013, there were approximately 10,000 unanticipated imports of a diet pill containing *Aloe ferox*, a CITES-listed plant, each of which was processed individually. This anomaly accounts, in part, for the large proportion of inspections under WAPPRIITA during the evaluation period.
- While enforcement activities related to SARA represented a relatively small proportion of all enforcement activities, they typically occur over a longer period of time (such as days or weeks) and are more resource-intensive to carry out than enforcement activities under other acts. Moreover, a portion of WAPPRIITA work was focused on exports of Species at Risk of Special Concern, including polar bear, narwhal and grizzly; thus, there is overlap between SARA and WAPPRIITA enforcement activity.
- Similarly, there is overlap between MBCA and CWA enforcement activity, since many MBCA inspections are completed on CWA lands (that is, National Wildlife Areas).

The case studies provide additional information to illustrate that the WCPE Program has brought non-compliant regulatees into compliance. In both of the enforcement operations that were examined through case studies (see [Appendix C](#) for details), charges were successfully laid and fines were levied. For example, Operation Bluegrass Branta led to 27 federal charges and 48 provincial allegations, ranging from inappropriate licensing to cruelty to a bird. All individuals were successfully prosecuted, with the total fine value reaching \$35,000. In the Canaport LNG case, Canaport LNG Limited Partnership was charged with three offences, two under the MBCA and one under SARA. Canaport LNG pleaded guilty and was fined \$750,000. The company was also required to implement steps to prevent the recurrence of a similar event.

However, there is no information on the extent to which the WCPE Program uses other responses, such as no action, verbal or written warnings, compliance orders, ticketing and seizures, to address non-compliance. In addition, there is no ongoing compliance monitoring information to determine if convictions and penalties levied were successful at maintaining compliance over the longer term.

Among key informants who commented on the extent to which non-compliant regulatees become compliant as a result of enforcement, the majority from all respondent groups did not know to what extent this outcome had been achieved.

Capturing information on other enforcement activities, as well as ongoing compliance monitoring data, would improve the ability of the program to report on this outcome.

### 3.3 Compliance with regulatory requirements

**Findings:** Although actions are being taken to promote and enforce compliance with regulatory requirements on the part of regulatees, there is insufficient information on compliance rates to assess whether this outcome is being achieved.

While compliance promotion and enforcement actions are being undertaken by the WCPE Program, there is little evidence on the extent to which regulatees are complying with regulatory requirements. The percentage of the inspected regulated community that is compliant with regulatory requirements under the MBCA has been consistently reported in ECCC's Departmental Performance Reports (DPR) since 2012–13. Target compliance rates were 90% for each year from 2012–13 to 2014–15, and the actual compliance results were 93%, 87% and 93% respectively. However, inspections related to the MBCA accounted for only 26% of inspections during the evaluation period. As such, this data does not provide a full picture of compliance rates within the regulated communities. Compliance rates for CWA, WAPPRIITA and SARA were not reported in the DPRs and were not otherwise available.

While some key informants representing CWS, EB and external stakeholders believe that the WCPE Program is bringing non-compliant regulatees into compliance, approximately half of key informants who addressed this outcome said they did not know the extent to which this is occurring. Some of these key informants, external stakeholders for the most part, cited their own lack of familiarity with the program as the reason for their uncertainty. However, others, including key informants within CWS and EB, noted that this outcome is not being tracked and measured by the program. Furthermore, it was noted that at present, tracking and reporting focuses only on non-compliant offenders who are apprehended. Measuring true compliance would require a study involving a representative sample of a particular regulated community, which is not something the program is currently doing or planning to do.

### 3.4 Unlawful damages or threats are prevented or minimized

**Findings:** While ongoing performance information is not yet available, there is some evidence that the WCPE Program is contributing to preventing or minimizing unlawful damages and threats.

The WCPE Program only recently developed its long-term outcomes. There is some evidence that the program is contributing to meeting these long-term outcomes of:

- preventing or minimizing unlawful damages and threats to migratory birds, migratory bird nests, protected habitats, species at risk and residences of species at risk

- preventing or minimizing unlawful damages and threats to foreign and domestic species determined to be at high risk for illegal trade or transport

With regard to the first of these outcomes, the Canaport LNG Limited Partnership case study is one example of the WCPE Program's contributions in this area. In this case, the program's enforcement activities resulted in the successful prosecution of a liquefied natural gas (LNG) facility responsible for a major bird kill event that caused the deaths of 7,500 migratory birds from 26 different species, including several Canada Warblers, a threatened species listed under SARA. This case received considerable media attention, which key informants believed should produce a deterrent effect within the industry. In addition, ECCC's Environmental Protection Operations Directorate implemented regulatory changes related to flare stacking for natural gas along the British Columbia coast, which should mitigate the possibility of similar events occurring in the future.

The opinions of key informants on the first outcome diverged. Some key informants, representing all respondent groups, believed that progress has been made towards achieving this long-term goal. They highlighted the large cases, like Canaport LNG, which have gained public attention, as well as the positive results that have been achieved for preventing and minimizing damages and threats to migratory birds, protected habitats and species at risk. They also cited the program's strong partnerships with provincial and territorial governments and other stakeholders. However, some key informants from EB and CWS thought that progress had not been made or had been less than expected, or that Canada was regressing rather than progressing with regard to this outcome. About half of these key informants remarked on the lack of objective data to measure progress towards achieving this expected result.

The second of the WCPE Program's long-term outcomes is to prevent or minimize unlawful damages and threats to foreign and domestic species determined to be at high risk for illegal trade or transport. There is some evidence of the program's contributions towards achieving this outcome. In particular, the program's enforcement activities, in collaboration with the United States Fish and Wildlife Service (USFWS) and Manitoba Conservation on Operation Bluegrass Branta, resulted in the successful prosecution of a Manitoba-based goose hunting and guiding operator who had been engaged in illegal activities over a period of several years. Charges were laid under the MBCA, the Migratory Birds Regulations, the Criminal Code and provincial legislation and regulations. In addition, exports and interprovincial transport of Canadian species and imports of exotic wildlife were clearly a focus for the program. During the evaluation period, 70% of all inspections and 45% of all investigations were undertaken in relation to WAPPRIITA.

Key informants were divided on whether this outcome was being achieved. In fact, a majority of key informants did not comment or did not know if this outcome had been achieved. However, a majority of those who responded agreed that progress had been made. A few key internal and external informants noted that the program's with the provinces and territories and international organizations have aided it in achieving its outcomes. In particular, partnerships with INTERPOL, as well as with the U.S. and Mexico regarding the MBCA, such as on Operation Bluegrass Branta, were highlighted as successes.

In contrast, some internal key informants did not think progress towards achieving this long-term goal was being achieved, due to factors such as the lack of:

- a robust compliance promotion program
- a consistent compliance verification scheme (such as the lack of a national approach)
- a deterrent effect for the countries in which the foreign species originate
- resources to meet the ever-rising demands on the program and the ever-rising number of species at risk that need to be protected

Given that these long-term outcomes were recently developed, it will take some time for the WCPE Program to generate the data required to demonstrate progress towards meeting them.

## 4. Findings: program efficiency

This section summarizes the assessment of the WCPE Program’s efficiency. The findings are based on an analysis of the program’s use of resources in relation to producing its outputs and to its governance structure.

Efficiency Criteria	Expectations met	Further work required	Priority attention required	Unable to assess
1. Is the program designed and delivered as intended?		•		
2. Are program resources commensurate with expected results?			•	
3. Is the governance structure clear and well-understood? Does the governance structure support integrated planning and priority-setting, and allocation of resources to identified priorities?		•		
4. Are performance data being collected and reported? If so, is this information being used to inform senior management and decision makers?			•	
5. Is the program delivered in an efficient manner, or do areas for possible improvement exist?		•		

### 4.1 Appropriateness of program design and delivery

**Findings:** The main perceived shortcoming is a lack of personnel resources, particularly for compliance promotion. Other perceived shortcomings include an approach to planning and priority setting that does not sufficiently take regional issues into account and an inappropriate focus on issues and cases that will receive international recognition.

There were varied opinions among key informants on the extent to which the design and delivery of the WCPE Program is appropriate for achieving its intended outcomes. Some EB and CWS key informants and one provincial and territorial stakeholder agreed that the WCPE Program is being delivered as intended, referring primarily to the separation of compliance promotion and enforcement activities between CWS and EB.

However, some key informants, representing groups both internal and external to ECCC, identified shortcomings in program delivery which they believe are affecting the program’s ability to achieve its intended outcomes. For example, some key informants observed that the program is not being delivered as intended due to a lack of resources to undertake compliance promotion and enforcement work. A few believed the program’s approach to planning and priority setting did not

sufficiently take regional issues into account, or thought that the program inappropriately focused on issues and cases that will receive international recognition and acclaim instead of those that address conservation objectives or regulatory risks. These issues are further discussed in the sections that follow.

## 4.2 Adequacy of resources

**Findings:** Personnel shortages were identified as a concern, particularly for compliance promotion activities. In the long term, this could impact the ability of the WCPE Program to carry out its mandate.

As noted in [section 1](#) of this report, the WCPE Program receives resources for compliance promotion from other programs within ECCC, and has 1.5 FTEs devoted to compliance promotion. In contrast, there are 80 FTEs for enforcement activities.

Most federal government key informants internal and external to ECCC agreed that the WCPE Program is lacking the necessary resources to fulfill its mandate and achieve its expected results. Approximately half of these key informants, representing EB, CWS and external stakeholders, observed that the program has insufficient resources to undertake appropriate activities for all existing and newly introduced regulations and is therefore undertaking its activities in a reactive rather than proactive fashion.

A few key informants noted in particular that enforcement of SARA is challenging for a number of reasons. SARA's general prohibitions make it illegal to kill a specimen or destroy its residence. Enforcement activities focus on prevention, and efforts must therefore be proactive to avoid losing species that are already at risk. As well, each permit, designated critical habitat and emergency protection order has very different enforceable conditions that sometimes require special equipment and training, with no incremental funding to implement. A few key informants also noted that the relatively small number of enforcement officers across the country is posing challenges for the program in meeting its mandate.

One consequence of limited human resources is that major events can place a significant strain on the regions. Available evidence suggests that the WCPE Program's success in dealing with major incidents has been accomplished, to some extent, by compromising daily operations. The Canaport LNG Limited Partnership case was cited by multiple CWS and EB key informants as an example of the effect of major incidents on program resources and capacity in the regions. It was also noted that priority regulations such as the Western Chorus Frog EPO and the Sage Grouse EPO can similarly impact regional capacity. Key informants highlighted that resources in the respective regions were drained to address these cases. Agents from outside of the affected regions needed to be brought in to assist. Moreover, the ability to maintain ongoing training for all staff was identified in the two case studies as a particular challenge when responding to major incidents.

Some EB and CWS key informants provided examples of actions taken by the WCPE Program to mitigate the effect of major incidents, such as:

- conducting post-mortems to gather lessons learned
- updating CWS policies in relation to emergency preparedness and response
- focusing specifically on compliance verification in EB's new planning process, in an effort to prevent major incidents from occurring

### 4.3 Governance and priority setting

**Findings:** The roles and responsibilities of CWS and EB are clearly defined and well understood. There is some evidence that integrated planning and priority setting have taken place, primarily through national risk assessment activities. Concerns were expressed that planning and priority setting may not adequately take regional issues into account. There is also evidence that more coordination between EB and CWS is needed. As well, the WCPE Program's formal committee structure is not universally known nor seen as effective by those within the program, particularly at the regional level.

As noted in [section 1](#) of this report, a Letter of Understanding (LOU) between the WED and the CWS outlines their respective responsibilities in delivering the WCPE Program. While most key informants believe the roles and responsibilities of EB and CWS are clearly defined and understood, they observed that they were not necessarily being put into practice because of a lack of capacity and resources. A few reported that EB officers have been supporting compliance promotion activities due to the lack of resources within CWS.

Furthermore, while most key informants believe there is good communication and collaboration within the WCPE Program, some are of the view that CWS and EB are, at present, acting independently of one another in planning and delivering their activities. A few key informants noted that a lack of resources had made it difficult for CWS and EB to communicate and collaborate as much as they should. Improved or more regular communication between these program partners was suggested as a means of promoting a more integrated approach to program planning and delivery. It was noted that efforts are currently underway to negotiate a memorandum of understanding (MOU) between WED and CWS to replace the LOU. The MOU would formalize decision making and establish firm timelines to develop an inter-branch decision-making framework.

There are also a number of committees with responsibilities related to WCPE Program governance (see [Appendix A](#)). Key informants noted that each sub-activity of the WCPE Program has a committee, but they are fairly inactive.

Key informants expressed differing opinions regarding the clarity and effectiveness of the governance structure, including the committees. Within headquarters, a few EB and CWS key informants believe the roles and responsibilities of the governing committees are well understood. However, other key informants, including regional representatives of EB and CWS and some interviewees at headquarters, were unfamiliar with the committees or suggested that they exist primarily for information-sharing purposes rather than for program governance. Regional key

informants indicated that they are not involved in any governance structures, have limited communications with headquarters and are not involved in decisions made at the national level.

Furthermore, the extent to which the program governance structure supports integrated planning and priority setting across branches was not clear. The Enforcement Branch Management Committee (EBMC) and the Director General Wildlife Coordination Committee (DGWCC) offer platforms for such planning and priority setting. However, the evaluation found little information on their activities. The DGWCC has reportedly not been active since 2016. Internal program representatives noted that while the DGWCC met on an ad hoc basis in the past, there was no formal secretariat supporting these meetings. As such, supporting documents such as agendas and records of decisions were not formally maintained. Among the few key informants who were able to comment, the majority indicated that the existing governance and committee structure does not fulfil particularly well the functions related to integrated planning and priority setting.

Nevertheless, there is some evidence from documents that integrated planning and priority setting have occurred. EB has undertaken two national risk assessments, one in 2012 and another in 2014. The 2014 risk assessment was prepared by EB using intelligence gathered from staff working at headquarters and throughout the regions, with shared expertise from CWS and the Environmental Enforcement Division (EED). The overall goal of the assessment was to identify the highest risk habitats, species and regulated activities and to make that information available for strategic planning by senior management.

Evidence from the EB annual summary and regional reports shows that enforcement actions are being organized around the risks identified in the 2014 assessment. This suggests that enforcement actions were being implemented according to risk-based management. Similarly, a fiscal year 2017 to 2018 EB budget document demonstrated that funding is broken down by region and act, with planned activities and maintenance costs delineated by region and act. These planned activities align with the risks identified in the national risk assessments, suggesting a linkage between risk assessment and resource allocation. While most key informants were unable to comment on the extent to which resources are aligned with identified priorities, the minority who did comment generally agree that there was alignment.

A minority of key informants commented on the effectiveness of the current risk-based approach to planning identified challenges. One challenge mentioned was the lack of alignment between EB and CWS priorities. Although full alignment may not be feasible, given their different mandates, there was a perception that EB was focusing on international trade issues and CWS was prioritizing the conservation of domestic wildlife and habitats. As already noted, another challenge was related to the perception that the WCPE Program's approach to planning and priority setting does not adequately take regional issues and priorities into account.

#### 4.4 Performance measurement

**Findings:** The WCPE Program currently has no formal performance measurement strategy. Many of the program's expected results lack performance information. It should be noted that work is currently underway to develop a performance measurement strategy, as part of the implementation of the Treasury Board (TB) [Policy on Results](#).

The WCPE Program currently has no formal performance measurement strategy. A review of DPRs and other reports confirmed that performance reporting is sparse, inconsistent and primarily focused on outputs and activities. For example, although EB maintains information about the number of inspections, occurrences, investigations and convictions undertaken annually, by region and act, information pertaining to outcomes, such as compliance rates, is not reported. In the DPRs, compliance rates during inspections have targets. They are reported only for the MBCA and not the other acts enforced by the WCPE Program. Inconsistencies in data reporting were also noted in relation to compliance promotion activities. A few key informants in the regions and the National Capital Region (NCR) indicated that there is no performance data to measure and inform compliance promotion.

An audit conducted in 2015 of ECCC's external reporting practices noted that while reporting for the DPRs is timely, accurate and reliable, there are cases where the information provided to the reader was insufficient to understand whether the results are in line with expectations and targets or not. For example, reporting is done on compliance promotion activities undertaken without providing target or baseline information. The audit report suggested that the Enforcement Branch should establish effective methods to properly document its submissions and review its performance information for the DPR.

During the course of this evaluation, no evidence was found concerning what action, if any, had been taken in response to the 2015 audit recommendations. In addition, the need for improved performance information regarding compliance and non-compliance was identified by a few regional and NCR CWS and EB key informants.

It should be noted that work is currently underway to develop a performance measurement strategy for the WCPE Program, as part of the implementation of the TB [Policy on Results](#).

#### 4.5 Program efficiency and potential improvements

**Findings:** While the WCPE Program has taken steps to operate in an efficient manner in a context of limited resources, further attention is required.

Some internal and external key informants agree that the WCPE Program already performs its activities in an efficient manner. They highlight what it is able to do within its limited resources. Examples of steps taken to enhance efficiency include:

- the use of intelligence and integrated planning to focus the enforcement division's conservation and non-compliance verification efforts

- the development of compliance materials at headquarters that were distributed to the regions and used multiple times, and conversely, the development of materials at the regional level that are used at headquarters and in other regions
- reliance on online content for compliance promotion
- the development of the new hunting permit website
- the development and implementation of a new information management system (GAVIA) for enforcement activities

Suggestions for alternative tools, technologies or processes that would further improve efficiency include the use of DNA technologies and forensic techniques to assist in the rapid identification of species at the border or in the field. It was also mentioned that the use of radios, as opposed to cellphones, would enable field agents to communicate with both federal and provincial dispatchers to obtain information “on the spot”. It was believed that the use of radios would also increase safety for officers when calling in an emergency.

A majority of the key informants from all respondent groups expressed that the greatest improvement across the WCPE Program would be increased resources. This would enable the program to properly carry out its mandate. Other suggestions included:

- a more robust compliance promotion program
- better coordination and communication between CWS and EB, as identified by CWS and EB senior management
- more or continued communication with international stakeholders, as identified by stakeholders external to the federal government
- involvement of the regions in decision making and priority setting, as identified by regional ECCC key informants

## **5. Conclusions, recommendations and management response**

### **5.1 Conclusions**

Available evidence indicates that the WCPE Program remains relevant. The program carried out compliance promotion and enforcement activities in accordance with its mandate. However, available performance information is insufficient to assess the extent to which it is achieving all of its expected results. Moving forward, there are opportunities for the program to improve its approach to performance measurement, address perceived shortcomings in program governance and examine resource allocations for compliance promotion and enforcement activities.

#### **Relevance**

Wildlife crime is a growing concern in Canada and internationally. If unaddressed, it will threaten ecosystems and lead to a loss of biodiversity and the extinction or extirpation of species. Wildlife crime also negatively impacts legitimate and law-abiding regulatees, particularly in Indigenous, rural and remote communities, by creating an uneven playing field and contributing to the loss of wildlife resources. While numerous actors within Canada have a role in protecting biodiversity and addressing wildlife crime, the WCPE Program plays a unique role in coordinating national and international conservation efforts and enforcing international treaty obligations. There is general agreement among key informants that there would be a gap in addressing societal, economic and environmental needs in the absence of the program. Overall, these findings suggest an ongoing need for the WCPE Program.

The WCPE Program aligns with current federal priorities and is consistent with the federal roles and responsibilities set out in legislation. Most stakeholders consider the continuing involvement of the federal government to be appropriate and necessary.

#### **Performance – effectiveness**

The WCPE Program has taken action to educate regulatees on their legal obligations and to enforce compliance with relevant legislation. There is some evidence that the program is making progress towards its expected outcomes.

However, a persistent theme in evaluating the program's effectiveness is a relative scarcity of performance information on expected results. Available data focuses primarily on activities and outputs, rather than outcomes, and is often presented in the absence of targets or baseline data. For example, there is evidence that enforcement actions such as inspections and investigations are taking place and these actions can reasonably be expected to bring regulatees into compliance with relevant acts and regulation. Yet, it is uncertain how effective they are because ongoing compliance monitoring information is not being collected and overall compliance rates within each of the regulated communities are not reported. Similarly, while compliance promotion activities are being undertaken, their impact is not being consistently tracked. Some key informants are concerned that the program's compliance promotion activities are minimal or ineffective.

Given the uncertainty resulting from limited reporting, it is not surprising that key informants are divided regarding the effectiveness of the actions of the WCPE Program in achieving its intermediate and long-term conservation goals. Some perceive positive progress, while others see stagnation or even regression. In the absence of performance measurement information, it is not possible to draw definitive conclusions about the effectiveness of the WCPE Program's activities.

### **Performance – design and delivery**

While the overall approach to program design and delivery is generally regarded as sound, there was a strong agreement among key informants representing all stakeholder groups that available resources are insufficient to carry out the WCPE Program's mandate. Lack of resources for compliance promotion is the biggest perceived gap, but some key informants also identified insufficient resources for enforcement. Evidence from case studies indicates that major events can place a significant strain on the human resources in the regions. As well, the program's successes in dealing with major incidents have been accomplished, to some extent, by compromising daily operations. Given these concerns, current resource allocations could be reviewed to ensure that the program is not exposed to undue risk and is positioned to fulfill its mandate for both compliance promotion and enforcement activities under the various acts for which it is responsible.

The evaluation findings suggest opportunities to improve program governance. While roles and responsibilities of CWS and EB are clearly defined and well understood, concerns were raised that CWS and EB have different priorities and are acting relatively independently of one another to plan and deliver program activities. Furthermore, the formal committee structure is not universally known nor is it seen as effective by those within the program, particularly at the regional level. There are some perceptions that the program's approach to planning and priority-setting does not adequately take regional issues into account. Addressing these perceived shortcomings in governance has the potential to improve the efficiency and effectiveness of program planning and delivery.

The WCPE Program currently has no formal performance measurement strategy. Performance information is either absent or insufficient to track progress towards achieving some expected outcomes and to support strategic decision making. The development and implementation of a robust performance measurement strategy could provide data to support decision making on priorities and resource allocations, as well as improve the program's ability to demonstrate its successes to Canadians.

## **5.2 Recommendations and management response**

The following recommendations are addressed to the Chief Enforcement Officer, Enforcement Branch, and the Assistant Deputy Minister, Canadian Wildlife Service, as the senior departmental officials responsible for the management of the WCPE Program.

## Recommendation 1

<p><b>Recommendation 1: Improve Wildlife Compliance Promotion and Enforcement Program’s data monitoring to enable adequate reporting on progress towards achieving all expected outcomes and key indicators.</b></p>		
<p>As was suggested in the 2009 evaluation, the development of a formal performance measurement strategy, with a program profile and logic model, will be critical to enable the WCPE Program to monitor and report on progress towards its expected outcomes. To the extent possible, measures selected should be easy to collect and analyze and opportunities to take advantage of automation should be actively sought out.</p> <p>Consideration should also be given to leveraging data already collected by the program when considering indicators. Another possibility would be to use online survey techniques to assess awareness and understanding among regulatees. Similarly, a before-and-after survey of participants at in-person workshops or presentations could provide some measure of increased awareness.</p> <p>It should be noted that work is currently underway to develop a performance measurement strategy for the WCPE Program as part of the implementation of the TB <a href="#">Policy on Results</a>.</p>		
<p><b>Statement of agreement or disagreement</b></p>		
<p>The Assistant Deputy Minister (ADM) of the Canadian Wildlife Service (CWS) and the Chief Enforcement Officer (CEO) of the Enforcement Branch (EB) agree with the recommendation.</p>		
<p><b>Management response</b></p>		
<p>The development and implementation of a performance measurement strategy (with a program profile and logic model) will enable the WCPE program to monitor and report on progress and expected outcomes. The WCPE program will collect and analyze existing data where possible and start collecting and analyzing new data (for example, exit surveys after awareness activities, online surveys with regulatees) as needed for all expected outcomes and key indicators.</p>		
<p><b>Deliverables</b></p>	<p><b>Timeline</b></p>	<p><b>Responsible Party</b></p>
<p>Complete development of WCPE program profile, logic model, and performance measurement strategy in order to monitor and report on expected results.</p>	<p>June 2018</p>	<p>Director General (DG), Wildlife Enforcement Directorate (WED), Enforcement Branch (EB) and Director General, Assessment and Regulatory Affairs Directorate (ARAD), Canadian Wildlife Service (CWS)</p>
<p>Report on WCPE program performance measurement strategy.</p>	<p>June 2019; Annually thereafter</p>	<p>EB WED DG and CWS ARAD DG</p>

## Recommendation 2

### **Recommendation 2: Enhance Wildlife Compliance Promotion and Enforcement Program’s planning and delivery through greater alignment of priorities between the Enforcement Branch and the Canadian Wildlife Service.**

The evaluation found that the roles and responsibilities of Canadian Wildlife Service (CWS) and Enforcement Branch (EB) are clearly defined and well understood. As well, the evaluation found that there is some evidence that integrated planning and priority setting has taken place through national risk assessment activities involving both organizations. However, concerns were raised that CWS and the EB have different priorities. For the most part, the two organizations are acting independently of one another to plan and deliver program activities. Fostering greater collaboration between the EB and CWS with respect to regulatory activities has the potential to enhance program planning and delivery, including identification of priorities for compliance promotion efforts.

#### **Statement of agreement or disagreement**

The Assistant Deputy Minister (ADM) of the Canadian Wildlife Service (CWS) and the Chief Enforcement Officer (CEO) of the Enforcement Branch (EB) agree with the recommendation.

#### **Management response**

A Memorandum of Understanding (MoU) is being developed between Canadian Wildlife Service (CWS) and the Enforcement Branch (EB) to clarify the working relationship between Branches related to prioritization and planning for regulatory development, compliance promotion and enforcement priorities, the design and delivery of compliance promotion, compliance verification, investigation and prosecution, support to enforcement operations, training and designation, and intelligence and communication reports. The objective of this MoU is to ensure a coordinated and collaborative approach between CWS and EB to achieve conservation results for Canadians. It will cover regional and headquarters roles and responsibilities related to the above listed activities for EB and CWS in relation to federal wildlife legislation and associated regulations under the responsibility of EB and CWS including: the Species at Risk Act (SARA), the Migratory Birds Convention Act, 1994 (MBCA), the Canada Wildlife Act (CWA) and the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA). The MoU will be reviewed on a yearly basis and amended as required. Compliance promotion and enforcement efforts are normally targeted at new and amended regulations from a risk-based approach and to meet requirements of the Cabinet Directive on Regulatory Management; however, there are still needs for compliance promotion for well-established regulations and regulatees to ensure compliance and conservation outcomes. EB is taking a greater role in the regulatory prioritization process through more active participation in the development of the Drafting Priorities Table and the DG Regulatory Planning and Priorities Meeting in which CWS and other branches have traditionally been active so this will also improve collaboration.

<b>Deliverables</b>	<b>Timeline</b>	<b>Responsible Party</b>
Completed Memorandum of Understanding (MoU) between Canadian Wildlife Service (CWS) and the Enforcement Branch (EB), which will include a schedule for annual work plan priorities related to compliance promotion and enforcement.	August 2018	Assistant Deputy Minister (ADM), CWS and the Chief Enforcement Officer (CEO), EB
Report on progress for annual work plan priorities related to compliance promotion and enforcement.	June 2019; Annually thereafter	ADM, CWS and CEO, EB

### Recommendation 3

<p><b>Recommendation 3: Take appropriate measures to ensure that the Wildlife Compliance Promotion and Enforcement Program consider risks and optimizes resource use, to better position itself to fulfill its mandate.</b></p>
<p>The Wildlife Compliance Promotion and Enforcement (WCPE) Program is responsible for enforcement and compliance promotion under the Migratory Birds Convention Act, the Species at Risk Act, the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act and the Canada Wildlife Act. Enforcement activity receives the largest portion of current program funding. There is evidence that the WCPE Program is not undertaking sufficient compliance promotion and enforcement activities. It may lack the resources needed to complete appropriate compliance promotion and enforcement activities for all existing and newly introduced regulations and orders.</p>
<p><b>Statement of agreement or disagreement</b></p>
<p>The Assistant Deputy Minister (ADM) of the Canadian Wildlife Service (CWS) and the Chief Enforcement Officer (CEO) of the Enforcement Branch (EB) agree with the recommendation.</p>
<p><b>Management response</b></p>
<p>Compliance promotion and enforcement efforts are normally targeted at the most high-risk compliance and conservation threats and new and amended regulations, especially with new stakeholders. The development and implementation of the memorandum of understanding as described in the management response to recommendation 2, will also help better develop, plan, cost, deliver and report collaboratively on compliance promotion and enforcement priorities annually. This will ensure that resources are aligned for priority compliance promotion and enforcement activities with any required adjustments, while also ensuring that any gaps are identified and that associated risks are articulated to inform decision making. This approach will also ensure that a risk-based prioritization framework is in place in the event that unplanned activities occur.</p>

<b>Deliverable</b>	<b>Timeline</b>	<b>Responsible Party</b>
Report on any identified gaps, such as insufficient resources, and associated risks from the annual planning cycle for compliance promotion and enforcement, to inform decision-making, and review on a quarterly basis.	June 2019; Annually thereafter	Assistant Deputy Minister (ADM), CWS and the Chief Enforcement Officer (CEO), EB

## Appendix A: Program description

### Overview

The killing of protected or managed species, the destruction of their habitat and the sale of illegal wildlife and related parts and products are among the most severe threats to global biodiversity.

Environment and Climate Change Canada (ECCC) has the responsibility to ensure that all individuals, businesses and government agencies act in compliance with wildlife protection laws and regulations. Compliance promotion and enforcement activities are an integral part of wildlife and habitat conservation and protection programs.

**Compliance promotion.** Compliance promotion includes any activities carried out to inform stakeholders of their obligations under the acts (for example, producing tools or informational products or through personal interactions) and encourage and facilitate voluntary compliance.

**Enforcement.** Enforcement actions ensure compliance with legal requirements through: intelligence collection and analysis, inspections, investigations and deterrence. Should enforcement officers determine that a violation has occurred, a review is conducted to determine the appropriate response, including warnings, tickets, seizure or prosecution.

ECCC cooperates and coordinates activities with other enforcement partners, to ensure that its compliance and enforcement policies and procedures are compatible with those of other enforcement agencies. Additionally, ECCC cooperates with national and international agencies such as INTERPOL, the CITES Secretariat and the UN Office on Drugs and Crime on research and analyses related to criminology, forensics, and other aspects of enforcement.

### Wildlife protection legislation

Through the Wildlife Compliance Promotion and Enforcement (WCPE) Program, ECCC works to conserve and protect wildlife and the natural environment by means of compliance promotion and enforcement of the following five acts and the five related regulations, two emergency orders and a critical habitat protection order related to these statutes:

- [Species at Risk Act](#) (SARA)
  - [Emergency Order for the Protection of the Greater Sage-Grouse](#)
  - [Emergency Order for the Protection of the Western Chorus Frog](#) (Great Lakes/St. Lawrence - Canadian Shield Population)
  - [Critical Habitat of the Roseate Tern](#) (*Sterna dougallii*)
- [Migratory Birds Convention Act, 1994](#) (MBCA)
  - [Migratory Birds Regulations](#) (MBR)
  - [Migratory Bird Sanctuary Regulations](#) (MBSR)

- [Canada Wildlife Act](#) (CWA)
  - [Wildlife Area Regulations](#) (WAR)
- [Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act](#) (WAPPRIITA)
  - [Wild Animal and Plant Trade Regulations](#) (WAPTR)
- The [Antarctic Environmental Protection Act](#) (AEPA) (not included in this evaluation)

**Table 4: permits issued by ECCC, other government departments, provinces and territories regarding federal wildlife laws (2016)**

Acts	Type of Permit	Regions						
		Atlantic	Ontario	Prairie and Norther	Pacific and Yukon	Quebec	National Capital Region	Total
<b>Migratory Birds Convention Act</b>	<b>Airport</b>	3	3	4	3	8	0	<b>21</b>
	<b>Aviculture</b>	118	262	66	36	218	0	<b>700</b>
	<b>Damage or Danger</b>	58	769	126	171	56	0	<b>1,180</b>
	<b>Eiderdown</b>	0	0	0	0	1	0	<b>1</b>
	<b>Scientific</b>	72	93	43	99	9	0	<b>316</b>
	<b>Scientific banding</b>	0	0	0	0	0	877	<b>877</b>
	<b>Taxidermy</b>	8	60	94	17	40	0	<b>219</b>
	<b>Bird Sanctuary</b>	5	0	20	0	64	0	<b>89</b>
	<b>Hunting</b>	27,475	59,975	58,985	7,859	31,265	0	<b>185,559</b>
<b>Canada Wildlife Act</b>	<b>National Wildlife Area</b>	10	74	104	18	24	0	<b>230</b>
<b>Species at Risk Act</b>	<b>SARA s. 73</b>	0	11	3	10	6	0	<b>30</b>
	<b>SARA-compliant science and aviculture</b>	5	11	11	1	0	0	<b>28</b>
	<b>SARA-Compliant Banding</b>	0	0	0	0	0	120	<b>120</b>
<b>Wild Animal and Plant Protection and Regulation of International</b>	<b>Export and Re-export</b>	0	0	0	0	0	5,630	<b>5,630</b>
	<b>Import</b>	0	0	0	0	0	180	<b>180</b>

<b>and Interprovincial Trade Act</b>								
<b>TOTAL</b>		<b>27,754</b>	<b>61,258</b>	<b>59,456</b>	<b>8,214</b>	<b>31,691</b>	<b>6,807</b>	<b>195,180</b>

The WCPE Program contributes to ECCC’s Strategic Outcome 1: Canada’s Natural Environment is conserved and restored for present and future generations.

## Roles and responsibilities

Overall accountability for the WCPE Program lies with both the Chief Enforcement Officer, Enforcement Branch, and the Assistant Deputy Minister, Canadian Wildlife Service. Delivery of the WCPE Program is shared between EB’s Wildlife Enforcement Directorate (WED) and the CWS’s Assessment and Regulatory Affairs Directorate (ARAD).

### Enforcement Branch

The EB plays a primary role in the conservation and protection of both the environment and wildlife. It also participates in the development of federal acts and regulations pertaining to environment and wildlife enforcement. The branch aims to ensure that companies and individuals comply with the pollution prevention and conservation goals for the environment and wildlife that are laid out in legislation in the form of rules and regulations. The estimated size of WCPE Program’s regulated communities are described in [section 3.1](#). In cases where there is non-compliance, the EB is legislated to pursue enforcement actions as appropriate.

With respect to its role as the main contributor to the WCPE Program, the EB aims to:

- coordinate the efforts of the branch’s directorates and its partners
- ensure that policy requirements related to the WCPE Program are being met
- advance issues related to identified compliance promotion and enforcement priorities
- provide overall strategic direction for the program

WED is the core delivery component of the EB’s legislative requirements related to wildlife. While predominantly responsible for the enforcement of the federal wildlife legislation, WED also works with CWS to establish enforcement priorities, as part of an annual planning process.

WED’s responsibilities are split between the headquarters in the National Capital Region (NCR) and the regions. Within headquarters, the directorate is responsible for national and international coordination. Headquarters also provides:

- operational expertise and insight to help orient and influence enforcement initiatives
- results to other partners
- strategic intelligence

- various other forms of administrative and strategic support

Within the regions, enforcement officers are responsible for conducting inspections and investigations and gathering and implementing tactical and strategic intelligence. Enforcement officers also cooperate and coordinate enforcement activities with federal, provincial and territorial counterparts. Additionally, enforcement officers are responsible for providing assistance to a Crown prosecutor during the preparation and conduct of legal procedures.

## Canadian Wildlife Service

CWS is responsible for the overall delivery of the wildlife and habitat programs within ECCC. It focuses on regulatory and conservation aspects of migratory birds, species at risk, international aspects of wildlife management and trade and nationally important wildlife habitat. Regarding the WCPE Program, CWS is primarily responsible for:

- planning and delivery of compliance promotion related to wildlife legislation
- regulatory development for the wildlife legislation administered by ECCC
- identifying and providing information regarding regulated species and communities
- providing additional policy advice, biological expertise and input for enforcement plans and training, as appropriate
- leading the performance measurement to assess the effectiveness and adequacy of compliance promotion activities
- regulatory permitting

CWS compliance promotion activities for CWA, MBCA and WAPPRITTA are developed and delivered by the ARAD and, in some limited instances, by the regions. Planning and development of compliance promotion materials is done through collaboration between ARAD, program staff (that is, staff working on activities related to CWA, MBCA and WAPPRIITA), the regions and EB. The delivery of compliance promotion is coordinated from the NCR and, where possible, the regions. For SARA, compliance promotion is currently done on a reactive-only basis, with ARAD and the regions working collaboratively on the development and delivery of compliance promotion materials primarily for high priority files such as SARA emergency protection orders and emergency listing orders.

## Management and governance

Governance mechanisms relevant to the program include:

- **Enforcement Branch Management Committee (EBMC).** This is the executive management committee for the Enforcement Branch. Its responsibilities focus on the management of the branch as a whole, accountability and funding. Membership includes seven executive-level individuals from across the Enforcement Branch.

- **Director General Wildlife Coordination Committee (DGWCC).** This inter-branch committee is composed of members from EB's WED, CWS and the Science and Technology Branch's (STB) Wildlife Landscape Science Directory. It is mandated to address specific issues of common interest to the three directorates involved. It has been inactive since 2016.
- **Wildlife Enforcement Directorate Board (WEDB).** The WEDB meets weekly to assess and decide on the strategic and financial management needs within WED. It consists of members from the NCR and the regions.
- **CWS Executive Committee and CWS Extended Executive Committee.** These committees provide leadership, operational oversight and direction on activities related to the mandate of CWS.

A Letter of Understanding (LOU) between WED and CWS was signed in 2012. The agreement outlined a coordination approach where CWS and WED share responsibilities on compliance promotion, regulatory development, and implementation. The objective of the LOU was to help the two organizations set priorities, fulfill responsibilities and achieve results.

## Partners and stakeholders

The WCPE Program relies on co-operation among many internal and external partners and stakeholders to deliver its results. Key internal partners include:

- the Science and Technology Branch, which provides forensic research and analytical and laboratory services to law enforcement
- sectors and experts in CWS, who develop regulations, provide expert advice on specific regulations and provide feedback on the procedural effectiveness of regulations and lessons learned

The WCPE Program collaborates with other federal departments and agencies to ensure compliance promotion and enforcement of the legislative requirements of SARA, MBCA, WAPPRIITA and CWA. Key external federal government stakeholders include the Canada Border Services Agency (CBSA), Fisheries and Oceans Canada, Transport Canada, the Royal Canadian Mounted Police (RCMP), the Canadian Food Inspection Agency, Parks Canada Agency, Global Affairs Canada, Health Canada, Public Safety Canada, National Defence and the Department of Justice. The WCPE Program also works with the Public Prosecution Service of Canada, which is responsible for the prosecution of criminal offences under federal jurisdiction.

Wildlife compliance promotion and enforcement activities rely on co-operation among partners and stakeholders at all levels. For example, ECCC, Fisheries and Oceans Canada and Parks Canada work jointly and in partnership with Indigenous, provincial, territorial and international authorities to protect at-risk SARA-listed wildlife species and their critical habitats. The Parks Canada Law Enforcement program enforces legislation related to Parks Canada's mandate, including SARA, on all lands and waters that the agency administers. The WCPE Program also works in partnership

with a broad range of enforcement partners to secure compliance with WAPPRIITA. These partners include the Canada Border Services Agency, Fisheries and Oceans Canada, Transport Canada, the RCMP, the United States Fish and Wildlife Service (USFWS) and provincial and territorial law enforcement bodies and conservation authorities.

The WCPE Program collaborates with provincial and territorial law enforcement bodies and conservation authorities, and consults with municipal partners and stakeholders (for example, municipal police services), academic institutions (such as universities) and other relevant stakeholders.

Finally, the WCPE Program works with a broad range of international partners, including international governments and agencies and non-governmental organizations, such as INTERPOL, the United Nations Office on Drugs and Crime (UNODC), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and police agencies on global efforts to reduce the illegal trade of species threatened with extinction and to help prevent offenders from escaping justice by crossing a border.

## **Appendix B: program expected results**

The Wildlife Compliance Promotion and Enforcement Program does not currently have a formal performance measurement strategy. While not formally approved, the following expected outcomes were developed for the purposes of this evaluation.

### **Direct outcomes**

- Regulatees are aware of and understand their legal requirements.
- Non-compliant regulatees become compliant with regulatory requirements.

### **Intermediate outcomes**

- Regulatees are in compliance with the regulatory requirements.

### **Final outcomes**

- Unlawful damages and threats to migratory birds, migratory bird nests, protected habitats, species at risk and residences of species at risk are prevented or minimized.
- Unlawful damages and threats to foreign and domestic species determined to be at high risk for illegal trade or transport are prevented or minimized.

## Appendix C: evaluation strategy

### Purpose and scope

The evaluation of the WCPE Program was conducted between September 2016 and June 2017, and covered a five-year period from 2012–13 to 2016–17. The evaluation examined the program’s relevance, effectiveness, efficiency and overall design and delivery. The focus was on the WCPE Program’s compliance promotion and enforcement activities related to the individual acts and regulations for which it is responsible. These include the [Species at Risk Act](#) (SARA), the [Migratory Birds Convention Act, 1994](#) (MBCA), the [Canada Wildlife Act](#) (CWA) and the [Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act](#) (WAPPRITA).

The following activities were not included in the scope of this evaluation:

- activities to strengthen wildlife enforcement undertaken with the United States and Mexico under the auspices of the Commission for Environmental Cooperation
- activities undertaken to meet ECCC’s commitment under the [Antarctic Environmental Protection Act](#)
- Canadian Wildlife Service activities other than those related to compliance promotion
- activities undertaken by the Science and Technology Branch, the International Affairs Branch, the Environmental Protection Branch and the Corporate Services and Finance Branch to support the overall mandate of the WCPE Program

### Evaluation questions

#### Relevance

**Continued need for the program:** Assessment of the extent to which the program continues to address a demonstrable need and is responsive to the needs of Canadians

- Is there a continued need for the program?

**Alignment with government priorities:** Assessment of the linkages between program objectives and (i) federal government priorities and (ii) departmental strategic outcomes

- Does the program align and support the past and current Government of Canada priorities, including the priorities of key contributing federal departments? Are there gaps?
- Does the program address Environment and Climate Change Canada’s strategic outcomes?

**Alignment with federal roles and responsibilities:** Assessment of the role and responsibilities for the federal government in delivering the program

- Are current roles and responsibilities of the federal government appropriate in delivering the program?

## Performance

**Achievement of expected results:** Assessment of progress towards expected results, with reference to performance targets and program reach; Assessment of program design, including the linkage and contribution of products to results

- Regulatees are aware and understand their legal requirements
- Non-compliant regulatees become compliant with regulatory requirements
- Regulatees are in compliance with the regulatory requirements
- Unlawful damages and threats to migratory birds, protected habitats and species at risk are prevented or minimized
- Unlawful damages and threats to foreign species at high risk are prevented or minimized

**Efficiency:** Assessment of resource use in relation to producing deliverables and progress towards achieving expected results

- Is the program designed and delivered as intended?
- Are program resources commensurate with expected results?
- Is the governance structure clear and well-understood? Does the governance structure support integrated planning and priority-setting, and allocation of resources to identified priorities?
- Are performance data being collected and reported? If so, is this information being used to inform senior management and decision makers?

## Evaluation approach and methodology

Consistent with the requirements of the 2016 Treasury Board [Policy on Results](#), the evaluation matrix presents the evaluation issues and questions that were addressed and the indicators and methodologies used to address each question. Three data collection methods were used in the evaluation: document review; 32 key informant interviews and two case studies.

### Document review

The document review served to develop a thorough understanding of the WCPE Program and to contribute as a line of evidence to address a number of evaluation questions. Relevant documentation was reviewed to identify key points and to develop summaries related to each evaluation question. Examples of the types of documents reviewed included:

- Speeches from the Throne and Ministerial Mandate Letters
- Federal Budgets
- ECCC Reports on Plans and Priorities and Departmental Performance Reports

- program documents such as annual reports, governance and advisory terms of reference and related documents
- other internal documents provided by the program

### Key informant interviews

Key informant interviews were used to solicit informed opinions and observations on the evaluation questions from various stakeholders involved in or familiar with the WCPE Program. A total of 32 interviews were conducted with key informants (individual and group interviews). Interviews were conducted between March 6 and May 15, 2017. The key informant interviews contributed qualitative evidence that addressed almost all of the evaluation questions. Table 5 provides the distribution of completed interviews by respondent category.

**Table 5: distribution of interviews by key informant category**

Key informant category	# of key informants
Senior ECCC managers	5
Program staff and managers	12
ECCC internal partners	3
Other government department partners and stakeholders	4
Provincial, territorial, and municipal stakeholders	3
Regulated community	2
International stakeholders	3
<b>Total</b>	<b>32</b>

In summarizing the degree to which there is agreement among key informants, the following guidelines were used in reporting:

- no key informants (0%)
- a few (less than 25%)
- some/a minority (26% to 44%)
- about half (45% to 55%)
- a majority (56% to 75%)
- most (76% to 94%)
- almost all (95% to 99%)
- all (100%)

## Case studies

Case studies combined various sources of information to provide illustrations and examples of selected activities or components of the WCPE Program, as well as outcomes achieved. Case studies were based on file information and documentation, including assessments, investigations, status reports, prosecution information (if relevant) and interviews. Two case studies were selected in consultation with the program: the Canaport LNG Limited Partnership case and Operation Bluegrass Branta. Specifically, the Operation Bluegrass Branta case study included three key informant interviews with three separate groups (EB, United States Fish and Wildlife Service (USFWS) and the Crown prosecutor) totalling five participants and the Canaport case study included one interview with two EB participants.

## Appendix D: summary of findings

Criteria	Expectations met	Further work required	Priority attention required	Unable to assess
<b>Relevance criteria</b>				
Continued need for the program	•			
Alignment with federal government priorities	•			
Consistency with federal roles and responsibilities	•			
<b>Expected results</b>				
Regulatees are aware of and understand their legal requirements				•
Non-compliant regulatees become compliant with regulatory requirements			•	
Regulatees are in compliance with regulatory requirements			•	
Unlawful damages and threats to: migratory bird nests; protected habitats; species at risk; and residences of species at risk are prevented or minimized			•	
Unlawful damages and threats to foreign and domestic species determined to be at high risk for illegal trade or transport are prevented or minimized			•	
<b>Program efficiency</b>				
Is the program designed and delivered as intended?		•		
Are program resources commensurate with expected results?			•	
Is the governance structure clear and well-understood? Does the governance structure support integrated planning and priority-setting, and allocation of resources to identified priorities?		•		
Are performance data being collected and reported? If so, is this information being used to inform senior management and decision makers?			•	
Is the program delivered in an efficient manner, or do areas for possible improvement exist?		•		

## Appendix E: references

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