

# Formative Evaluation of Federal Species at Risk Programs

## Final Report July 2006

Prepared for:

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Fisheries and Oceans Canada  
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## **Acronyms and abbreviations used in the report**

Accord	Accord for the Protection of Species at Risk
ADM	Assistant deputy ministers
ATK	Aboriginal traditional knowledge
CESCC	Canadian Endangered Species Conservation Council
COSEWIC	Committee on the Status of Endangered Wildlife in Canada
DFO	Fisheries and Oceans Canada
EC	Environment Canada
GIC	Governor in Council
HSP	Habitat Stewardship Program
IRF	Interdepartmental Recovery Fund
MOU	Memorandum of understanding
NACOSAR	National Aboriginal Council on Species at Risk
NGO	Non-governmental organization
OGD	Other government departments
PC /PCA	Parks Canada / Parks Canada Agency
RMAF	Results Management and Accountability Framework
RENEW	Recovery of Nationally Endangered Wildlife in Canada
RIMS	Recovery Information Management System
SARA	<i>Species at Risk Act</i>
SARAC	Species at Risk Advisory Committee
WMB	Wildlife management boards

## **Acknowledgments**

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## **Provided Under Separate Cover<sup>1</sup>:**

**Working Paper I:** Summary Report on Results of the Electronic Survey

<sup>1</sup> These working papers have been submitted to the three core departments and can be made available upon request to the evaluation units of the core departments.

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<b>Working Paper II:</b>	Summary Report on Key Informant Interviews
<b>Working Paper III:</b>	Polar Bear Case Study
<b>Working Paper IV:</b>	Barrens Willow Case Study
<b>Working Paper V:</b>	Garry Oak Case Study
<b>Working Paper VI:</b>	Piping Plover Case Study
<b>Working Paper VII:</b>	Wolffish Case Study
<b>Working Paper VIII:</b>	Abalone Case Study
<b>Working Paper IX:</b>	Summary of Assessment, Response and Listing Activities
<b>Working Paper X:</b>	Recovery Strategy Responsibilities and Status

## EXECUTIVE SUMMARY

### *Evaluation Overview*

The **purpose** of this formative evaluation is to assess and determine the federal government's<sup>2</sup> progress in delivering the identified outputs and achieving the anticipated results related to species at risk programs over the two and a half year period from June 2003 through December 2005.<sup>3</sup>

The **primary objectives** of the evaluation are to

1. assess the core departments' progress to date in delivering the identified outputs and achieving the anticipated results of SARA (including through intra- and interdepartmental programs) and determine whether the departments have put in place the necessary "common support" mechanisms and are on track to achieve the objectives and anticipated results of the Act; and
2. determine the extent to which implementation of SARA is being coordinated across the core departments and other federal departments and agencies, and the extent to which collaboration among federal and provincial/territorial governments in support of the Accord for the Protection of Species at Risk is being realized.

Related, **secondary objectives** are to

3. examine efforts undertaken to ensure effective and collaborative Aboriginal involvement in species at risk programs and governance and administration of the Act;
4. determine the degree to which the core departments are fulfilling their respective mandatory requirements under the *Species at Risk Act*;
5. examine the governance/administration/coordination structures, processes, and procedures (including COSEWIC) that have been put in place to support the Act; and
6. review the resource allocations made to support program implementation, identifying any relevant issues or gaps.

This evaluation is "evidence-based." That is, its conclusions and recommendations are based on objective, quantitative and documented evidence to the fullest extent possible. The evaluation process involved multiple perspectives across multiple lines of enquiry, including

- document review and interviews with responsible program personnel and managers in the three core departments;

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<sup>2</sup> As represented by the three core departments/Agency assigned responsibility and funding for implementation of federal species at risk programs and activities – Environment Canada, Fisheries and Oceans Canada, and Parks Canada, hereinafter referred to as the "core departments."

<sup>3</sup> Major activities and outputs that were finalized from January 1 through March 31, 2006, such as newly published Orders adding species to Schedule 1 of the Act, or proposed recovery strategies posted on the SARA registry, were also included within the scope of the evaluation.

- survey responses from 285 interested parties (Working Paper I provides a stand-alone summary and analysis report of the survey responses);
- interviews with 64 key informants having in-depth knowledge of the Act and supporting federal programs and activities (Working Paper II provides a stand-alone summary and analysis report of the views expressed by the key informants); and
- case studies of six different species at risk chosen to be illustrative across different species, departments and ecosystems (each of the individual case studies is provided under separate cover, as Working Paper III through Working Paper VIII).

All findings from this evaluation were validated by departmental personnel and a series of presentations were held to debrief program managers in all the core departments.

## **Conclusions and Recommendations**

The following broad conclusions arise from the detailed findings presented in this evaluation report. With respect to the specific objectives established for this evaluation, the following conclusions and associated recommendations<sup>4</sup> are put forward:

1. The federal government has delivered a number of the expected outputs associated with each of the core program areas. However, not all program areas are sufficiently on track.. Fisheries and Oceans Canada and Parks Canada are delivering outputs and achieving intended outcomes commensurate with their responsibilities under the Act and to levels reflected in the funding provided by Treasury Board. Environment Canada has not organized itself appropriately to deliver fully on its obligations and commitments under the Act in a comprehensive and strategic manner.

### **Recommendations:**

1. Environment Canada should develop a comprehensive plan for addressing its commitments that references Treasury Board's guidelines for a Results-based Management and Accountability Framework. This plan should include details on the Department's vision and should outline plans for implementing and enforcing the Act on federal lands under its purview. (*High priority*)
2. Environment Canada should undertake a functional review of the organizational structures and the management and planning capacities that are in place or need to be in place to support delivery of species at risk programs and activities. The review should lead to the development of a new accountability structure to address identified gaps. The new structure should include distinct areas of accountability to address each of the Department's responsibilities as
  - "the Minister," responsible for the Act as a whole; and
  - "the competent minister," responsible for activities related to all SARA-listed

<sup>4</sup> The following notional time frames are associated with the recommendations included herein:

- High priority: Short-term - response initiated during the remainder of 2006
- Medium priority: Medium-term - response initiated within the next 12 months
- Low priority: Longer-term - response initiated prior to the Parliamentary review, anticipated to be undertaken in 2008



<p>species and all federal lands not coming under the responsibility of Fisheries and Oceans Canada or Parks Canada.  <i>(High priority)</i></p>
<p>2a. Federal and provincial/territorial authorities continue to cooperate well in support of the Accord, but cooperation to date has been insufficient to ensure that the federal government can address its obligations under the Act without recourse to more unilateral action or the Act's safety net provisions.</p>
<p><b>Recommendations:</b></p> <p><b>3.</b> The SARA Assistant Deputy Ministers Committee should proceed, on an urgent basis, with development of a policy/guidance framework to support the Act's "safety net" provisions. <i>(High priority)</i></p> <p><b>4.</b> Environment Canada should develop and implement a tool for tracking and monitoring the Parties' progress on implementation of SARA-related commitments under the Accord. This includes monitoring the extent to which all SARA-listed species are legally or otherwise protected in the provinces in which they occur. <i>(Low priority)</i></p>
<p>2b. Core departments are cooperating well on species at risk issues, but a fully coordinated and federally consistent approach is not yet apparent.</p>
<p><b>Recommendations:</b></p> <p><b>5.</b> The core departments, collectively, should develop and implement the supporting federal policy/guidance framework for the Act. An inventory of outstanding issues requiring policy/guidance support should be compiled and prioritized. Regular (quarterly) progress reporting should occur until the framework is sufficiently developed. <i>(High priority)</i></p> <p><b>6.</b> The core departments should ensure that consultation with affected parties is undertaken in a more coordinated and efficient manner that reflects the requirements of the Act as well as the needs and capacities of affected parties. <i>(Medium priority)</i></p> <p><b>7.</b> The core departments, collectively, should develop a comprehensive, federally coordinated, and strategic plan for increasing awareness and promoting compliance among affected parties. <i>(Medium priority)</i></p>
<p>3. Core departments' activities and undertakings to support Aboriginal involvement have not been commensurate with the requirements of SARA, the requirements of other federal acts and agreements, or the federal government's responsibilities towards Aboriginal people, as determined by the courts. Significant risks to the Government of Canada may exist as a result.</p>

**Recommendations:**

**8.** The core departments should take all necessary steps to ensure that wildlife management boards are engaged on relevant species at risk issues in a manner that is consistent with the boards' mandated roles and responsibilities, and consistent with the processes specified under land claims agreements. *(High priority)*

**9.** The core departments, collectively, should develop a comprehensive federally coordinated plan for addressing issues related to Aboriginal involvement, consultation, capacity building, stewardship action, and protection of critical habitat on reserve lands. The involvement and advice of the National Aboriginal Council of Species at Risk and Indian and Northern Affairs Canada should be sought when developing the strategy. *(Medium priority)*

**4.** While the Government of Canada is delivering on most of its mandatory requirements, not all requirements have been met, or are likely to be met, given progress to date.

**Recommendations:**

**10.** The core departments should put in place a process and related procedures to ensure that the SARA Assistant Deputy Ministers Committee has a complete understanding of all obligations related to the Minister and competent ministers, as well as the extent to which those obligations are being adequately addressed on an ongoing basis. *(High priority)*

**11.** Subsequent to the June and July 2006 deadlines for posting the next batch of recovery strategies, the SARA Assistant Deputy Ministers Committee should initiate a review to determine whether

- sufficient progress is being made, and the Act's requirements satisfied, with respect to recovery strategies being led or co-led by the provinces/territories;
- tracking tools and contingency plans are working as intended;
- sufficient progress in identifying critical habitat is being made; and
- additional adjustments are necessary.

*(Medium priority)*

**12.** The SARA Assistant Deputy Ministers Committee should review current allocations to the Interdepartmental Recovery Fund and ensure that these are commensurate with the risks and needs of other SARA priorities. Core departments should also review the extent to which the Fund is meeting its intention of "placing emphasis on other government departments and agencies, to the exclusion of the core departments," and whether any adjustments are necessary. *(Medium priority)*

5. The majority of the supporting governance structures/processes/procedures have been put in place to support implementation of the Act and related programs, but not all of these are working as intended. Key issues with respect to leadership and direction for the federal Act remain to be addressed.

**Recommendations:**

**13.** The SARA Assistant Deputy Ministers Committee should review and renew the governance framework for SARA implementation in the three core departments. This should include

- review and renewal of the Cooperative Management Framework for the Strategy for the Protection of Species at Risk; and
- review of existing governance structures and processes against the specifications of the Treasury Board submission, Annex K: Governance.

*(High priority)*

**14.** The SARA Deputy Ministers Committee should request, review and approve quarterly progress reports detailing

- consideration of recommendations made in this evaluation report;
- financial status reporting against funding envelopes approved by Treasury Board; and
- progress reporting against planned outputs, the Act's requirements, and resources provided in support of each of the main program components.

*(High priority)*

6. Resource and capacity gaps exist in several areas. These gaps limit the core departments' abilities to fully implement the Act, and create legal and other risks to the Government of Canada. The full scale of resource gaps has not yet been articulated. However, the core departments' current and limited program delivery will be further impaired should funding levels decrease from \$75 million to \$45 million per annum, as currently scheduled to begin in 2007–2008.

**Recommendations:**

**15.** The core departments, collectively, should initiate an exercise to forecast resource needs to address identified gaps, deliver required outputs, ensure that legal obligations will be satisfied, and make progress towards the identified expected outputs and the objectives of the Act. *(High priority)*

7. It has now been recognized that a species by species approach will not be the most effective or efficient way of dealing with a number of species at risk issues. The Canadian Endangered Species Conservation Council has directed the Canadian Wildlife Directors Committee to develop a more strategic ecosystem- and multi-species-based approach. The specific implications of this decision are not yet known, and there is considerable uncertainty as to what it will mean for the future implementation of key program components involving species assessment, recovery planning, and

implementation, among others.

**Recommendations:**

**16.** The SARA Assistant Deputy Ministers Committee, in a manner consistent with the requirements and objectives of the Act, should develop a comprehensive federal vision and strategy to support the preparation and implementation of action plans for the protection and recovery of species at risk and their habitat. (*High priority*)

**17.** The SARA Assistant Deputy Ministers Committee should undertake a further operational review of federal species at risk programs and activities, prior to the initiation of the first Parliamentary review, expected in late 2008. The review should include detailed examinations of progress, outstanding issues, and challenges, as well as resource needs for each key program component. (*Low priority*)

## **Management Response**

### **Management Response-Recommendation 1**

Environment Canada (EC) agrees with the recommendation.

EC, in cooperation with the Department of Fisheries and Oceans (DFO) and the Parks Canada Agency (PCA), is leading the development of an Interdepartmental Action Plan. The Plan will be aimed at identifying and delivering on core priorities as well as strengthening accountability and governance mechanisms for SARA implementation across the three core departments. The Plan will also inform the development of an RMAF that encompasses all three departments and reflects the specificity of their programs.

EC is also developing a multi-year business plan, guided in part by the results of the evaluation, that will articulate the vision for meeting its obligations for species at risk on federal lands, determine priorities, assign resources to these priorities and better align TB allocations with SARA activities. This business plan will allow the department to ensure resources are aligned to priorities. (See also response to recommendation 2 regarding EC organizational changes).

### **Management Response-Recommendation 2**

EC agrees with the recommendation. During the period of the evaluation, EC implemented a new results governance structure and organizational changes which will assist the department in ensuring that both the accountabilities of the Minister are met. The department is taking further steps to fully implement these governance and organizational changes which will ensure the appropriate skill sets are in place. New departmental planning and reporting tools have been introduced in April 2006 and will be applied to plan, track and report on costed results of the SARA program on an ongoing basis.

### **Management Response-Recommendation 3**

Core departments agree with the recommendation and recognize that species at risk protection and recovery depends in good part on continued provincial/territorial cooperation. Core departments are committed to achieving intergovernmental co-operation through two key actions. First is the development of the SARA

policy/guidance framework which includes effective protection, critical habitat, general prohibitions and emergency order provisions, all of which are critical for articulating the federal approach for meeting the safety-net provisions under SARA. Second, work will continue to complete the bilateral agreements with the provinces and territories to clearly establish jurisdictional responsibilities on all aspects of SARA and coordinate recovery and protection actions. (See also response to Recommendation #5)

#### **Management Response-Recommendation 4**

EC agrees with the recommendation. EC is presently monitoring and tracking the fulfillment of certain key commitments, including the development of provincial/territorial legislation for species at risk and status of recovery planning. EC will work with the provinces and territories to develop appropriate mechanisms that will enable comprehensive tracking of other information necessary for effective implementation of SARA.

#### **Management Response-Recommendation 5**

The core departments agree with the recommendation, have developed an inventory of outstanding policy issues requiring guidance and are working on an Interdepartmental Action Plan to address these. Progress is being made on the highest priority policy and guidance issues and reported on to the ADMs and the DM level Committee for review and approval.

The development and implementation of the policy/guidance framework, in an interdepartmental context, is discussed through the Canadian Wildlife Directors Committee and the federal-provincial-territorial Species at Risk Task Group (in DFO). (See also response to recommendation 11).

#### **Management Response-Recommendation 6**

The core departments agree with the recommendation. Consultation on Species at Risk issues is given high priority in the core departments, in particular with Aboriginal peoples and Wildlife Management Boards. A policy will be finalized soon to guide consultation efforts of all departments.

Core departments will develop and implement a consultation strategy, commensurate with available resources. Some efficiencies can be obtained where appropriate, by combining consultations in isolated and difficult locations such as Canada's North, combining consultations on groups of species, following a watershed or ecosystem approach to look at species assemblages, where appropriate, and by building aboriginal capacity in consultation with NACOSAR.

#### **Management Response-Recommendation 7**

The core departments agree with the recommendation, noting the significant benefits of an awareness and compliance program for consultations and SARA implementation generally. The core departments recognize the need for a federal approach and consistent messaging on awareness and compliance promotion. Steps are being undertaken in this regard through, for example, the species listing process, the development of regulations under SARA, and the delivery of the Habitat Stewardship Program for Species at Risk. Coordination and development of additional communication materials will be improved within available limited capacity and

resources. In particular, core departments will be using the first SARA Minister's Roundtable in the fall to raise awareness and promote engagement.

### **Management Response-Recommendation 8**

The core departments agree with the recommendation.

The core departments are working to ensure that the processes for engaging the Wildlife Management Boards in the implementation of SARA are conducted in a manner that respects their mandated roles and responsibilities as well as processes specified under Land Claims Agreements. (Also see response to Recommendation #9)

### **Management Response-Recommendation 9**

The core departments agree with the recommendation and acknowledges the need for a comprehensive, federally-coordinated plan for Aboriginal involvement, consultation and other activities. While the ability of core departments to respond will depend on the available level of resources, this is recognized as a priority. The plan will be developed in close cooperation with Aboriginal organizations, including NACOSAR and Indian and Northern Affairs Canada. It will address the engagement of local aboriginal and First Nation groups on the ground and in locations where endangered species are found. The first Minister's Roundtable will also provide an important venue for Aboriginal engagement.

### **Management Response-Recommendation 10**

Noting that core departments have a complete understanding of the obligations under the legislation, the SARA ADM Committee agrees with the recommendation. For the period covered by the evaluation, the majority of key obligations have been met despite the complexity of the Act, challenging timelines, need for extensive consultations and resource constraints.

The SARA Interdepartmental Action Plan, the RMAF and the policy/guidance framework, all currently under development, will clarify and enable responding to the obligations on an ongoing basis. Successful negotiation and implementation of bilateral agreements with provincial and territorial governments will also be key given their significant contribution to recovery planning and action plan implementation.

### **Management Response-Recommendation 11**

The SARA ADM Committee agrees with the recommendation and core departments have taken steps to review progress in the development of recovery strategies. Recognizing that success depends on close cooperation with provinces and territories, a number of measures have been taken to fulfill SARA obligations, including:

- Consultation on the SARA policy/guidance framework development
- Continued negotiation of bilateral agreements with provinces and territories (see response to recommendation 5)
- Establishment of a federal-provincial-territorial Aquatic Species at Risk Task Group and active engagement of Ministers from the Canadian Committee of Fisheries and Aquaculture Ministers (CCFAM).
- Active engagement of provincial and territorial agencies through the inter-governmental Canadian Wildlife Directors' Committee (CWDC), with respect to terrestrial species

### **Management Response-Recommendation 12**

The SARA ADM Committee agrees with the recommendation. The core departments will conduct a critical review with Other Government Departments (OGDs) to adjust the scope, purpose and priorities of the IRF and better align fund allocations with OGD needs. The results of this analysis will be reflected in the development of future resource requirements.

**Management Response-Recommendation 13**

The SARA ADM Committee agrees with the recommendation. A number of recent governance and program management changes have already been put in place. Specifically, regular senior management meetings are being held and significant resources have been directed to accelerate planning and policy and process development. Core departments are committed to reviewing and renewing the CMF in light of experience gained to date and the strengthened governance structure.

**Management Response-Recommendation 14**

The SARA Deputy Ministers (DMs) Steering Committee agrees with the recommendation. The SARA Deputy Minister's Steering Committee is meeting regularly and will be tracking progress as per the evaluation recommendation.

**Management Response-Recommendation 15**

The core departments agree with the recommendation. The Committee has launched the necessary planning to determine how best to meet current obligations and the growing workload linked to the increasing number of listed species at risk. The workload includes the need for timely development and implementation of recovery strategies, including work on critical habitat, extensive consultation and engagement, and raising awareness and promoting compliance. The core departments will plan activities commensurate with available resources and ensure that efficiencies are gained by implementing an ecosystem/multi-species approach where appropriate, supported by strong science and aided by regional stewardship.

**Management Response-Recommendation 16**

The SARA ADM Committee agrees with the recommendation. Core departments will lead the development of a vision aimed at streamlining recovery planning and implementation that encompasses a multi-species and/or ecosystems approach, where appropriate. The first SARA Minister's Roundtable will be used to seek the advice of key partners and stakeholders on the vision and identify opportunities for joint action.

**Management Response-Recommendation 17**

The SARA ADM Committee agrees with the recommendation and will ensure that their respective audit and evaluation groups plan for an appropriate review. As well, in addition to drawing on the results of the Minister's Roundtable, the core departments will review achievements and challenges to provide appropriate advice to Parliament to undertake the legislative review.

## 1.0 INTRODUCTION

### 1.1 Background

This evaluation was undertaken to respond to a commitment to the Treasury Board Secretariat to conduct a formative evaluation after the initial years of implementation of programs and activities in support of the federal *Species at Risk Act* (SARA). Formative evaluations are conducted in the early years of program/policy delivery in order to assess the degree to which appropriate programs, processes, and procedures have been put in place to ensure effective and efficient expenditure of resources. By conducting formative evaluations, it is expected that any necessary corrective action will be taken early on, so that the likelihood of achieving identified expected outcomes, over time, is increased.

The purpose of this formative evaluation is to assess and determine the federal government's<sup>5</sup> progress in delivering identified outputs and achieving the anticipated results related to federal species at risk programs over the two and a half year period from June 2003 through December 2005.<sup>6</sup>

In Budget 2000, the Government of Canada committed \$180 million over a five-year period for the purposes of advancing five priorities under the National Strategy on Species at Risk, namely

1. securing passage of [SARA](#);
2. supporting the [Accord for the Protection of Species at Risk](#), including establishing a sound and professional [Committee on the Status of Endangered Wildlife in Canada \(COSEWIC\)](#);
3. providing common support for the National Strategy on Species at Risk;
4. establishing, with significant ongoing funding, the Habitat Stewardship Program; and
5. improving core departments' habitat and species conservation programming and implementing the Interdepartmental Recovery Fund for similar work on other federal lands.

A key component of the strategy was realized on December 12, 2002, when SARA received Royal Assent. The Act was later proclaimed on March 31, 2003, and entered into force in three phases.<sup>7</sup> On June 5, 2003, most of the Act's "non-prohibition" sections came into effect; on June 1, 2004, the remaining sections came into force. Since 2003, two groups of species have been added to [Schedule 1](#), bringing a total of 345 species under the formal protection of the Act.

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<sup>5</sup> As represented by the three core departments/Agency assigned responsibility and funding for implementation of federal species at risk programs – Environment Canada, Fisheries and Oceans Canada and Parks Canada, hereinafter referred to as the core departments.

<sup>6</sup> Major activities and outputs that were finalized from January 1 through March 31, 2006, such as newly posted recovery strategies posted on the SARA Public Registry were also included within the scope of the evaluation.

<sup>7</sup> For additional details, please see "[Species at Risk Act: A Guide](#)."



Also in June 2003, the Government of Canada committed a further \$33 million over two years to support SARA implementation, and provided \$75 million per annum through 2007<sup>8</sup> to support further implementation of the strategy in nine key areas,<sup>9</sup> namely

1. development of common support mechanisms
2. assessment, listing and response
3. recovery planning
4. recovery implementation
5. critical habitat protection
6. enforcement
7. Habitat Stewardship Program
8. Interdepartmental Recovery Fund
9. other activities, including legal support

Responsibility for implementation of the National Strategy on Species at Risk is detailed in Annex K: Governance of the Treasury Board submission and the Cooperative Management Framework for the Strategy for the Protection of Species at Risk, involving Environment Canada, Fisheries and Oceans Canada and Parks Canada.<sup>10</sup> Details on the roles and responsibilities of the various partners and organizations involved in the delivery of the Act and related federal programs are provided in Section 1.4 of this report, and in the program profile detailed in Appendix B.

This document contains the results of the “Formative Evaluation of Federal Species at Risk Programs.” It is organized into four main sections:

- **Section 1** outlines the purpose and objectives of the evaluation, provides an introduction to federal species at risk programs, and includes a summary of the evaluation methodology.
- **Section 2** provides a summary of the detailed findings for each of the main program components.
- **Section 3** documents the evaluation findings, from the perspective of each of the three core federal departments.
- **Section 4** provides conclusions and recommendations.

In addition, the report includes a number of appendices containing more detailed information on key departmental outputs during the evaluation period. As well, the evaluation report includes a number of working papers, which provide stand-alone summaries of each of the main instruments undertaken in support of the evaluation (i.e., case studies, a survey, and key informant interviews).

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<sup>8</sup> Treasury Board provided \$45 million to the annual budgets of the core departments on an on-going basis. This permanent allocation was supplemented with an additional \$30 million per annum in temporary funding to support implementation of targeted strategic initiatives. This temporary funding is scheduled to expire at the end of the 2006-2007 fiscal year.

<sup>9</sup> Funding allocations provided by Treasury Board totaled less than 60 percent of the minimum request made by the core departments. That minimum request was made on the basis of estimated requirements to fund recovery implementation for 25 percent of listed species. As a result, key program components, including outreach and engagement, consultation, and recovery implementation, were not fully funded.

<sup>10</sup> For presentation purposes, Environment Canada, Fisheries and Oceans Canada and Parks Canada are collectively referred to in this report as the “core departments.” It is recognized that Parks Canada is a federal agency, not a federal department.

This report contains a number of terms that are specific to SARA, including terms such as “competent minister,” “endangered,” “extirpated,” “special concern,” “threatened,” and “critical habitat.” The reader is encouraged to consult section 2 of the *Species at Risk Act* for the definitive interpretation of these and other terms.

## **1.2 Evaluation Objectives**

The **primary objectives** of the evaluation are to

1. assess the core departments’ progress to date in delivering the identified outputs and achieving the anticipated results of SARA (including through intra- and interdepartmental programs) and determine whether the departments have put in place the necessary “common support” mechanisms and are on track to achieve the objectives and anticipated results of the Act; and
2. determine the extent to which implementation of SARA is being coordinated across the core departments and other federal departments and agencies, and the extent to which collaboration among federal and provincial/territorial governments in support of the Accord for the Protection of Species at Risk is being realized.

Related, **secondary objectives** are to:

3. examine efforts undertaken to ensure effective and collaborative Aboriginal involvement in species at risk programs and governance and administration of the Act;
4. determine the degree to which the core departments are fulfilling their respective mandatory requirements under SARA;
5. examine the governance/administration/coordination structures, processes, and procedures (including COSEWIC) that have been put in place to support the Act; and
6. review the resource allocations made to support program implementation, identifying any relevant issues or gaps.

The evaluation presents conclusions and recommendations concerning each of the above.

## **1.3 Overview of the Species at Risk Act and Supporting Programs**

SARA is a federal law jointly administered by Environment Canada, Fisheries and Oceans Canada and Parks Canada. The stated purpose of the Act is to

- prevent wildlife species from becoming extirpated or becoming extinct;
- provide for the recovery of wildlife species that are extirpated, endangered, or threatened as a result of human activity; and to
- manage species of special concern to prevent them from becoming endangered or threatened.

In doing so, SARA makes an important contribution to the [Canadian Biodiversity Strategy](#), developed in response to the United Nations Convention on Biological Diversity.

More specifically, the Act

- establishes COSEWIC as an independent body of experts responsible for assessing and identifying species at risk;
- requires that the best available knowledge be used to define long- and short-term objectives in recovery strategies, action plans, and management plans; ;
- creates prohibitions that protect listed threatened, endangered, and extirpated species and their critical habitat;
- recognizes that compensation may be needed to ensure fairness following the imposition of the critical habitat prohibitions;
- creates a public registry to assist in making documents under the Act more accessible to the public; and
- is consistent with Aboriginal and treaty rights and respects the authority of other federal ministers and provincial governments.

Through SARA, the Government of Canada expects to demonstrate national leadership and to work to increase cooperation and harmonization across and within Canadian jurisdictions on species at risk issues. The Act and its implementation are also supported by a number of guiding principles (see Figure 1), as detailed in the Preamble to the Act.

**Figure 1: SARA Guiding Principles**

- **Conservation of biological diversity** – “wildlife in all its forms, has value in and of itself and is valued by Canadians for aesthetic, cultural, spiritual, recreational, educational, historic, economic, medical, ecological and scientific reasons.”
- **Precautionary principle** – “if there are threats of serious or irreversible damage to wildlife species, cost-effective measures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty.”
- **Intergovernmental cooperation** – the federal government will work cooperatively with other governments in Canada to pursue the establishment of complementary legislation and programs for the protection of species at risk.
- **National leadership** – the Canadian Endangered Species Conservation Council will provide national leadership.
- **National standards** – the creation of science-based, national standards for environmental conservation.
- **Aboriginal involvement** – is essential to the conservation of wildlife in Canada.
- **Stewardship approach** – the conservation efforts of individual Canadians should be encouraged and supported to prevent species from becoming at risk.
- **Integrated decision making** – science, community knowledge, traditional Aboriginal knowledge, and socio-economic interests must all be considered when developing and implementing recovery measures.

To support the implementation of the Act and the National Strategy on Species at Risk, the core federal departments undertake and deliver program activities in six overarching areas:

1. **Common support mechanisms** – to ensure coordination and consistent approaches among the three core departments, to ensure compliance with the legal listing requirements under the Act, and to ensure that ongoing and effective cooperation with other governments in Canada is maintained
2. **Aboriginal involvement** – to establish and support the National Aboriginal Council on Species at Risk and to provide support for, as well as build capacities and processes for, meaningful Aboriginal involvement in the protection of species at risk and their habitat
3. **Assessment, listing and response** – to establish COSEWIC on a sound and professional basis, to ensure that legislative time lines and requirements for species assessment, listing, and response are met, and to undertake and provide support for science and monitoring activities to increase knowledge of wildlife species and ecosystems
4. **Recovery planning** – to ensure that legislative requirements for the development of recovery strategies, action plans and management plans are met, including the incorporation of science, community knowledge, Aboriginal traditional knowledge, and socio-economic interests into their development
5. **Recovery implementation** – to undertake, on a priority basis, actions identified in recovery strategies, action plans and management plans for the protection of species at risk, species of special concern and their habitat, to protect and report on critical habitat on federal lands, and to implement the Habitat Stewardship Program and the Interdepartmental Recovery Fund
6. **Protections (permitting, compliance promotion and enforcement)** – to enforce SARA, to support individual and community efforts to become aware of and build capacities to respond to the requirements of the Act, and to issue permits for relevant activities

Appendix B provides an overview of each of these main program components, including an indication of the main program outputs and deliverables that each program component is expected to deliver, along with a description of the anticipated results of these outputs.<sup>11</sup>

## **1.4 Roles and Responsibilities**

The governance structures established to support implementation of SARA and related federal programs are complex and involve the responsibility of a wide number of parties.

### **1. Formal Roles Established Under the Act**

The Minister of the Environment is responsible for overall coordination of the federal species at risk strategy including the overall implementation of SARA and

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<sup>11</sup> No formal logic model or Results-based Management and Accountability Framework exists for federal species at risk programs. The program profile shown in Appendix B has been developed solely for the purposes of defining/scoping the entity to be evaluated under this project. This program profile identifies the purpose of funding allocations and expected outputs, and is informed by materials used to develop a Treasury Board submission in support of Budget 2003.

implementation of federal activities in support of the Accord for the Protection of Species at Risk.

With respect to the three core departments,

- Fisheries and Oceans Canada oversees matters concerning aquatic species, other than individuals of species in Parks Canada waters;
- Parks Canada oversees matters concerning individuals of species in or on federal lands administered by Parks Canada; and
- Environment Canada oversees matters concerning all other species, including migratory birds.

The ministers responsible for these government organizations are referred to as “competent ministers” in SARA. They are given the authority to make decisions in their respective areas of responsibility and are required to consult with each other on specific SARA-related matters. Since December 12, 2003, the Minister of the Environment has been designated as the Minister responsible for Parks Canada.

The Act formalizes other roles and responsibilities:

- The Act recognizes a formal role for the Canadian Endangered Species Conservation Council (see National Coordinating Structures, below) to
  - provide general direction on the activities of COSEWIC, the preparation of recovery strategies and the preparation and implementation of action plans; and
  - coordinate the activities of the various governments represented on the council relating to the protection of species at risk.
- The National Aboriginal Council on Species at Risk is established to
  - advise the Minister on the administration of the Act; and
  - provide advice and recommendations to the Canadian Endangered Species Conservation Council.
- The Committee on the Status of Endangered Wildlife in Canada is formally established under the Act to assess the status of wildlife species and provide advice to the Minister of the Environment and the Canadian Endangered Species Conservation Council.
  - Subcommittees of COSEWIC, including a subcommittee specializing in Aboriginal traditional knowledge and other subcommittees specializing in groups of wildlife species, assist in the preparation and review of status of wildlife reports.
- The Governor in Council (Cabinet) responds to the ministers’ recommendations and issues orders and makes regulations, where appropriate.
- Parliament must review the Act every five years and has responsibility for final approval of any amendments to the Act.
- The Act allows the competent federal ministers to enter into administrative agreements with the provinces and territories allowing these other orders of government to implement or administer some aspects of the Act.
  - Canada has entered into one such agreement, the [Canada-British Columbia Agreement on Species at Risk](#), and is actively engaged in developing additional agreements with other provinces and territories. Various governance structures have been established to support

implementation of the Canada-British Columbia agreement. These are described below.

A Species at Risk Advisory Committee<sup>12</sup> has also been created, through the Minister's discretionary powers to establish additional committees, to provide advice on administration of the Act.

## **2. National Coordinating Structures**

Under the Accord for the Protection of Species at Risk, federal, provincial and territorial governments agreed to coordinate activities by creating the Canadian Endangered Species Conservation Council. The Council is made up of the federal Ministers of the Environment and Fisheries and Oceans, and the provincial and territorial ministers with responsibilities for wildlife species. The Council's mandate is to provide national leadership for the protection of species at risk and coordinate action among all parties. Under the Accord, federal, provincial, and territorial governments have committed to

- participate in the Canadian Endangered Species Conservation Council;
- recognize the Committee on the Status of Endangered Wildlife in Canada as a source of independent advice on the status of species at risk nationally;
- establish complementary legislation and programs that provide for effective protection of species at risk throughout Canada; and
- refer any disputes that may arise under the Accord to the Canadian Endangered Species Conservation Council for resolution.

The **Canadian Council of Fisheries and Aquaculture Ministers**, composed of federal, provincial and territorial ministers responsible for fisheries and aquaculture, plays an important national coordination role on issues involving aquatic species. The Council has established a Task Group on Aquatic Species at Risk to advise and provide support to the Canadian Endangered Species Conservation Council on species at risk issues involving aquatic species. The Task Group provides a platform for jurisdictions to discuss the many issues around Species at Risk legislation. The overall objective of the Task Group is to identify cooperative mechanisms to most effectively use resources and tools available to federal, provincial and territorial governments for the protection and recovery of aquatic species at risk. The mandate of the Task Group is to develop a national strategy for the protection and recovery of aquatic species at risk for approval in principle by the CCFAM Ministers in the fall of 2006. The Task Group has also formed a Socio-economic Subcommittee

## **3. Federal Coordinating Structures**

Non-mandated governance structures have been established to support federal implementation of the Act and its supporting programs. These structures have been established in response to the requirements of Annex K to the Treasury Board submission for "Implementation of the Act Respecting the Protection of Wildlife Species in Canada" and have been formalized in the Cooperative Management Framework for the National Strategy for the Protection of Species at Risk involving the three core departments. These structures include

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<sup>12</sup> The Species at Risk Advisory Committee comprises 20 representatives from environmental NGOs, industry, and agricultural organizations, as well as other members with particular expertise in wildlife science and public policy development/implementation, concerned with implementation of the *Species at Risk Act*.

- the Deputy Ministers Committee, which reviews key strategies and issues for submission to ministers and makes recommendations to ministers on SARA re-allocation and re-profiling proposals;
- the three core departments' SARA Assistant Deputy Ministers Committee, which is responsible for the overall management of SARA implementation. The Committee makes recommendations to the deputy ministers on program and policy issues and re-allocation proposals. It also reports annually on progress and program performance;
- the Directors General Operations Committee, which is responsible for: identifying program and policy issues which require resolution and proposing solutions; monitoring overall program progress and results; coordinating and reviewing program evaluations; preparing integrated reports on progress and performance for review by the Assistant Deputy Ministers Committee; and advising on funding pressures and re-allocation proposals;
- additional interdepartmental governance structures to oversee the implementation of the Habitat Stewardship Program and the Interdepartmental Recovery Fund; and
- additional federal task forces and working groups established as required to provide advice to and respond to the direction of these committees.

#### **4. Departmental Delivery Structures**

Each of the three core federal departments has its own established structures for internal planning and decision making with respect to species at risk issues.

Within Environment Canada, implementation of the Act and related programs falls (largely) under the responsibility of the Canadian Wildlife Service and its Executive. The Canadian Wildlife Service supports SARA implementation *in toto* by supporting the core department's management structure. This includes

- coordinating reporting and monitoring of the progress and performance of the implementation of the Act against objectives, milestones, performance indicators, results, and expenditures; and
- providing advice to, and coordinating and preparing material on overall program issues for review by assistant deputy ministers, deputy ministers and ministers.

Within Parks Canada, the Ecological Integrity Branch is responsible for implementation of the Act and related programs. The Branch is part of the National Parks Directorate, which develops program direction and operational policy for Parks Canada's natural programs. Parks Canada's Executive Board is its senior decision-making body and is responsible for strategic direction and resource allocation, including for its species at risk programs.

Within Fisheries and Oceans Canada, a corporate SARA Office with six full-time staff has been established to oversee and coordinate SARA-related activities within the Department. The Special Advisor to the Deputy Minister for Species at Risk (an assistant deputy minister level position), heads the group.

## **5. Governance Mechanisms for the Canada-British Columbia Agreement on Species at Risk**

Dedicated governance structures have also been created to support implementation of the Canada-British Columbia Agreement on Species at Risk, established pursuant to section 10 of the *Species at Risk Act*. These structures include

a Canada-British Columbia Steering Committee, comprising the following:

- Regional Director General, Environment Canada, Pacific and Yukon Region
- Director General, Parks Canada, Western and Northern Canada
- Regional Director General, Fisheries and Oceans Canada, Pacific Region
- BC Deputy Minister, Water, Land and Air Protection
- BC Deputy Minister, Agriculture, Food and Fisheries
- BC Deputy Minister, Forests

The Steering Committee meets annually to provide overall strategic direction to the Coordinating Committee (see below) and to ensure that communication, cooperation, and collaboration between the Parties with respect to species at risk issues and needs in British Columbia are clear.

The dedicated governance structures for the Canada-British Columbia Agreement of Species at Risk also includes a Canada-British Columbia Coordinating Committee, comprised of representatives of

- Environment Canada, Pacific and Yukon Region
- Parks Canada, Coastal BC Field Unit
- Fisheries and Oceans Canada, Pacific Region
- BC Ministry of Water, Land and Air Protection
- BC Ministry of Agriculture, Food and Fisheries
- BC Ministry of Forests

The Coordinating Committee meets at least twice per year to

- coordinate federal and provincial species at risk planning, protection and recovery initiatives including priorities for joint actions;
- share information on legislation, regulations, policies or operational guidelines either in place or under development that could directly or indirectly affect species at risk planning, protection and recovery in British Columbia;
- coordinate recovery processes and procedures to meet the requirements of federal and provincial legislation;
- review and comment upon species recovery strategies and action plans, consistent with time lines set out in federal or provincial legislation, prior to forwarding them for approval, to ensure each Party is aware of each other's interests;
- serve as the Regional Implementation Board for the Habitat Stewardship Program; and
- establish additional working groups or advisory committees as necessary, including a stakeholder advisory committee.

## **6. Other (Non-mandated) National Committees and Structures**

There are a wide number of additional (non-mandated) committees, task forces and working groups that also influence the development and implementation of federal species at risk programs. Such groups include, but are not limited to, the following:



- The **Canadian Wildlife Directors Committee** — consisting of the directors of wildlife of each province and territory, the five regional directors and Director General of the Canadian Wildlife Service, and one representative each from Fisheries and Oceans Canada and Parks Canada. This committee was established to provide leadership in the development and coordination of policies, strategies, programs and activities that address wildlife issues of national concern and contribute to the conservation of biodiversity. The Committee reports to and advises the Canadian Endangered Species Coordinating Council.
- The **National Recovery Working Group** — composed of representatives of the 16 federal, provincial and territorial government agencies responsible for wild species. The working group is co-chaired by the Chief of the Recovery Division of the Canadian Wildlife Service and a provincial/territorial representative. The National Recovery Working Group aims to meet twice a year and reports to the Canadian Wildlife Directors Committee. The role of the working group is to
  1. develop guidelines for and advise recovery teams on scientific, technical and policy matters pertaining to the national recovery process;
  2. develop guidelines, criteria, procedures and other tools to support the national recovery process and develop policy or procedural recommendations (for consideration or approval by the Canadian Wildlife Directors Committee) for improving the national recovery program;
  3. provide guidance where appropriate to improve recovery team processes and performance;
  4. promote training of recovery teams and others in the national recovery process and in scientific aspects of recovery;
  5. provide advice on effective integration of national, federal, provincial, territorial and independent recovery programs and processes (e.g., integration of stewardship and recovery programs);
  6. provide advice on any recovery matters at the request of the Canadian Wildlife Directors Committee; and
  7. immediately following COSEWIC assessment meetings, decide on respective jurisdictional responsibilities for species assessed as extirpated, endangered, threatened or of special concern; rank species nationally; and initiate recovery planning.

## **1.5 Scope of Evaluation**

The evaluation assesses the core departments' progress in delivering the agreed-upon outputs and achieving the anticipated results of SARA over the period from June 2003 through December 2005. The **scope** of the evaluation includes

- the activities and outputs of cross-departmental governance and administrative support structures;
- the activities and outputs of COSEWIC;
- processes established to ensure effective Aboriginal involvement, including the National Aboriginal Council on Species at Risk;
- Environment Canada programs and activities related to implementation and support of the Act;

- Fisheries and Oceans Canada programs and activities related to implementation and support of the Act;
- Parks Canada programs and activities related to implementation and support of the Act;
- other federal departments and agencies' programs and activities related to implementation and support of the Act;
- processes established to ensure intergovernmental cooperation across Canadian jurisdictions (i.e., Canadian Endangered Species Conservation Council); and
- activities and outputs of provinces/territories undertaken under the auspices of the Accord and that contribute to the objectives of the Act.

## **1.6 Evaluation Approach and Methodology**

The evaluation is formative in nature. It measures progress towards achieving results, such as whether systems and procedures are in place to implement the Act and deliver related federal programs, and whether the core departments are on track to eventually achieve the intended outcomes. It does not evaluate actual biological outcomes associated with species at risk and their habitat. The Act and related programs have not all been in place long enough to fully evaluate their impacts and their contribution to protecting and recovering species at risk and their habitat.

Responsibilities for delivering on the various obligations under SARA and its related programs are distributed across the three core departments, as well as across a multitude of external organizations and committees, as noted above. For the purposes of this evaluation, a decision was taken to organize the evaluation framework in a manner that corresponds directly to the main program components detailed in Appendix B.

This evaluation is "evidence-based." That is, its conclusions and recommendations are based on objective, quantitative and documented evidence to the fullest extent possible. The evaluation was conducted in accordance with the work plan described in the Evaluation Plan prepared by Environment Canada's Audit and Evaluation Directorate.

The major project phases included

- Phase I: Evaluation Planning;
- Phase II: Data Collection and Review;
- Phase III: Analysis and Development of Findings;
- Phase IV: Debriefing; and
- Phase V: Reporting.

Additional details on the evaluation methodology are provided in Appendix A.

The evaluation process involved multiple perspectives across multiple lines of enquiry, including

- document review and interviews with responsible program personnel and managers in the three core departments;
- survey responses from 285 interested parties (Working Paper I provides a stand-alone summary and analysis report of the survey responses);

- interviews with 64 key informants having in-depth knowledge of the Act and supporting federal programs and activities (Working Paper II provides a stand-alone summary and analysis report of the views expressed by the key informants); and
- case studies of six different species at risk chosen to be illustrative across different species, departments and ecosystems (each of the individual case studies was submitted under separate cover as Working Paper III through Working Paper VIII).

All findings from this evaluation were validated by departmental personnel, and a series of presentations were held to debrief key managers in all the core departments.

## **2.0 FINDINGS BY KEY PROGRAM COMPONENT**

This section provides evaluation findings for each key component of the evaluation framework:

1. Common support mechanisms – Section 2.1
2. Aboriginal involvement – Section 2.2
3. Assessment, response, and listing – Section 2.3
4. Recovery planning – Section 2.4
5. Recovery implementation – Section 2.5
6. Protections (permitting, compliance promotion, and enforcement) – Section 2.6

The material is organized in a consistent manner in each section, documenting

- a brief introductory overview of the key component and its related provisions under the Act, where applicable;
- identification of the expected outputs and intermediate outcomes associated with the program area, as identified in the program profile (see Appendix B);
- a summary of the major accomplishments achieved and outputs produced during the evaluation period, in relation to the program component;
- a discussion of the key issues and challenges identified that may limit the federal government's ability to deliver the expected outputs and achieve the identified intermediate outcomes, in relation to the program component; and
- an assessment of the extent to which anticipated intermediate outcomes are being realized or are likely to be realized, based on progress to date.

### **2.1 Common Support Mechanisms**

#### **Overview**

The Act recognizes that responsibility for the conservation of wildlife in Canada is shared among governments and that it is important for them to work cooperatively, and according to the principles established under the Accord for the Protection of Species at Risk. The Act itself recognizes the role of the Canadian Endangered Species Conservation Council to

- provide general direction on the activities of COSEWIC, the preparation of recovery strategies and the preparation and implementation of action plans; and,
- coordinate the activities of various Canadian governments, relating to the protection of species at risk.

Furthermore, the Act provides the Minister of the Environment and other competent ministers with the authorities to enter into administrative agreements with other governments with respect to the administration of any provision of the Act, or to delegate to them powers or functions relating to enforcement of the Act. The Act also provides the Minister of the Environment with discretionary powers to establish one or more additional advisory committees.

The Act requires that the Minister of the Environment

- table an Annual Report to Parliament on implementation, including but not limited to topics specified by the Act;
- convene, at least once every two years, a round table of persons interested in matters respecting the protection of species at risk in Canada, to advise the Minister on other matters; and
- establish a public registry, including but not limited to documentation specified by the Act, for the purpose of facilitating access to matters under the Act.

There are also broad expectations that the three core departments will coordinate their species at risk programs and activities and deliver these in a federally consistent manner—across departments, regions, and species.<sup>13</sup> The roles and responsibilities of non-mandated governance structures to achieve this objective are detailed in Annex K to the Treasury Board submission for implementation of the *Species at Risk Act* in the Cooperative Management Framework for the Strategy for the Protection of Species at Risk, as discussed in Section 1.4 above.

## **Expected Outputs and Related Outcomes**

The following expected outputs and intermediate outcomes were identified with respect to the common support mechanisms that the core departments were expected to establish in support of species at risk activities and programs:

<b>Common Support Mechanisms – Expected Outputs</b>	<b>Common Support Mechanisms – Expected Intermediate Outcomes</b>
<ul style="list-style-type: none"><li>• Annual Report to Parliament</li><li>• Public awareness sessions on the new Act and on key issues</li><li>• Roundtable of interested parties convened</li><li>• Agreements, protocols, and memoranda of understanding developed with provinces, territories, other government departments, and wildlife management boards</li><li>• Supporting federal policies/regulations developed in key areas</li><li>• CESSC Secretariat created</li><li>• Public provided access to SARA information and documents</li></ul>	<ul style="list-style-type: none"><li>• Parties to the Accord for the Protection of Species at Risk cooperate in national implementation priorities</li><li>• Federal species at risk programs are administered in a coordinated, effective and efficient manner</li><li>• Canadians have the information and opportunity to contribute to the protection of species at risk and their habitat</li></ul>

<sup>13</sup> The core departments' commitments to deliver coordinated, federally consistent species at risk activities and programs are detailed in the Treasury Board submission concerning species at risk implementation.

## **Accomplishments**

### **1. National Cooperation**

To assist with intergovernmental cooperation, a Secretariat for the Canadian Endangered Species Conservation Council has been created and is housed within Environment Canada. The evaluation found evidence that the CESSC, along with committees of relevant deputy ministers and jurisdictional wildlife directors, met regularly and, as part of their duties, addressed issues and provided advice on aspects concerning implementation of the federal act. More specifically, the October 2005 meeting of the Council demonstrated that it is beginning to take important steps to direct the development of a more effective and efficient (i.e., ecosystem-based) approach to the recovery of species at risk. In the context of the key informant interviews, provincial and federal representatives indicated that the Accord for the Protection of Species at Risk provides a good, stable framework for cooperative action and continues to facilitate the development of an integrated, national approach to species at risk issues in Canada.

The evaluation also found evidence that the Canadian Council of Fisheries and Aquaculture Ministers had established an Aquatic Species at Risk Task Group. The Task Group is meeting regularly and provides advice and technical support to the Canadian Endangered Species Conservation Council on matters concerning aquatic species.

To further facilitate cooperation, the three core departments have been actively exploring the development of bilateral agreements with each province and territory. As of December 31, 2005, one such formal agreement, the [Canada-British Columbia Agreement on Species at Risk \(2005\)](#), had been entered into. The evaluation also found that national cooperation on species at risk issues continues to be facilitated through the activities of other, non-mandated organizations and structures, including but not limited to the following:

- Canadian Wildlife Directors Committee
- National Recovery Working Group
- Canadian Council of Fisheries and Aquaculture Ministers
- Species at Risk Advisory Committee

### **2. Public Awareness**

Public awareness on species at risk issues is being raised through a number of mechanisms. The [Public Registry](#) on species at risk has been established to facilitate public access to information respecting implementation of the Act. The Public Registry contains the content specified by the Act. The public's use of the Registry has increased significantly and steadily over the first two and a half years of its existence and it now has more than 1500 individually registered subscribers. The most frequently requested information on the Registry relates to species profiles, status reports and the Act itself. Results of the electronic survey and key informant interviews indicate that interested parties are, generally, pleased with the Registry and see it as a good tool for obtaining general information on the implementation of the Act. In addition to the Registry, each of the three core departments continues to maintain species at risk Web pages that contain additional and relevant information of interest to the public.<sup>14</sup> The core

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<sup>14</sup> See [Environment Canada Species at Risk Web page \(http://www.cws-scf.ec.gc.ca/theme.cfm?lang=e&category=12\)](http://www.cws-scf.ec.gc.ca/theme.cfm?lang=e&category=12), [Fisheries and Oceans Canada Species at Risk](#)

departments also conducted other outreach and engagement activities during the evaluation period, including a coordinated and co-hosted initial round of cross-country workshops in 2003–2004, along with other department-specific outreach activities. Public awareness is also being raised through the publication of the [Annual Report](#) to Parliament.

### **3. Coordinated Federal Response**

In terms of developing a coordinated, federally consistent approach to implementation of the Act and its related programs, the evaluation found evidence of good and willing cooperation among the three core departments. The SARA Assistant Deputy Ministers Committee met occasionally during the course of the evaluation, while the SARA Directors General Operations Committee met more regularly. The core departments also established a number of additional task forces and working groups to address issues of relevance. In the context of the key informant interviews, representatives of each of the core departments indicated that the Cooperative Management Framework for the Strategy for the Protection of Species at Risk provides a good, stable framework for cooperative and coordinated action across the core departments, and that this Framework should be reviewed and re-signed upon its expiry on March 31, 2006.

## **Issues and Challenges**

### **1. Measurement and Reporting Framework to Support Implementation of the Accord**

The parties to the Accord view national implementation as “a work in progress.” As such, the parties have yet to fully meet all the commitments of the Accord. Of particular relevance to this evaluation, however, is that the federal government lacks a measurement and reporting framework to provide information on the actual implementation of the Accord, the degree to which complementary legislation and programs for the protection and recovery of species at risk have been put in place by other levels of government, and the degree to which federally listed species at risk and their habitat are being effectively protected by those governments. While one bilateral agreement is in place (with British Columbia), additional time will be needed to assess its effectiveness.

### **2. National Cooperation**

Progress in reaching agreements with other jurisdictions has been slow and protracted. Those delays have had impacts on the ability of the federal government, and Environment Canada in particular, to meet requirements legislated under SARA for species for which, under the Accord, the provinces and territories have been designated lead/co-lead authority (see Section 3.4 – Recovery Planning). For their part, provincial and territorial representatives commented that ongoing delays in developing the federal policy guidance framework in support of SARA have contributed to uncertainties, and that they remain hesitant to enter formal agreements unless and until increased clarity and certainty are provided. While the Accord recognizes jurisdictional responsibilities over individual species, SARA itself is explicit in assigning responsibilities to meet legislated time lines and requirements to competent ministers, not to the provinces and

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[Web page \(http://www.dfo-mpo.gc.ca/species-especes/home\\_e.asp\)](http://www.dfo-mpo.gc.ca/species-especes/home_e.asp), and [Parks Canada Species at Risk Web page \(http://www.pc.gc.ca/nature/eep-sar/index\\_e.asp\)](http://www.pc.gc.ca/nature/eep-sar/index_e.asp).

territories. This creates a dilemma for the federal government, and Environment Canada in particular. On the one hand, it faces legal challenges and risks in instances where it is relying on provinces and territories to help meet legislated obligations and to effectively protect species at risk and their habitat. On the other hand, there are risks that the generally positive federal/provincial/territorial cooperation achieved to date through the Accord could be undermined if the federal “safety net” or other unilateral federal action becomes necessary.<sup>15</sup>

### **3. Species at Risk Advisory Committee**

The Minister has established a non-mandated Species at Risk Advisory Committee. While the Advisory Committee is meeting as planned, participants, including federal representatives, are expressing frustration that this advisory committee is not meeting their needs and that it is functioning largely as an outreach rather than an advisory mechanism. In particular, participants are frustrated by not being adequately involved in, and by the lack of transparency in, the federal policy development process. Some participants expressed frustration with the Committee’s nearly exclusive focus on issues of relevance to the Minister of the Environment, as a competent minister. Participants would like an increased focus on issues related to the Minister for Fisheries and Oceans Canada, the competent minister for aquatic species.

### **4. Strategic Approach to Public Awareness**

With respect to public awareness issues, a broadly coordinated, funded and strategic approach is lacking. As a result, limited awareness continues to be reported among key operational land managers within governments, industry, municipalities, and Aboriginal peoples’ organizations, as well as private landowners. Stakeholders and partners have expressed concern that the consultation policy/guideline is outstanding. Others, such as Aboriginal peoples and those in the Arctic in particular, expressed concern that the Government of Canada has not coordinated its public engagement and consultation activities in a manner which reflects their limited capacities to respond. With respect to the Public Registry itself, stakeholders identified a number of areas requiring further improvement. These include the following:

- More needs to be done to allow the Registry to better support mandated consultation activities.
- Stakeholders are looking for more information on SARA policies and guidelines in use by federal officials, recovery teams and planners, draft strategies and action plans, enforcement activities, implementation activities, and composition and minutes of key committees and advisory bodies, including NACOSAR, the Canadian Endangered Species Coordinating Council, and the Species at Risk Advisory Committee.<sup>16</sup>
- A clearer architecture and better integration with respect to department-specific species at risk Web pages is desired, to improve access to relevant information.

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<sup>15</sup> Fisheries and Oceans Canada has jurisdiction for aquatic species, everywhere. The safety-net aspect of SARA does not apply to aquatic species.

<sup>16</sup> While resources were made available to conduct national workshops on SARA in 2003–2004, the core departments have not been resourced to undertake broader strategic communication and engagement activities.

## **5. Coordination and Leadership**

While federal cooperation on implementation of the Act is evident, a coordinated, federally consistent approach is lacking—across departments, regions, and species. The evaluation identified a number of issues that require further attention to address this objective.

Key informants, federal personnel, and other interested parties widely noted that the absence of a clearly identified focal point for coordinating species at risk issues and providing clear leadership and direction on matters relating to the Act has been a significant shortcoming with respect to implementation to date. Universally, all parties look to Environment Canada and the Canadian Wildlife Service, in particular, to play a more prominent role in this regard in the future.<sup>17</sup>

This lack of clear direction and leadership has contributed to limited progress in developing and communicating an agreed-upon, federal policy and guidance framework to support decision making on relevant activities and issues. The core departments have identified more than 20 policy/guidance areas that require interdepartmental resolution. Yet, three years into program implementation, the core departments have unresolved views on several of these key policy issues.

Another reason for the lack of progress in developing the guidance framework is that complex issues with respect to policy and oversight are not being resolved as intended. With many policy/guidance issues requiring department and government-level direction, the core departments' species at risk personnel did not feel that they were mandated to establish policy/guidance and direction in many areas. Rather, they looked to the Assistant Deputy Minister and Deputy Minister Committees to provide this direction and to function as dispute resolution mechanisms, or arbiters, on issues where program personnel from the core departments could not reach an agreement. While the SARA Directors General Operating Committee met as intended throughout the evaluation period, the SARA Assistant Deputy Ministers Committee met irregularly, while the Deputy Ministers Committee met only once. As such, no mechanism was available for resolving outstanding issues.

In the absence of clearly defined direction and leadership emanating from Environment Canada for matters relating to implementation of the *Species at Risk Act*, the boundaries between the multitude of departmental, federal, and national governance mechanisms for species at risk have generally become blurred. This is an issue of particular importance to program and regional managers within Environment Canada. These managers serve on, provide support and advice to, and receive advice and direction from multiple bodies, each of which has a mandate to coordinate and advise on species at risk activities. These bodies include, but are not limited to, the following groups:

- Canadian Wildlife Service Species at Risk Chiefs Working Group
- Canadian Wildlife Service Executive
- SARA-related outcome project plans, to support departmental planning activities

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<sup>17</sup> The period of initial implementation also coincided with a major “transformation” exercise within Environment Canada, although it was not specifically identified by key informants as a cause for the perceived lack of clarity on policy and direction setting.



- working groups / task forces / committees established across the three core departments
- national recovery working groups
- Canadian Wildlife Directors Committee
- Canadian Endangered Species Conservation Council

Program and regional managers noted that they are often uncertain about the authority of these bodies with respect to departmental and federal direction-setting for species at risk issues, and whether policy and directional statements made by any of these bodies are to be understood and responded to as departmental, or Government of Canada positions.

In addition to the lack of a coordinated, federally consistent foundation for species at risk programs and activities, the evaluation found that the core departments have not delivered on certain specified process requirements respecting their collective fiduciary responsibilities:<sup>18</sup>

- The evaluation found no evidence that the specified, program-wide, semi-annual and annual financial and progress reporting is taking place.
- The evaluation found no evidence that the Assistant Deputy Ministers Committee is playing an oversight role for species at risk financial allocations, specifically:
  - financial reports were neither requested nor approved;
  - progress reports were neither requested nor approved; and
  - resources were re-allocated outside of species at risk programs (within Environment Canada) without recourse to the procedures and approvals specified.
- The evaluation found no evidence that the Canadian Wildlife Service had made attempts to satisfy these and other aspects of the species at risk program's governance, for which it was assigned responsibility *in toto*.

## **Assessment**

The evaluation found limited progress towards achieving the expected outcomes associated with establishing common supporting mechanisms with respect to species at risk programs and activities. In several areas, however, the core departments are not yet on track and have not established all the cross-cutting structures and mechanisms needed to support the Act and its related programs and activities.

- While the parties to the Accord for the Protection of Species at Risk are cooperating well on species at risk issues, this cooperation is insufficient to ensure that the requirements and objectives of the federal *Species at Risk Act* will be met.
- Canadians do have access to most of the relevant information. Nevertheless, their opportunity to participate in SARA-related consultations and contribute to the protection of species at risk and their habitat is limited due to the lack of a formal, funded, coordinated and strategic (national) approach to public consultation, outreach, and involvement. While a strategic outreach and engagement program is needed, it should be noted that the core departments were not resourced to undertake this.

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<sup>18</sup> As specified in Treasury Board submission Annex K: Governance

- A coordinated, federally consistent approach to species at risk implementation is lacking—across core departments, regions, and species. The three core departments need to do more to exercise their responsibilities and to ensure that complex issues with respect to policy and oversight are resolved in a more timely manner.

## **2.2 Aboriginal Involvement**

### **Overview**

The *Species at Risk Act* itself establishes the National Aboriginal Council on Species at Risk (NACOSAR) to provide advice and recommendations to the Minister and the Canadian Endangered Species Conservation Council. Under the Act, a COSEWIC Aboriginal Traditional Knowledge Subcommittee must be established. Moreover, the Act specifies that affected Aboriginal peoples must be involved in, and consulted on, all relevant activities, including assessment, listing, recovery strategy / action plan / management plan development and implementation, critical habitat protection, and permitting and related agreements. In addition, the Act recognizes existing Aboriginal and treaty rights, and the responsibilities accorded to Aboriginal peoples for the management and conservation of wildlife under various land claims agreements.

Given the requirements of the Act, as well as past court decisions, core departments have assessed the legal standard with respect to Aboriginal involvement as high, complex, and evolving. Recent court decisions suggest that there are three tests that need to be considered to support federal decision making involving Aboriginal peoples:

- adequate consultation on proposed decisions
- adequate rationale/justification, addressing the impacts on Aboriginal peoples and the benefits to Canadians, of decisions taken
- accommodation, where possible

These considerations were kept in mind when assessing the core departments' efforts to involve Aboriginal peoples in SARA-related issues during the evaluation period.

### **Expected Outputs and Related Outcomes**

The following expected outputs and intermediate outcomes were identified with respect to the core departments' activities and programs to support Aboriginal involvement:

Aboriginal Involvement – Expected Outputs	Aboriginal Involvement – Expected Intermediate Outcomes
<ul style="list-style-type: none"> <li>• NACOSAR is created and supported by a functioning secretariat</li> <li>• COSEWIC Aboriginal Traditional Knowledge Subcommittee is created.</li> <li>• Aboriginal people are consulted on species at risk issues</li> <li>• Aboriginal involvement and Aboriginal traditional knowledge are incorporated into recovery planning activities</li> <li>• Aboriginal involvement/ATK is incorporated into recovery strategy / Action Plan / management plan implementation</li> <li>• An Aboriginal Capacity Building Program is designed and implemented</li> <li>• Stewardship agreements to protect and recover species at risk and their critical habitat are put in place</li> </ul>	<ul style="list-style-type: none"> <li>• The federal government's fiduciary responsibilities towards Aboriginal people will be respected under SARA through consultation and facilitation of their involvement</li> <li>• Aboriginal peoples' capacity to participate in SARA-related issues will be increased</li> <li>• Critical habitat on Aboriginal lands is protected and recovered</li> </ul>

## **Accomplishments**

### **1. National Aboriginal Council on Species at Risk**

During the evaluation period, the three core departments worked with Aboriginal organizations to draft terms of reference and identify nominees for NACOSAR. A NACOSAR Secretariat has been established within Environment Canada and in 2005, the Minister made formal appointments to NACOSAR, which consists of six representatives of the Aboriginal peoples of Canada, as selected by the Minister and based upon recommendations from Aboriginal organizations. NACOSAR then held its inaugural meeting during the summer of 2005.

### **2. COSEWIC Aboriginal Traditional Knowledge Subcommittee**

While a fully functional COSEWIC Aboriginal Traditional Knowledge Subcommittee was not in place for the period covered by the evaluation, two co-chairs were appointed. They contributed to COSEWIC work, including policy and procedure developments, species assessments, and development of draft terms of reference for the Subcommittee. As well, Aboriginal organizations did submit nominations for consideration by the Minister of the Environment.

Although the Subcommittee was not formally established, COSEWIC nevertheless did make informal efforts to incorporate Aboriginal traditional knowledge into the assessments of some species, including Peary caribou, salmon species, beluga whale, and northern wolverine.

### **3. Other Expected Outputs**

With respect to delivery on other expected outputs, the evaluation found that other obligations and deliverables had been addressed only in part. Specifically,

- an Aboriginal capacity-building program has been established and some limited activities have been undertaken to engage and build capacities regionally;

- an Aboriginal critical habitat program was also established and there has been limited activity to identify critical habitat on Aboriginal lands;
- numerous opportunities have been created for Aboriginal participation with respect to implementation of the Act;
- Fisheries and Oceans Canada, as a result of past experiences, is largely meeting its obligations and has undertaken extensive consultation and engagement activities with Aboriginal peoples;
- through long-standing relationships established to address some of its other issues and responsibilities, Parks Canada has made efforts to involve Aboriginal communities and organizations on several issues of relevance to SARA; and
- within Environment Canada, the Department's Prairie and Northern Region has developed a formal SARA Aboriginal engagement strategy to guide its efforts.

## **Issues and Challenges**

A number of issues and challenges exist and need to be addressed in order to ensure that the federal government's responsibilities towards Aboriginal people will be respected under SARA through consultation and facilitating their involvement.

### **1. Role and Capacity of NACOSAR**

While NACOSAR has only been recently constituted and it is too early to assess progress or determine whether the Council will make the expected contribution, there are a number of issues that have arisen, including the following:

- The NACOSAR Secretariat is currently being funded at half the levels requested by, and allocated to Environment Canada for this purpose. Presently, the Department provides the Secretariat with 1 full-time employee and a \$500,000 operating budget, whereas the corresponding Treasury Board envelope allocated 2 full-time employees and \$1 million per annum for this purpose.
- Relationship issues (role, scope of mandate, etc.) between NACOSAR and the COSEWIC ATK Subcommittee, and between NACOSAR and the Canadian Endangered Species Conservation Council remain to be clarified.
- NACOSAR's role in providing advice and input on policy formulation, especially as it concerns Aboriginal peoples and its role in developing a strategic approach to Aboriginal involvement in SARA activities also require further exploration and development.

### **2. Aboriginal Traditional Knowledge**

As of December 31, 2005, formal appointments to the COSEWIC ATK Subcommittee had not yet been confirmed and the Subcommittee had yet to meet. In addition, Aboriginal people's organizations and wildlife management boards, in particular, have expressed substantial concern over the limited extent to which Aboriginal traditional knowledge is being incorporated into federal species at risk processes, including species assessments. As a result, the Governor in Council referred the assessment of some species back to COSEWIC for further consideration of such issues. For its part, COSEWIC has expressed concerns that cultural, language and resource barriers may challenge the Committee's ability to take full advantage of Aboriginal traditional knowledge. A particular issue that needs to be resolved is where the resources for the collection and compilation of Aboriginal traditional knowledge will come from. Existing COSEWIC budgets do not provide sufficiently for this and the potential costs are

thought to be significant given that many of the individuals with Aboriginal traditional knowledge often live in more remote and isolated communities.

### **3. Aboriginal Capacity Building and Critical Habitat Funds**

While an Aboriginal Capacity Building Program has been created, the program has not yet been established on a sound footing. The program lacks a strategic and comprehensive (national) approach to delivery, and overarching governance and accountability structures are either lacking or considered inadequate. The program has been provided minimal funding and has carried out limited activity to date, with allocations at levels far below those provided for by Treasury Board. Aboriginal peoples' organizations, including NACOSAR, as well as Fisheries and Oceans Canada and Parks Canada, have indicated that Environment Canada has not engaged them sufficiently in the design and implementation of the Program. A Critical Habitat Fund was developed to accompany this capacity-building initiative. Although no critical habitat has been identified, funds have been allocated to projects that may lead to the future identification of critical habitat. Many of the resources intended for the Critical Habitat Fund, however, were re-profiled to other non-Aboriginal program areas.

### **4. Other Challenges**

A number of additional issues also require attention:

- Key policies/guidance on Aboriginal consultation and engagement are still being developed.
- Core departments lack adequate resources to adequately consult with Aboriginal peoples. In the absence of adequate consultation, there is a high risk of legal challenges by Aboriginal peoples.
- The roles and responsibilities of wildlife management boards, and the time lines and processes established through land claims agreements have not yet been formally integrated into SARA operating policies and guidelines.
- Recovery implementation on reserve lands is a major gap and the requirement for protection on Aboriginal lands is high, yet no formal stewardship agreements have been put in place with Aboriginal people.
- Core departments note that Aboriginal peoples have very limited resources and capacities to participate in SARA-related issues. On the other hand, Aboriginal organizations note that the lack of a federally coordinated approach to Aboriginal involvement and consultation means that the available capacities are not used as effectively and efficiently as they otherwise might be.
- Despite the generally more favourable views on the Department's efforts to date, First Nations have complained that Fisheries and Oceans Canada has still not consulted enough on the aquatic species for which it is the lead and for which consultations were held during the evaluation period.
- Parks Canada acknowledges that it requires a more comprehensive approach to Aboriginal involvement.
- Within Environment Canada, obligations are being addressed (largely) in a reactive, rather than a strategic and comprehensive manner in most regions. As such, Aboriginal involvement/consultation for non-aquatic species is seen as insufficient given the requirements of the Act. Moreover, despite the identified risks, challenges and needs, Environment Canada is directing less than one quarter of the total resources set aside for Aboriginal involvement (about \$1 million of the approximately \$4 million per annum) to this purpose.

## **5. Aboriginal Perspectives**

Reflecting on SARA implementation to date, Aboriginal peoples stated concern over what is perceived as an emerging “double standard” in terms of how Aboriginal peoples and their communities are considered in species at risk decision making. The following issues are of particular concern:

- There is a “double standard” in the consideration of Aboriginal cultural, subsistence and livelihood interests as compared to those with commercial interests involving individual species. This relates to the evaluation finding, discussed in Section 2.3 below, that Fisheries and Oceans Canada and Environment Canada take different approaches to the role and timing of socio-economic analyses. Aboriginal peoples express the view that, in making listing decisions with respect to aquatic species, Fisheries and Oceans Canada undertakes socio-economic analysis and adequately considers the interests of commercial fishers in the decision-making process. On the other hand, they perceive that their interests have not been adequately considered and that Environment Canada in particular has not undertaken sufficient analysis to support listing decisions for species that are of economic or cultural value to Aboriginal peoples.
- Aboriginal peoples are particularly concerned that application of the Act to reserve lands could significantly affect development plans on reserves, as well as development costs due to the need for environmental assessment activities, while not having an impact or creating associated costs on development of surrounding non-reserve lands.

## **Assessment**

Aboriginal peoples’ input and Aboriginal traditional knowledge have not yet been adequately incorporated into SARA-related decision making. Opportunities do exist for Aboriginal input, but there are concerns that Aboriginal involvement has not been sufficient, or well coordinated. This is an aspect of federal species at risk programs that presents significant risks. The policy issues related to Aboriginal involvement with SARA are complex. Addressing the risks and the significant number of outstanding issues and challenges will require more resources, increased Aboriginal involvement in program and policy development, and a more strategic, federally coordinated approach. In addition, Aboriginal concerns about a double standard with respect to SARA implementation will require further consideration. The Act will not be considered a success and will likely face significant challenges if it is seen to have a disproportionately negative impact on Aboriginal peoples.

## **2.3 Assessment, Response, and Listing**

### **Overview**

SARA provides for the formal establishment of the Committee on the Status of Endangered Species in Canada (COSEWIC), whose role is to assess the status of wildlife species considered to be at risk. In doing so, COSEWIC must carry out its functions on the basis of the best available information on the biological status of a species, including scientific knowledge, community knowledge, and Aboriginal traditional knowledge.

The Minister of the Environment must, within 90 days of receiving an assessment report of a wildlife species from COSEWIC, include in the Public Registry a report on how the Minister intends to respond. Subsequently, and within nine months after receiving the COSEWIC assessment report from the Minister of the Environment, the Governor in Council makes a determination to

1. accept the assessment and set out the species in Schedule 1 of the Act; or
2. decide not to add the species to Schedule 1; or
3. refer the assessment back to COSEWIC for further information or consideration.

## **Expected Outputs and Related Outcomes**

The following expected outputs and intermediate outcomes were identified with respect to the core departments' assessment, listing and response activities and programs:

<b>Assessment, Response and Listing – Expected Outputs</b>	<b>Assessment, Response and Listing – Expected Intermediate Outcomes</b>
Assessment: <ul style="list-style-type: none"><li>• Numerous outputs are expected (e.g., Secretariat established; 60 status reports published per year; assessment of species on Schedule 2; COSEWIC procedures made SARA-compliant, etc.)</li></ul>	Assessment: <ul style="list-style-type: none"><li>• Government and public support and acceptance of COSEWIC as a scientifically credible, non-partisan body</li><li>• Decisions are made on species at risk, including species of special concern, on the basis of timely, scientifically credible, and non-partisan advice</li><li>• Species at risk are formally identified</li></ul>
Response and Listing <ul style="list-style-type: none"><li>• Legal obligations are met</li><li>• Listing decisions are made</li><li>• Science / basic research to support species at risk priorities is undertaken</li></ul>	Response and Listing <ul style="list-style-type: none"><li>• Species at risk are formally identified and legally protected</li></ul>

## **Accomplishments**

The evaluation found that the expected outputs associated with COSEWIC and the species assessment, response, and listing processes are being delivered as planned.

### **1. COSEWIC Activities**

The COSEWIC Secretariat has been established within Environment Canada and COSEWIC members have expressed strong support for the work of the Secretariat. COSEWIC has reviewed and revised its processes and procedures to ensure that they are compliant with the requirements of the Act. The evaluation found that COSEWIC is producing the expected number of species assessments each year. Indeed, 213 status reports were delivered to the Minister of the Environment over the evaluation period. This includes all of the species set out in Schedule 2 of the Act at the time it entered into force, in June 2003, with the exception of three species for which the Committee has been provided formal extensions.<sup>19</sup>

Competent ministers and provincial representatives reported that COSEWIC is responding well to the direction provided annually by the Canadian Endangered Species

<sup>19</sup> Section 130 of the Act required COSEWIC to assess the status of each wildlife species included on Schedule 2 of the Act within 30 days of the Act entering into force (i.e., June 5, 2003).

Conservation Council<sup>20</sup> and is preparing and submitting [annual reports](#) to the Canadian Endangered Species Conservation Council, as required under the Act. More importantly, the results of the electronic survey and key informant interviews suggest that COSEWIC is already on its way to achieving the expected outcomes associated with it. Specifically, interested parties generally<sup>21</sup> support COSEWIC and view it as a scientifically credible and non-partisan body.

## **2. Science and Research**

With respect to conducting science and basic research to support the assessment process, the evaluation found evidence of well-established programs in Parks Canada and Fisheries and Oceans Canada. Parks Canada has established a science/research/monitoring program to support its efforts under SARA and has dedicated resources to, and is making progress in, surveying national parks and other national protected heritage areas. Parks Canada has also developed tools and procedures to better share scientific data and information across jurisdictions and partner organizations. Fisheries and Oceans Canada continues to invest in science and inventory work in support of aquatic species at risk, to the extent that such work is resourced by the Treasury Board, but has noted that the resources available are insufficient given the need.

## **3. Federal Response and Listing Process**

The evaluation found that the expected outputs associated with the federal response and listing process are also being delivered as planned. More specifically, the Minister of the Environment responded to all assessments within the 90-day time frame stipulated by the Act. Moreover, listing decisions subsequent to receipt of COSEWIC assessments are being made in accordance with the Act's requirements. In fact, 86 percent of species are being handled through the normal process, and the remaining 14 percent through the extended process.<sup>22</sup>

The evaluation also found that the expected intermediate outcomes associated with the federal response and listing process are already being achieved. To date, 130 additional species and individual populations have been formally identified as being at risk and have been provided

- legal protection on federal lands for all species;
- legal protection on all lands for listed migratory birds; and
- legal protection in all waters for aquatic species.

At the same time, federal listing decisions demonstrate support for COSEWIC and the assessment process. Of the 151 listing decisions reached by Governor in Council to

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<sup>20</sup> As of December 31, 2005, COSEWIC reported that it had not yet received the expected annual instructions from the Canadian Endangered Species Conservation Council for the 2005–2006 operating year.

<sup>21</sup> There are some exceptions. These are discussed under issues and challenges, below.

<sup>22</sup> Section 27 of the Act specifies that listing decisions must be reached within nine months of the Governor in Council receiving an assessment of the status of a species by COSEWIC. Under the normal process, the Minister of the Environment forwards the assessment to Governor in Council at the time of posting a response statement and within 90 days of the Minister's receipt of the assessment from COSEWIC. Under the "extended process," the Minister delays forwarding the assessment to Governor in Council, pending extended consultations with affected parties.



date,<sup>23</sup> more than 86 percent have been in accordance with the COSEWIC status assessments.

Table 1 below provides an overview of federal listing decisions to date.

**Table 1: Response and Listing Decisions**

Assessment, Response, and Listing Decisions	#	Comments
Total number of COSEWIC assessments (batches 1 and 2) <sup>24</sup>	158	
Number of GIC decisions made	151	Seven species are being considered under the "extended process." Decisions are anticipated in August 2006.
Number of GIC decisions to "Not List"	12	8%
Number of GIC decisions to "Refer Back to COSEWIC"	9	6% (Includes polar bear - for which the Governor in Council initially reached a "no list" decision)
Number of GIC decisions to list species in Schedule 1	130	86%

## Issues and Challenges

Despite the accomplishments to date, the established species assessment, response, and listing processes face a number of challenges and issues, which are described below.

### 1. COSEWIC Assessments and Supporting Science

Industry representatives and some Fisheries and Oceans Canada personnel expressed more criticism and less satisfaction with COSEWIC and the assessment process. Fisheries and Oceans Canada in particular perceives a bias in the scientific community towards listing of species and feels that there is a need for appropriate checks and balances to manage data-deficient species. COSEWIC members and personnel from the other core departments are also concerned about the availability of science to support assessments and listing decisions. In particular, population trend data is currently available for less than one third of all listed species. COSEWIC members also expressed concerns that available resources and data are insufficient to satisfy increasing demands for "bullet proof" assessments. As such, widespread concern was expressed that federal and provincial investments in science, monitoring, and inventorying are grossly insufficient given the objectives and requirements of the Act. Environment Canada in particular lacks a well-defined program and priorities for undertaking basic research and science in support of species at risk. The current levels of effort and financial resources dedicated to this fall below those planned and allocated for in the Treasury Board submission.

<sup>23</sup> Includes decisions reached in April 2006 on 12 aquatic species that were being considered under the "extended process."

<sup>24</sup> To date, COSEWIC has delivered three "batches" of species assessments to the Minister of the Environment. These batches were forwarded in January and July 2004 and in August 2005 respectively. Decisions on those species included in "Batch 3" (August 2005) are not expected until August 2006, for those being managed through the normal process. As such, those species are not included in the summary provided.

To date, COSEWIC has operated on a voluntary basis. There is concern, however, that this model may not be sustainable given a number of factors, including workload, demand for “bullet proof” assessments, and the significance of the committees’ assessments vis-à-vis eventual listing decisions for higher profile species.

## **2. Aboriginal Traditional Knowledge and Community Knowledge**

More work is needed to incorporate community knowledge and Aboriginal traditional knowledge into COSEWIC assessments. The establishment of the Aboriginal Traditional Knowledge Subcommittee has encountered delays. Terms of reference have been established for the sub-committee, however, and Aboriginal organizations have made nominations for the Subcommittee to the Minister of the Environment. As of December 31, 2005, however, the Subcommittee members had not yet been appointed and the Subcommittee had not met.

## **3. Federal Response and Listing Process**

External stakeholders are concerned with the inconsistent approach across departments and species, and the accompanying lack of transparency in reaching listing decisions. The absence of agreed-upon operational policies and guidelines to support listing decisions has had significant impacts on Environment Canada. Considerable staff and management time is being spent in responding in a reactive manner to challenging and high-profile species and issues, which could otherwise be dealt with through formal operational policies and guidelines.

Guidelines to support Aboriginal involvement and consultation are still being developed. Federal personnel, Aboriginal peoples’ representatives and other interested parties express the view that Aboriginal involvement has been inadequate and has contributed to a number of high-profile “no list” decisions by the Governor in Council. On the other hand, wildlife management boards and Aboriginal peoples recognized Fisheries and Oceans Canada as being more proactive and strategic in ensuring appropriate Aboriginal involvement during the assessment and listing process. Also, guidelines to support broader consultation with affected parties are still being developed though again, Fisheries and Oceans Canada is perceived by Aboriginal peoples, commercial interests and other partners/stakeholders as being more strategic and proactive in engaging affected parties with commercial interests.

The evaluation found that Environment Canada and Fisheries and Oceans appear to take different approaches with respect to socio-economic analysis. Fisheries and Oceans Canada undertakes socio-economic analysis and cost/benefit analysis to support listing decisions concerning aquatic species.<sup>25</sup> Environment Canada, on the other hand, has not undertaken such analysis to support listing decisions and some officials interviewed consider that socio-economic analysis should be incorporated at a later stage, into the development of Action Plans for listed species. The evaluation found that departmental personnel and external stakeholders were all highly concerned by the different approaches to the role and timing of socio-economic analysis across the two core departments. Industry stakeholders, Wildlife Management Boards, and Aboriginal

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<sup>25</sup> The SARA listing process is a regulatory process and is guided by the [Government of Canada Regulatory Policy](#). This process requires socio economic analysis in order that benefits outweigh the costs to Canadians, their governments and businesses

peoples (generally) agree and support the Fisheries and Oceans Canada approach and are highly critical of Environment Canada's approach. Non-governmental organizations offer support for the Environment Canada approach, which involves consideration of socio-economic factors at the time of preparing Action Plans, and are critical of the Fisheries and Oceans Canada approach. Those stakeholders believe that only biological factors should be considered at the time of making listing decisions. Given the significant differences, there is a need for a clearer, federally-consistent approach to the role and timing of socio-economic analysis in support of species at risk and related listing decisions.

It was also observed that the guidelines to support other aspects of the listing process still needed to be developed, including

- decision making with respect to species with economic and/or cultural value, as well as species with non-wild populations;
- emergency listing decisions;
- de-listing;
- criteria to support "no list" decisions and decisions to refer species back to COSEWIC; and
- formal recognition of the mandated roles and responsibilities of wildlife management boards in the listing process.

Finally, insufficient resources to deal with assessment, response, and listing requirements remain a concern as there is an ongoing requirement to deal with new species for the foreseeable future and there is less readily available scientific information to support the assessment of many upcoming species.

## **Assessment**

The anticipated results associated with the federal assessment, response, and listing processes are already being realized. Assessments are being completed as planned and COSEWIC is widely perceived as a scientifically credible, non-partisan authority for assessing the status of species at risk. At the same time, species assessed as "at risk" are being listed and provided legal protections under the Act. Nevertheless, risks exist due to the lack of an agreed-upon, publicly communicated, and federally consistent approach to listing decisions. These risks need to be better managed so that affected parties can be assured of more equitable outcomes and so that the departments can increase the efficiency and effectiveness of their decision-making processes.

## **2.4 Recovery Planning**

### **Overview of the Act and its Provisions**

The Act requires that the competent minister<sup>26</sup> prepare a recovery strategy within specified time frames for every wildlife species listed as extirpated, endangered, or threatened and that a management plan be prepared for any species listed as being of

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<sup>26</sup> Competent minister means

- the Minister (currently Minister of the Environment) responsible for the Parks Canada Agency with respect to individuals in or on federal lands administered by that Agency;
- the Minister of Fisheries and Oceans Canada with respect to aquatic species; and
- the Minister of the Environment with respect to all other individual wildlife species.

“special concern.” The time lines specified by the Act for the development of recovery strategies and management plans differ, according to whether the species was added to Schedule 1 after having been previously included on Schedule 2 or 3 of the Act, or whether it has been added to Schedule 1 after Proclamation of SARA.

Table 2 provides an overview of the applicable time lines.

**Table 2: Recovery Planning Time Lines**

<b>Species status (Schedule 1)</b>	<b>Requirement</b>	<b>Species listed on SARA Schedule 1 as of June 5, 2003  (s. 42(2) &amp; s. 68(2))</b>	<b>Species set out in SARA Schedule 2 or 3 as of June 5, 2003  (s. 132 &amp; s. 133)</b>	<b>Other species not set out in SARA Schedule 1, 2, or 3 as of June 5, 2003  (s. 42(1) &amp; s. 68(1))</b>
<i>Extirpated</i>	Recovery strategy	Before June 5, 2007	(not specified)	Within 2 years of listing species in Schedule 1
<i>Endangered</i>	Recovery strategy	Before June 5, 2006	Within 3 years of listing species in Schedule 1	Within 1 year of listing species in Schedule 1
<i>Threatened</i>	Recovery strategy	Before June 5, 2007	Within 4 years of listing species in Schedule 1	Within 2 years of listing species in Schedule 1
<i>Special concern</i>	Management plan	Before June 5, 2008	Within 5 years of listing species on Schedule 1	Within 3 years of listing species on Schedule 1

The Act requires that critical habitat be identified within recovery strategies “to the extent possible” and requires that a schedule of studies be included in the recovery strategy to identify critical habitat where available information is inadequate. In addition, the Act includes requirements concerning

- cooperation with other governments, including wildlife management boards and Aboriginal organizations, in the development of the recovery strategy / management plan;
- consultation with affected parties, including landowners, during preparation of the recovery strategy / management plan;
- the contents of the recovery strategy / management plan; and
- a public comment period.

The Competent Minister must report on the implementation of the recovery strategy within 5 years of it being on the Registry and every subsequent 5 years thereafter.

The Act also requires that one or more action plans be prepared for each recovery strategy to guide implementation efforts for the recovery of species at risk and their habitat. The Act does not specify timelines for the development of action plans, but there needs to be a statement in the recovery strategy that states when one or more action plans will be completed. SARA also includes requirements concerning:

- cooperation with other governments, including wildlife management boards and Aboriginal organizations, in the development of the action plan;
- consultation with affected parties, including landowners, during preparation of the action plan;

- the contents of the action plan; and
- a public comment period.

The competent minister must monitor action plan implementation and related ecological and socio-economic impacts, as well as prepare and publish a report five years after the plan comes into effect.

## **Expected Outputs and Related Outcomes**

The following expected outputs and intermediate outcomes were identified with respect to the core departments' recovery planning activities and programs:

<b>Recovery Planning – Expected Outputs</b>	<b>Recovery Planning – Expected Intermediate Outcomes</b>
<ul style="list-style-type: none"><li>• Recovery Secretariat established</li><li>• Recovery strategies are produced within the Act's specified time lines (estimated 167 by 2007–08)</li><li>• Stakeholders are consulted on recovery strategies, action plans and management plans</li><li>• Critical habitat is identified for species at risk</li><li>• Aboriginal involvement and Aboriginal traditional knowledge is incorporated into recovery strategies</li><li>• Action plans for recovery strategy implementation are developed</li><li>• Management plans for species of special concern are developed (estimated 30 by year 5) within the legislated time lines</li></ul>	<ul style="list-style-type: none"><li>• Scientifically defensible and socio-economically desirable actions are identified (within legislated time lines) for the protection of species at risk and their environment</li></ul>

## **Accomplishments**

### **1. Recovery Strategies**

The evaluation found that progress has been made in developing recovery strategies for listed species. As of December 31, 2005, work has been initiated on more than half of the 345 species with recovery strategies / management plans due through 2010.

Table 3 provides an overview of the competent ministers and deadlines associated with those recovery strategies. Table 4 provides an overview of the current status of recovery strategy development.

**Table 3: Number of Species Requiring a Recovery Strategy, by SARA Time Line<sup>27 28</sup>**

Recovery Strategy Due Date	Listing Date	Total	EC	PC	DFO
January 2006	January 2005	16	9	4	3
June 2006	June 2003	105	68	20	17
July 2006	July 2005	12	6	5	1
January 2007	January 2005	11	8	3	0
June 2007	June 2003	85	52	13	20
July 2007	July 2005	6	6	0	0
January 2008	January 2005	25	17	0	8
June 2008	June 2003	43	31	2	10
July 2008	July 2005	11	5	1	5
January 2009	January 2005	11	8	2	1
July 2009	July 2005	6	4	1	1
January 2010	January 2005	10	9	0	1
July 2010	July 2005	4	4	0	0
<b>Totals:</b>		<b>345</b>	<b>227</b>	<b>51</b>	<b>67</b>

**Table 4: Progress in Recovery Strategy Development<sup>29</sup>**

Status of Strategy	January 2006	June 2006	July 2006	January 2007	June 2007	July 2007
Number Due	16	105	12	11	85	6
Recovery Planners in Place	0	15	1	1	21	0
Draft Completed	4	48	8	7	30	1
Peer Review of Draft Complete	8	27	1	0	10	0
Approval Stage	4	14	0	0	3	0
Posted	0	0	0	0	0	0
Previously Published Under RENEW/Accord	0	11	0	0	6	0

The progress in recovery planning development under SARA compares very favourably with past experiences under the Recovery of Nationally Endangered Wildlife in Canada (RENEW) process. RENEW was a non-mandated process, through which the federal and provincial/territorial governments cooperated in the development of non-mandated recovery plans for priority species. Over a two-decade period prior to SARA, RENEW led to the development of approximately 20 recovery plans.

## **2. Fisheries and Oceans Canada**

With respect to aquatic species, Fisheries and Oceans Canada has established a strategic approach (including priority setting, establishing accountabilities, allocating resources on a risk basis, as well as monitoring and reporting) to facilitate recovery

<sup>27</sup> This table includes only those species set out in Schedule 1 of the Act as of March 31, 2006.

Additional recovery strategies will be required as additional species are added to Schedule 1.

<sup>28</sup> Under the Accord process, provinces and territories have been assigned as Recovery Strategy "leads" for 183 of these species, and co-leads for a further 49 species.

<sup>29</sup> As compiled from the Recovery Information Management System (RIMS) on February 24, 2006.

planning. While the January 2006 deadline for posting relevant draft recovery strategies was not met, the required three recovery strategies were posted on the Public Registry on March 6, 2006. Within Fisheries and Oceans Canada, all 17 draft recovery strategies due in June and July 2006 are being developed and the Department appears on track to meet the deadlines associated with marine species specifically, but faces some challenges with respect to fresh water aquatic species. Fisheries and Oceans Canada is also making progress in the development of action plans as, typically, it develops them at the same time as recovery strategies.

### **3. Parks Canada**

The evaluation also found evidence of a strategic planning approach to facilitate recovery planning in Parks Canada. Parks Canada chairs most of the recovery teams for species falling under its responsibility, has established resource allocation criteria, and has effectively allocated resources to ensure timely completion of recovery strategies.

While Parks Canada did not meet the initial January 2006 deadline for posting the four relevant draft recovery strategies, it did post an explanation on the Registry and followed this up by posting three of the expected four recovery strategies on March 13, 2006. These three ecosystem level recovery strategies covered a total of 20 species, including the 3 species that were due in January 2006, 13 that are due in June and July 2006, with the remainder due in future years. At the time of the evaluation, Recovery Strategies were under development for all remaining (13) species led by Parks Canada and required by June/July 2006. Parks Canada expects that those recovery strategies will be posted in accordance with the deadlines and also expressed confidence that the resources and processes are in place to ensure that the relevant recovery strategies will be prepared to meet the 2007 deadlines.

### **4. Environment Canada**

Environment Canada has established a Recovery Secretariat to coordinate and facilitate recovery planning efforts across the core departments. The Secretariat has developed a Recovery Information Management System to assist in tracking the development, approval and posting of recovery strategies, action plans, and management plans.

In the Department's role as the competent minister, the evaluation found evidence that draft recovery strategies have been prepared for all nine species with recovery strategies due in January 2006, and that these were working their way through internal review and approval processes. It also found evidence that draft recovery strategies are being developed for 56 of the 81 species with strategies due in June and July 2006.

## **Issues and Challenges**

### **1. Legislated Deadlines**

The evaluation found that Environment Canada is struggling to meet the legislated deadlines for recovery strategies for which the Minister of the Environment is the competent minister. Strategies due in January 2006 had not been posted on the Public Registry at the time of preparing this report. Time lines for recovery strategies due in June and July 2006 are unlikely to be fully met, given the progress to date. Similarly, Fisheries and Oceans Canada is facing challenges in meeting legislated deadlines for

some freshwater aquatic species, noting a lack of scientific information and scientific capacity on freshwater species as key limitations. In addition, both departments express concerns that they are falling even further behind with those strategies and management plans due in 2007 and later.

Both departments face particular challenges, uncertainty, risks, and a lack of confidence that the SARA requirements will be met in situations where provinces or territories lead or co-lead the development of the recovery strategies. In the case of Environment Canada, provinces and territories have agreed to lead the development of more than 90 percent of the 227 species for which the Minister of the Environment is the competent minister.<sup>30</sup> While provinces/territories may agree to lead the development of species recovery strategies, SARA is explicit in assigning accountabilities to competent federal ministers to ensure that such strategies are posted in accordance with the time lines and other requirements of the Act. The evaluation found that Environment Canada has developed tracking tools and a contingency plan to address instances where provinces/territories are unable to develop recovery strategies to meet SARA requirements, but that these arrived too late to assist in meeting the January 2006 deadlines. A conclusion will need to be reached on the sufficiency of these tracking tools and contingency plans after a review of the recovery strategies due in June/July 2006.

## **2. Environment Canada's Recovery Planning Activities**

The evaluation found that Environment Canada has yet to put in place a strategic approach to support recovery planning efforts and thus faces the following further issues and challenges:

- The Department re-profiled approximately two thirds of the annual resources (\$12.8 million in 2005–2006) intended for recovery planning into other program areas, despite the challenges in the recovery planning area and the need to meet legislated deadlines to post recovery strategies for more than 160 species by July 2007.
- The Department has yet to finalize and test its internal approval process for posting recovery strategies where the Minister of the Environment is the competent minister.
- The supporting policy framework and guidance for development of recovery strategies has been revised numerous times over the past three years. This has led to significant inconsistencies and diversity in the strategies drafted to date. The evaluation found signs of recent stability,<sup>31</sup> but recovery planners and

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<sup>30</sup> Under the auspices of the Accord for the Protection of Species at Risk, species "leads" are assigned to the federal/provincial/territorial jurisdiction with the most responsibility under the Accord for protection of the species in question (e.g., Canadian Wildlife Service for a migratory bird; Parks Canada for a species found mostly within lands managed by the Agency; Fisheries and Oceans Canada for a marine species; and a province or territory for a species found mostly within the province or territory and on non-federal lands/waters). Co-leads are assigned in instances where two jurisdictions are seen to have similar/equal responsibility under the Accord for the species. Fisheries and Oceans Canada and a province or territory are often co-leads for freshwater fish found in one province or territory. Lead/co-lead responsibilities for development of recovery strategies are determined through the National Recovery Working Group, which makes recommendations for the approval of the Canadian Wildlife Directors Committee.

<sup>31</sup> Participants at the Fall 2005 meeting of the National Recovery Working Group agreed to finalize the [Recovery Operations Manual](#) (aka ROMAN) and thereafter consider revisions and adjustments only once annually.



recovery teams need additional engagement in and training on the current approach. At the same time, recovery planners and recovery teams express concern that the Department is about to embark on further fundamental changes to its conception of recovery planning.<sup>32</sup>

### **3. Critical Habitat**

Core departments have made very limited, and less than anticipated progress in identifying critical habitat through the recovery planning process.<sup>33</sup>

The challenges in identifying critical habitat are associated with a number of factors, including scientific considerations (e.g., an absence of information on some species and their habitats). Fisheries and Oceans Canada, in particular, reports that there is no path forward for addressing the knowledge gap and states that further guidance as well as more technical and scientific work are required to clarify expectations with respect to aquatic species and critical habitat. Parks Canada also notes that it has deferred identification of critical habitat within its recovery strategies because of lack of scientific knowledge. Policy considerations are also a factor. Where provinces/territories are leading recovery planning efforts, they report a reluctance to identify critical habitat on non-federal lands until the supporting policy framework is clarified (e.g., compensation, effective protection, identification of critical habitat, etc.).

These delays and challenges in identifying critical habitat could have significant repercussions on the progress made in implementing the Act and achieving its related intended outcomes.

### **4. Resources and Guidance to Support Consultation and Involvement of Affected Parties**

All core departments express concern about the lack of resources and policy guidance for involving Aboriginal peoples, consulting affected parties and conducting socio-economic assessments, in support of the recovery planning process.

### **5. Action Plans**

There is still a great deal of uncertainty and concern within the core departments about when and how action planning will be undertaken and implemented in support of recovery strategies. Presently each recovery planner/team is developing action plans on

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<sup>32</sup> In a presentation to the Canadian Endangered Species Conservation Council, Environment Canada concluded that the current (i.e., species-by-species) approach to recovery is not working. Ministers concurred and directed the Canadian Wildlife Directors Committee to present a recommended strategic approach during the summer of 2006. Environment Canada's Recovery Secretariat, its regional SARA Chiefs, and recovery planners/teams, however, expressed uncertainty over the implications of this decision on future recovery planning efforts.

<sup>33</sup> The Act requires that critical habitat be identified within recovery strategies "to the extent possible" and requires that a schedule of studies be included in the recovery strategy to identify critical habitat where available information is inadequate. Comments on the limited progress to date in identifying critical habitat reflect progress against the assumptions at the time of the Treasury Board submission. They also reflect progress in terms of the expectations of core departments' personnel and of partners and others involved through recovery teams, as stated through the key informant interviews process.

a stand-alone basis, without reference to priority-setting mechanisms or resource allocations across species, regions, or activities.

## **Assessment**

It is too early to reach a conclusion on whether the expected outcomes will be realized. On the one hand, hundreds of recovery strategies are currently in various stages of development. Should these be finalized, they will represent a significant accomplishment vis-à-vis past, non-mandated recovery planning efforts.

On the other hand, there are numerous warning signs that the recovery planning process is not yet on track, and a great deal of uncertainty and concern exists with respect to the progress of recovery planning processes. The following factors are of particular concern:

- Not all legislated deadlines for the development of recovery strategies are being met.
- With a few exceptions, critical habitat is not being identified by the core departments.
- The development of action plans has not been approached in a systematic manner. As a result, few scientifically defensible and socio-economically desirable actions have been identified.
- All core departments lack resources and appropriate guidance for involving Aboriginal peoples, consulting affected parties, and conducting socio-economic analysis.
- A great deal of uncertainty and concern exists with respect to the process for recovery strategy development going forward.

## **2.5 Recovery Implementation**

### **Overview**

SARA provides limited formal direction on how recovery implementation is to take place, with one exception: the Act requires that any identified critical habitat be legally or otherwise protected and, ultimately, requires the Minister to make a recommendation to the Governor in Council to issue an order to protect critical habitat where the laws of a province or territory do not effectively protect the identified critical habitat.

Otherwise, the Act anticipates that action plans and management plans will be implemented, and formally reviewed after the initial five years of experience. The Act recognizes the need to support stewardship activities and conservation efforts of Aboriginal peoples as well as those of other Canadian individuals and communities.

The Government of Canada has established two key funding initiatives to support species at risk recovery:

- The [Habitat Stewardship Program](#) has the overall goal of "contribut[ing] to the recovery of endangered, threatened, and other species at risk, and [preventing] other species from becoming a conservation concern, by engaging Canadians from all walks of life in conservation actions to benefit wildlife."
- The [Interdepartmental Recovery Fund](#) assists federal entities in taking proper account of SARA within their respective mandates, by implementing priority

recovery activities identified in recovery strategies or action plans, as well as surveys of species at risk on federal lands.

## **Expected Outputs and Related Outcomes**

The following expected outputs and intermediate outcomes were identified with respect to the core departments' recovery implementation activities and programs:

<b>Recovery Implementation – Expected Outputs</b>	<b>Recovery Implementation – Expected Intermediate Outcomes</b>
<p><i>General Recovery Efforts:</i></p> <ul style="list-style-type: none"> <li>• Critical habitat is protected on federal lands</li> <li>• External resources are levered in support of recovery implementation</li> <li>• Aboriginal peoples are involved in recovery implementation<sup>34</sup></li> <li>• Recovery actions are partially implemented (40 percent of identified actions for 26 Environment Canada-led and 15 Fisheries and Oceans Canada-led species per annum, focus on high-priority actions for species occurring on Parks Canada lands)</li> </ul>	<p><i>General Recovery Efforts:</i></p> <ul style="list-style-type: none"> <li>• Priority actions are initiated to protect species at risk and their habitat</li> <li>• External resources are committed to protect species at risk and their habitat</li> <li>• Critical habitat on federal lands is legally protected</li> </ul>
<p><i>Habitat Stewardship Program</i></p> <ul style="list-style-type: none"> <li>• Regional implementation boards engage multiple stakeholders</li> <li>• National and regional prospectuses are established</li> <li>• Contribution agreements are in place</li> <li>• Recipient reports</li> <li>• National and regional reports are made</li> <li>• Species at risk is targeted by funding program</li> <li>• Area (ha) is protected/targeted</li> <li>• Priority stewardship activities in recovery strategies / Action Plans are implemented</li> </ul>	<p><i>Habitat Stewardship Program</i></p> <ul style="list-style-type: none"> <li>• Cooperation among partners is enhanced</li> <li>• Priorities identified by the Habitat Stewardship Program influence investments by other programs</li> <li>• Best-use practices are in place to protect, conserve and support recovery of priority species/habitat</li> <li>• Awareness of landowners and other stakeholders is increased</li> <li>• Threats are mitigated</li> </ul>

<sup>34</sup> Aboriginal involvement in all aspects of species at risk programming is discussed in more detail in Section 2.2 of this report.

Recovery Implementation – Expected Outputs	Recovery Implementation – Expected Intermediate Outcomes
<p><i>Interdepartmental Recovery Fund</i></p> <ul style="list-style-type: none"> <li>• Implement species at risk recovery actions in support of recommendations specified in recovery strategies and action plans;</li> <li>• Activities that enable other government departments (excluding core departments) to meet legal requirements as imposed under SARA <ul style="list-style-type: none"> <li>○ Emphasis on directing funding to other federal departments and agencies, excluding core departments</li> <li>○ Activities include threat abatement, habitat enhancement, surveys, research, identification of critical habitat, preparing management plans, outreach and extension, and capacity building</li> </ul> </li> </ul>	<p><i>Interdepartmental Recovery Fund</i></p> <ul style="list-style-type: none"> <li>• Biological results are achieved</li> <li>• Interdepartmental Recovery Fund is used to help meet specific SARA requirements (protection of critical habitat, prohibitions against species and residences, surveys, etc.)</li> <li>• Federal entities take proper account of SARA within their respective mandates</li> </ul>

## **Accomplishments**

As noted earlier, critical habitat has yet to be formally identified and protected for listed species at risk, with only a few exceptions. Nevertheless, the core departments have undertaken implementation activities to support the overarching objective of species and habitat recovery, and it is possible that the critical habitats for some species are being protected as a result.

### **1. Parks Canada**

Parks Canada has established a strategic approach to manage and track its recovery implementation efforts. Given the limited funds available, Parks Canada has established prioritization criteria and has directed resources to identified, high priority actions for species found on Parks Canada lands and involving a number of projects in two broad areas. For 2004–2005, the Parks Canada allocated

- \$1.53 million to its Species at Risk Action and Education Fund; and
- \$1.17 million to eight projects focused on ecosystem-level management for recovery of species at risk.

Approximately 30 percent of these funds were allocated to public education initiatives, which support, but are not limited to, compliance promotion. Within Parks Canada, the total funds allocated to recovery implementation have exceeded those made available through the Treasury Board submission envelope concerning recovery implementation at Parks Canada.

### **2. Fisheries and Oceans Canada**

Within Fisheries and Oceans Canada, recovery implementation to date has been undertaken in a strategic manner through a well-defined departmental priority setting process. For 2004–2005, for instance, the Department allocated nearly \$1.7 million to recovery implementation activities associated with the following priority species:

- sea otter
- northern abalone

- killer whale
- beluga
- rayed bean (mollusks)
- northern madtom
- bowhead whale
- wolffish
- leatherback turtle
- Atlantic right whale
- harbour porpoise

### **3. Environment Canada**

Within Environment Canada, implementation activities have been prioritized at the regional level. Information provided indicates that departmental efforts to date have focused on the following species, among others:

- Piping Plover
- Roseate Tern
- Peregrine Falcon
- Harlequin Duck
- Maritime ringlet
- Least Bittern
- Yellow rail
- northern mixed grass prairie
- Okanagan landscape
- Vancouver Island marmot

### **4. Habitat Stewardship Program**

Through the Habitat Stewardship Program, the Government of Canada allocates approximately \$8.7 million per year to projects that conserve and protect species at risk and their habitats. A comprehensive evaluation of the Habitat Stewardship Program was undertaken in 2005.<sup>35</sup> The evaluation found widespread support for the program, noting that partners and proponents viewed it as instrumental in enhancing cooperation among federal and provincial governments. The evaluation also found that the program was delivering the required outputs and making progress towards the expected outcomes associated with the program. The evaluation concluded that the program was well managed, with robust management and accountability structures and priority setting mechanisms, all of which are well documented in the program's overarching Results-based Management and Accountability Framework. The evaluation further concluded that the Program was both well executed, achieving cash leveraging ratios of more than 2:1, reaching more than 12 million Canadians during the first four years, and operating with overhead levels comparable to or lower than similar initiatives with similar mandates and delivery approaches. Subsequent to the evaluation of the program, a further assessment of program impacts was undertaken in 2005. The latter assessment

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<sup>35</sup> Given the rigorous and recent efforts to evaluate and document successes and impacts of the Habitat Stewardship Program, along with the favorable conclusions of those studies, this evaluation focused solely on the degree to which evaluation recommendations had been considered and addressed, the degree to which the program continued to be well managed and executed, and what, if any, issues remained to be addressed.

concluded that the Habitat Stewardship Program is having both direct, long-lasting and positive impacts on targeted species.

This present evaluation found that all of the recommendations made to further strengthen the Habitat Stewardship Program had been thoroughly explored and responded to (with supporting documentation) by the core departments and responsible managers, and that follow-up implementation actions have been taken for most of these recommendations.

## **5. Interdepartmental Recovery Fund**

The Interdepartmental Recovery Fund is overseen by a robust set of governance mechanisms:

- The SARA Assistant Deputy Ministers Committee oversees the fund and approves recommendations for funding.
- An Interdepartmental Review Committee, composed of one representative from each participating federal organization, steers the various activities of the Program, reviews proposals and makes funding recommendations to the Assistant Deputy Ministers Committee.
- Departments interested in having access to funds sign a memorandum of understanding (MOU) with other participating departments to ensure cooperative and accountable delivery of the program. This MOU establishes the roles and commitments of participating departments, the mechanism to transfer funds, as well as the parameters for reporting on projects and on the use of funds.
- A fund Secretariat, housed within Environment Canada, coordinates the activities of the program, such as: issuing calls for proposals and receiving proposals; providing administrative and program support to the committees, tracking financial resources, receiving performance and financial reports on funded projects, reporting on the program, and communicating achievements to the public.

A separate, more detailed examination of the fund was undertaken in 2003. In general, the review found that the fund was being managed in a cost-effective manner, with reasonable overhead levels as compared with other similar initiatives, and that the funds were being applied to eligible activities.

The present evaluation found that the Interdepartmental Recovery Fund is providing monies for the protection of, and assisting with the recovery of, targeted species and their habitat. In particular, since 2002, the Fund provided 11 departments and agencies with \$8.7 million across 263 projects (see Table 5). All IRF-funded projects are targeted at listed species, but recovery strategies are only now emerging and these do not include identification of critical habitat.

Table 5: Interdepartmental Recovery Fund Allocations (2002–2006)

IRF Recipients	Totals (2002–2006)		2002–2003		2003–2004		2004–2005		2005–2006	
	No. of Projects	Amount Allocated \$	No. of Projects	Amount Allocated \$	No. of Projects	Amount Allocated \$	No. of Projects	Amount Allocated \$	No. of Projects	Amount Allocated \$
Environment	55	2,076,715	12	595,000	17	683,700	17	491,630	9	306,385
Fisheries and Oceans	56	1,766,561	11	483,500	10	373,200	12	377,705	23	532,156
Parks Canada	45	1,157,950	10	306,500	12	376,150	15	309,100	8	166,200
Natural Resources	24	1,038,695	3	252,350	8	345,400	9	340,995	4	99,950
Agriculture and Agri-Food	22	851,098	4	160,398	5	153,200	6	266,000	7	271,500
Indian Affairs and Northern Development	30	788,518			3	126,650	11	339,500	16	322,368
National Defence	20	768,765	2	97,000	5	233,040	6	262,975	7	175,750
Public Works and Government Services	4	139,000					1	60,000	3	79,000
National Research Council of Canada	3	55,000					2	30,000	1	25,000
National Capital Commission	3	30,000			1	15,000	1	5,000	1	10,000
Fraser River Port Authority	1	14,500							1	14,500
<b>Totals</b>	<b>263</b>	<b>8,686,802</b>	<b>42</b>	<b>1,894,748</b>	<b>61</b>	<b>2,306,340</b>	<b>80</b>	<b>2,482,905</b>	<b>80</b>	<b>2,002,809</b>
SARA Core Departments	156	5,001,226	33	1,385,000	39	1,433,050	44	1,178,435	40	1,004,741
Other federal organizations	107	3,685,576	9	509,748	22	873,290	36	1,304,470	40	998,068
Totals	263	8,686,802	42	1,894,748	61	2,306,340	80	2,482,905	80	2,002,809
<b>% IRF Funds That Reach OGDs</b>	<b>42%</b>		<b>27%</b>		<b>38%</b>		<b>53%</b>		<b>50%</b>	

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## **Issues and Challenges**

### **1. Cross-cutting Issues**

All core departments' recovery implementation efforts are constrained by a number of cross-cutting factors, including

- delays in developing recovery strategies and action plans;
- delays and challenges in identifying and legally protecting critical habitat;
- resources made available to support recovery implementation that fall far short of the core departments' minimum request,<sup>36</sup>; and
- lack of an overarching federal vision, strategy and priority mechanism to support recovery implementation.

In addition, challenges and time lines in other SARA areas have led the core departments to re-profile portions of the resources set aside for recovery implementation to other program components. The core departments' recovery implementation efforts have also been affected, directly and indirectly, by outstanding gaps in the policy/guidance framework, including, but not limited to

- effective protections (permitting, compliance promotion, enforcement);
- critical habitat and residence;
- predator management;
- socio-economic analysis;
- permitting activities as well as buy, sell and trade issues for raised/cultured/non-wild species (e.g., abalone) as well as those netted as incidental by-catch (e.g., northern wolffish); and
- habitat creation, restoration and enhancement.

### **2. Parks Canada**

Beyond the significant funding limitations that exist, only a small number of issues and challenges were identified with respect to the recovery implementation efforts of Parks Canada. To date, Parks Canada has found that substantial, non-funded efforts by non-SARA-funded staff are required to implement recovery projects. Parks Canada has a desire to streamline and strengthen its implementation approach, but will remain somewhat constrained until action plans are developed and critical habitat is formally defined.

### **3. Environment Canada**

The evaluation found additional issues and challenges unique to Environment Canada's recovery implementation efforts. The Department has not established a strategic, risk-based and department-wide approach to its recovery implementation efforts. Presently, most of the Department's recovery implementation activities are funded through its regional programs, on a reactive basis in response to proposals submitted by regional personnel. In addition, overarching accountabilities for recovery implementation

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<sup>36</sup> The core departments' minimum funding request concerned funding for recovery implementation for 25 percent of listed species. Despite the more modest amounts provided (equivalent to less than 60 percent of that minimum request), a total of more than \$90 million of the \$198 million made available to core departments for the first three years of program activities was provided to support recovery implementation activities.

resources and activities have not been clearly assigned. Due to the lack of measurement and reporting structures, the Department could not provide a summary indicating the amounts allocated to individual species and activities, nor the leverage and impacts achieved from its recovery implementation activities. Finally, the evaluation found no evidence of the anticipated stewardship agreements with Aboriginal peoples for the protection of critical habitat on reserve lands, though the Department's Pacific and Yukon Region has been working actively on such agreements.

#### **4. Habitat Stewardship Program**

As with other aspects of recovery implementation, the Habitat Stewardship Program also faces priority-setting challenges given the continuing delays and challenges in identifying critical habitat. While the Program has been assessed as having direct and long-lasting impacts on the species and habitats it targets, the overall level of funding available through it is thought to be only sufficient enough to have isolated impacts on species at risk and their habitat across Canada.

#### **5. Interdepartmental Recovery Fund**

While the Interdepartmental Recovery Fund generally functions well, the evaluation did identify some significant issues associated with the resources that it allocates and receives. Specifically, less than 25 percent of the intended resources are reaching other government departments and agencies to support their efforts on species at risk issues. Through the 2003–2006 period, less than 50 percent (\$6.3 million) of the resources notionally allocated to the Fund by Treasury Board (\$14.5 million) have reached the Fund itself. Of the resources that have reached the Program, more than 50 percent of actual allocations have gone to the three core departments themselves, despite the Treasury Board explicitly stating that the “emphasis is on directing funding towards other federal government departments and agencies, excluding the three core departments.”

Through Environment Canada's Expenditure Review Committee exercise, additional resources are being re-allocated, with Treasury Board approval, from the Interdepartmental Recovery Fund envelope. With this additional re-allocation, only \$1.8 million per annum will be allocated to the Fund, beginning in 2006–2007, in comparison to the \$5 million per annum originally allocated to it by Treasury Board.

#### **Assessment**

Previous evaluations and assessments have concluded that the Habitat Stewardship Program is on track to achieve the expected intermediate and ultimate results associated with it. The Program continues to demonstrate that, given additional resources, it could play a larger role in the recovery of species at risk and their habitat.

Evidence suggests that the core departments have initiated some additional priority actions to support the recovery of species at risk and their habitat, but given experiences to date, it is unlikely that the broader intermediate outcomes associated with recovery implementation efforts will be realized:

- Insufficient resources are available to support anything but limited recovery implementation activities for a limited number of listed species or targeted landscapes.
- Significant delays and challenges are being experienced in identifying and protecting critical habitat on federal lands.

- Resources are not yet reaching other federal departments and agencies to the extent needed, or planned, to support their efforts to meet regulatory requirements.
- There has been very limited Aboriginal involvement in recovery activities, and implementation on Aboriginal lands is seen to be a major gap, given the requirements of the Act.
- An accurate estimate of external resources committed to species at risk recovery is unknown,<sup>37 38</sup> but thought to be extremely low, given the scale of need and the responsibilities of other parties.

It has now been recognized that a species by species approach will not be the most effective or efficient way of dealing with a number of Species at risk issues. At its October 2005 meeting, the Canadian Endangered Species Conservation Council (CESCC) tasked the Canadian Wildlife Directors Meeting with preparing a program plan for reshaping the SARA recovery program. The CESCC expects that this plan will include measures to improve the recovery planning process to ensure that strategies and plans are developed in standardized and streamlined manner, and to improve and standardize approaches to socio-economic analysis during the recovery planning process.

## **2.6 Protections (Permitting, Compliance Promotion, and Enforcement)**

### **Overview of the Act and its Provisions**

SARA prohibits the killing, harming, harassing, capture or taking of any individual of a species listed as extirpated, endangered or threatened. The Act further prohibits the possession, collection, purchase, selling or trading of the same species, while also prohibiting any damage or destruction to their residences. These general prohibitions apply immediately for all listed species on federal lands, all listed migratory birds found anywhere in Canada, and for all listed aquatic species found anywhere in Canada.

The Act allows the competent minister, under certain conditions, to issue permits or enter agreements authorizing persons to engage in activities affecting listed species and their habitat or residences. The competent minister must post a rationale for such permits/agreements on the Public Registry.

The Act requires the competent minister to recommend that the Governor in Council make emergency orders to provide for the protection of listed species where the minister is of the opinion that the species faces imminent threats to its survival.

Finally, the Act provides the competent ministers with broad powers of inspection, seizure, and enforcement related to prohibitions and orders, with accompanying provisions relating to significant fines and/or imprisonment, court orders and alternative measures. In doing so, the Act allows the competent minister to designate persons as enforcement officers.

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<sup>37</sup> The Recovery Secretariat compiles some information on external resources committed to species at risk recovery and publishes these annually in the [RENEW Annual Report](#).

<sup>38</sup> With the exception of the Habitat Stewardship Program, which actively tracks and reports on cash and in-kind support levered through federal contributions made through the program.

## **Expected Outputs and Related Outcomes**

The following expected outputs and intermediate outcomes were identified with respect to the core departments' activities and programs related to permitting, compliance promotion, and enforcement.

<b>Protections – Expected Outputs</b>	<b>Protections – Expected Intermediate Outcomes</b>
<ul style="list-style-type: none"><li>• Permit policies are in place and permits issued for eligible activities</li><li>• Compliance promotion strategy is in place and implemented</li><li>• Enforcement policies are developed</li><li>• Federal personnel are trained</li><li>• Ten regional and four headquarters (Environment Canada) enforcement officers are staffed by 2008</li><li>• Three enforcement coordinator positions are staffed at Parks Canada and additional wildlife patrols are in place in national parks</li><li>• Enforcement agreements are reached with provinces and territories</li><li>• Equivalent actions are taken by parties to the Accord for the Protection of Species at Risk</li><li>• A policy framework to support the Act's safety net provisions is developed</li></ul>	<ul style="list-style-type: none"><li>• SARA is enforced for listed species</li><li>• SARA is enforced for listed aquatic species</li><li>• A preventative approach focussing on compliance promotion is in place</li><li>• Relevant scientific and monitoring activities are undertaken only where relevant permits have been issued</li><li>• Parties to the Accord take action to legally protect species at risk and their habitat</li><li>• Efforts to harmonize with other permitting systems are seen as important, and mechanisms for doing so are under investigation</li></ul>

## **Accomplishments**

The evaluation found that the core departments have made some initial progress in delivering the expected outputs.

### **1. Parks Canada**

Parks Canada has established permit guidelines, established and implemented a training course, and integrated SARA requirements into its existing permitting and environmental assessment procedures. Presently, the Minister of the Environment is publishing [explanations](#) on the Public Registry, with respect to section 73 permits issued by Parks Canada. Through December 31, 2005, however, explanations had only been posted for 12 of the 30 permits issued.

Parks Canada lacks a formal compliance promotion program, but does undertake compliance promotion activities through outreach and public education initiatives. It has developed a program to train, within one year, the required number of officers to effectively enforce SARA. To date, 85 wardens have been trained and an additional 125 wardens are scheduled to attend training in 2006–2007. As well, a SARA Enforcement Coordinator position was staffed within Parks Canada in 2005. Since March 2003, Parks Canada has logged 41 occurrences relating to SARA Schedule 1 species. Each of these

has been investigated, with three incidents being linked to offences under the Act.<sup>39</sup> Parks Canada's efforts to enforce the *Canada National Parks Act* are also seen to directly support SARA objectives and enforcement issues.

## **2. Fisheries and Oceans Canada**

Fisheries and Oceans Canada have put trained staff in place and developed procedures and measurement systems to track permits. The Department has completed an [Allowable Harm Assessment](#) report to support permitting activities related to the wolffish. In each of 2004 and 2005, the Department issued approximately 9600 SARA section 73 permits for wolffish. The Minister has posted the required explanations for the [wolffish permits](#) on the Public Registry. Likewise, the Department has completed an [Allowable Harm Assessment](#) report to support permitting activities related to leatherback turtles, and 75 SARA section 73 permits were issued over 2004 and 2005 related to the incidental by-catch of this species. The Minister has posted the required explanations for the [leatherback turtle permits](#) on the Public Registry. The Department also issued an additional 47 section 73 scientific permits over the same two-year period. Explanations for these scientific permits, however, remain outstanding.

The Department has put in place a SARA compliance promotion plan and program, with emphasis on a preventative approach. With respect to enforcement, relevant departmental policies and procedures have been drafted and integrated into the Department's enforcement program procedures. All fishery officers have been trained to respond to SARA requirements, and enforcement resources have been allocated to regional offices. In addition, the Minister of Fisheries and Oceans has designated some Aboriginal and Northern individuals to act as enforcement officers, including on matters related to SARA. Fishery officers record, and the Department tracks, all time and resources dedicated to SARA enforcement. While enforcement of the *Fisheries Act* also plays a key role in supporting SARA objectives, the Department has taken regulatory action under SARA and obtained successful prosecutions with respect to the [wolffish](#). The department has also used the *Fisheries Act* to successfully prosecute SARA-related offences, as was recently done with respect to the [abalone](#).<sup>40</sup>

## **3. Environment Canada**

Within Environment Canada permitting-related resources, trained personnel, draft procedures, and measurement systems have all been put in place. The department issued 60 SARA section 73 permits related to scientific and research activities involving listed species in 2004–2005. The Minister of the Environment published [explanations](#) on

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<sup>39</sup> Of the three Parks Canada incidents linked to SARA infractions,

- one involved the destruction of braya at the Port-au-Choix National Historic Site in Newfoundland;
- another involved poaching of abalone at the proposed Gwaii Haanas National Marine Conservation Area Reserve. This incident was turned over to Fisheries and Oceans Canada for further investigation and prosecution (see Abalone Case Study for further details) ; and
- the third occurrence involved a person who was successfully charged for killing an Eastern massasauga rattlesnake, at Georgian Bay Islands National Park. Though it involved a species at risk, the incident was dealt with by utilizing the *Canada National Parks Act*. The alternative measures (out of court settlement) used in the disposition as punishment resembled those offered by SARA.

<sup>40</sup> See abalone and wolffish case studies for additional details on SARA-related prosecutions.

the Public Registry with respect to these permits. The Department reports that it is taking a largely reactive approach to SARA enforcement on federal lands during the initial years of implementation, with some training and placement of staff. Enforcement and inspection plans, strategies, and policies are still being developed.

## **Issues and Challenges**

Despite the progress made, the evaluation found a number of issues and challenges that will require further attention.

### **1. Environment Canada**

Environment Canada has significant responsibilities for ensuring compliance with and enforcing SARA on all federal lands, with the exception of those under the jurisdiction of Parks Canada. At the time of this evaluation, however, a number of gaps were identified in the Department's related activities and programs, including

- the lack of a formal and funded compliance promotion strategy/program;
- the lack of an enforcement strategy with respect to SARA, with investigations occurring only on a reactive basis, for the most part;
- no enforcement agreements in place with the provinces or territories;
- no clear strategy or plan to authorize other persons to act as enforcement officers;
- resources that were allocated to support the Department's enforcement activities, but these did not reach the regional offices responsible for undertaking enforcement activities; and
- the policy framework to support the Act's safety net provisions, which remains outstanding.

Moreover, the Department does not have a system or mechanism for determining the degree to which equivalent actions have been taken by other parties to the Accord (i.e., provinces and territories). To date, the Department has been the subject of one legal challenge ([Spotted Owl](#)) and one petition ([woodland caribou](#)) with respect to the Minister's obligations to act where provinces have not. NGO representatives indicate that they are ready to initiate several additional challenges and petitions to test the Act's requirements in that regard.

### **2. Permitting Process**

Certain aspects of the core departments' permitting processes also require additional attention in order to ensure greater coordination and consistency:

- Resource sectors have expressed concern with a perceived "double standard" with respect to Environment Canada and Fisheries and Oceans Canada's approaches to considering "incidental harm" permits.
- Uncertainties exist with respect to permitting for activities, including buying, selling and trading, associated with raised/cultured/non-wild populations.
- Additional work is required to ensure that all permit and agreement explanations are posted on the Public Registry as required.
- Several key informants raised questions with respect to the scope and number of "incidental by-catch" permits issued with respect to wolfish by Fisheries and Oceans Canada.

### **3. Awareness Levels**

Key informants, including core departments' personnel, perceive the levels of awareness of the Act and its related requirements to be low among operational land managers within federal, provincial and municipal departments, Aboriginal lands, and industry, as well as among private landowners. The evaluation identified a need for a strategic, national, and funded program to support increased awareness and compliance promotion objectives.

### **Assessment**

Some progress has been made towards achieving some of the intermediate outcomes associated with this program component. Enforcement actions are being taken for listed aquatic species, with the *Fisheries Act* playing an important role in supporting SARA objectives. Likewise, enforcement actions are being taken in national protected heritage areas, with the *Canada National Parks Act* also playing a key role in supporting SARA objectives. In addition, permitting programs have been established to support relevant scientific and monitoring activities, and to address incidental by-catch issues with respect to aquatic species.

Without further progress and attention to the identified issues and challenges, however, it is unlikely that the other identified outcomes will be realized. Specifically,

- SARA is not yet being enforced in a strategic manner for the broader balance of federal lands, where the Minister of the Environment holds responsibilities for enforcing the Act;
- a strategic, national approach and resources to support increased awareness and broad compliance promotion are lacking;
- the policy framework to support the Act's safety net provisions remains outstanding; and
- there are gaps in the permitting process related to activities involving raised/cultured/non-wild populations of listed species.

## **3.0 DEPARTMENTAL FINDINGS**

Section 3 of the report builds on the program-component based analysis presented in Section 2. It summarizes evaluation findings with respect to the management and administrative structures established by each of the core departments to support delivery of their individual species at risk programs and activities.

### **3.1 Parks Canada**

#### **Accomplishments**

##### **1. Integration of SARA Requirements**

Parks Canada benefits from the existence of well-defined, pre-existing programs and activities to support delivery of the *Canada National Parks Act*. As such, Parks Canada has had success in integrating SARA requirements into its programs.

Within Parks Canada, the Ecological Integrity Branch has been delegated responsibility for implementation of the Act and related programs. The Branch is part of the National

Parks Directorate, which develops program direction and operational policy for Parks Canada's natural programs. At Parks Canada, the Executive Board is the senior decision-making body, responsible for strategic direction and resource allocation, including for its species at risk programs.

The Ecological Integrity Branch has developed and implemented a strategic approach to guide the delivery of its SARA-related programs and activities. Clear priorities have been established, administrative and accountability structures have largely been put in place, and resources are being allocated as intended. These resource allocations have been managed and tracked by program authorities, and measurement and reporting systems are in place to support most Parks Canada programs and activities.

## **Issues and Challenges**

The evaluation did find, however, a small number of issues and challenges that require further attention:

- Presently, Parks Canada supports many outreach and public education projects and activities, but lacks a comprehensive outreach and public education strategy to support its program activities and delivery of the Act.
- As with all core departments, Parks Canada requires additional capacities, resources, and guidance to support its efforts related to socio-economic analysis and consultation.
- While substantial investments have been made to date, resource levels to support implementation activities are considered to be insufficient to fully achieve the Act's objectives of habitat and species protection and recovery. In this context, Parks Canada has not developed a vision and strategy to support full implementation of the Act.
- Parks Canada has made efforts to involve Aboriginal communities and organizations on several issues, using its long-standing relationships with a number of these groups. A more comprehensive approach is needed, however. As with other core departments, Parks Canada will benefit from the development of clear guidelines to support Aboriginal involvement and consultation.
- Finally, Parks Canada reports that delays in developing a coordinated federal SARA policy and guidance framework have hampered its ability to make required decisions.

## **Assessment**

The evaluation concludes that, given its more limited and well-defined mandate, Parks Canada is largely on track to deliver on its SARA-related commitments, produce the outputs expected of it, and contribute to the achievement of the expected outcomes associated with the Act and its supporting programs and activities.



## **3.2 Fisheries and Oceans Canada**

### **Accomplishments**

#### **1. Integration of SARA Requirements**

Fisheries and Oceans Canada benefits from the existence of well-defined, pre-existing programs and activities in place to support delivery of the *Fisheries Act*. As such, the Department has had success in integrating SARA requirements into departmental programs, especially those involving marine species. Clear and robust management, accountability and reporting structures have been put in place, along with a strategy to ensure that priorities and mandatory requirements will be met. Within the Department, SARA-related resources are allocated, on a priority basis, and tracked through a robust and comprehensive “envelope” system, which aligns with the funding envelopes established through the SARA Programs Treasury Board submission. While experiencing some of the same challenges as other core departments with respect to Aboriginal involvement, the Department has taken a strategic and coherent approach, which is informed by past experiences and which others see as a step in the right direction.

#### **2. Organizing for Delivery**

Within Fisheries and Oceans Canada, a corporate SARA Office with six full-time staff has been established to oversee and coordinate SARA-related activities within the Department. The Special Advisor to the Deputy Minister for Species at Risk (an assistant deputy minister level position), heads the group. Departmental coordination is largely accomplished through the internal Species at Risk Coordinating Committee. The Committee includes representatives from all sectors and regions in the Department. Through the Committee, an annual priority setting and resource allocation process has been established. Funds are notionally allocated to each species at risk program envelope, in amounts largely consistent with the Treasury Board envelopes. Departmental sectors/regions are then invited to submit detailed work plans, indicating the resources required to address priorities under their jurisdiction with respect to each envelope. The Committee then considers each submission and finalizes the resource allocation to each sector/region. Sector and regional managers then must enter signed service level agreements with the SARA Office, specifying the specific projects to receive SARA funds; these agreements must identify the lead responsible manager, describe the planned work, specify the amounts allocated, and outline the associated deliverables and deadlines. The managers are then required to submit performance reports against the service level agreements at the end of each year. Resource expenditures and progress against annual commitments are tracked and reviewed by management on a monthly basis.

#### **Issues and Challenges**

Despite the progress made, a number of challenges and issues have been identified. If not addressed, the following challenges and issues may limit the Department’s ability to achieve intended objectives:

- The Department recognizes that recovery will take many years and require significant resources to obtain recovery results.

- The Department is concerned by the significant data deficiencies and limited resources available to support scientific activities, information gathering, and analysis on aquatic species.
- With the Department being expected to co-lead, with the provinces and territories, activities related to freshwater aquatics, it is constrained in meeting its requirements for some species due to the lack of capacities, resources, and in some cases, the level of commitment of the provinces and territories.
- The delays in developing a coordinated, federal policy and guidance framework to support SARA has hampered the ability of the Department to make required decisions and is of significant concern to the Department going forward.
- The Department is not fully on track to meet legislated requirements to develop recovery strategies due in 2007 and later. Additional resources are required.

## **Assessment**

Overall, the evaluation concludes that, given the nature and limitations of its role and mandate, Fisheries and Oceans Canada has established an appropriate and effective management and administrative structure to support delivery of SARA-related programs and activities. The Department is allocating resources, delivering outputs and achieving intended outcomes to a level reflected in the funding provided by Treasury Board. Nevertheless, the Department requires additional funding to ensure that the full requirements of the Act are met.

### **3.3 Environment Canada**

## **Accomplishments**

### **1. Integration of SARA Requirements**

Environment Canada has demonstrated success in terms of how some SARA requirements have been integrated into the operations of the Canadian Wildlife Service and those of the broader department. In particular, the evaluation found evidence that the Minister of the Environment has responded to all COSEWIC assessments within the time frames provided for under the Act. In addition, the Department took steps to ensure that all time lines associated with the Governor in Council's listing decisions were satisfied.

The evaluation also found evidence that the Department sought to take advantage of the provisions of the Act that allow the Minister of the Environment to enter into administrative agreements with the provinces and territories respecting SARA. While only one such agreement was finalized during the evaluation period, the Department is making serious efforts to reach additional agreements with other parties.

### **2. Organizing for Delivery**

During the initial years of SARA implementation, program activity occurred largely in a decentralized manner, through the Department's regional offices and under the direction of the Canadian Wildlife Service Executive.

The evaluation found evidence that the Canadian Wildlife Service undertook planning activities, producing a species at risk plan (2004). This plan makes a partial contribution

towards a comprehensive and strategic plan; identifies priorities, discusses governance mechanisms, and proposes a reporting framework. The evaluation found additional evidence of attempts to develop strategic implementation plans within three of the Department's five regions. Those regional plans include identification of priority species and activities.

One area where the Department has clearly organized itself for success concerns the Habitat Stewardship Program. The Department has put in place appropriate and robust governance and operational structures (at the interdepartmental, departmental and regional levels), and strategic plans with identified priorities, procedures, and measurement and reporting systems. A culture of continuous learning is observed within the program and, as a result, the Habitat Stewardship Program has contributed to a wide range of species recovery initiatives and continues to be highly respected by stakeholders and partners.

## **Issues and Challenges**

### **1. Integration of SARA Requirements**

Unlike the other core departments, Environment Canada's Canadian Wildlife Service did not have existing and complementary legislation to support the initial integration of SARA requirements into the Department's programming base. In addition to coming to grips with their new mandate and set of commitments, the Department's SARA-related programs also faced the challenges of a department-wide transformative change agenda, which resulted in significant changes to management and planning structures. These factors, combined with the complexity and specificity of the new legislation, may have contributed to a number of the deficiencies observed in the Department's management and administration structures concerning SARA. While new planning and management structures are being developed and implemented, time will be needed to assess their effectiveness vis-à-vis the gaps identified within this evaluation.

### **2. Comprehensive and Strategic Approach**

While the evaluation found that some elements of a strategic approach do exist, at both regional and departmental levels, it also found that a comprehensive and strategic approach to departmental planning has been lacking (e.g., setting priorities, resource allocation, accountabilities, measurement and reporting). Overall, the management, administrative and accountability structures in place to support departmental efforts (as of December 31, 2005) are not commensurate with the Department's responsibilities under SARA.

In particular, the Department's SARA programs have been delivered regionally, without central coordination, management, planning, and reporting mechanisms. Those programs have also been delivered without the benefit of a clear delineation between activities and programs intended to support the Department's twin roles as "the Minister" and those of the "competent minister."

The Treasury Board submission to support SARA implementation foresaw these challenges and stressed the importance for Environment Canada to build "strong and effective management, planning, and scientific capacities." At the time of the evaluation, however, these capacities remained largely outstanding.

This evaluation was unable to find adequate staff resources, headquartered in an appropriate organizational unit, with overall responsibility for coordination of the Act and its supporting governance and policy/guidance structures (i.e., the roles of the Minister). Additionally, there was no evidence that priorities were being set and resources allocated, on a department-wide basis, to ensure that the dual but differentiated roles associated with the competent minister were being undertaken in a strategic manner and to an adequate extent.

### **3. Management and Tracking of Financial Resources**

The Department has been unable to provide the evaluators with information that clearly links expenditures to deliverables, outputs, and species under the Minister's purview. The evaluation found that resources have not been allocated as originally planned by the Canadian Wildlife Service executive because of adjustments for other departmental and service priorities. There is a significant discrepancy between the proposed annual allocation framework developed by the Canadian Wildlife Service Executive (which largely reflects the funding envelopes specified within the Treasury Board submission) and actual financial allocations (budgets and expenditures) as reflected in the Department's financial management system although the total SARA resources have been accounted for within the department.

The evaluation also found that a significant portion (up to 50 percent in some years) of available resources was either re-allocated to other departmental priorities, allowed to lapse (carried forward), or extensively re-profiled within SARA programs. Specifically,

- approximately 15 percent of annual SARA funds were allocated to other (non-SARA) departmental priorities, without recourse to Treasury Board-specified procedures for all of these re-allocations<sup>41</sup>;
- up to five percent of SARA funds were allowed to lapse in some years; and
- a further 30 percent of SARA financial allocations were annually re-profiled within SARA programs, from high-risk and under-performing areas (i.e., recovery planning and Aboriginal involvement) into the broader program management and development area (an under-performing area). Despite this substantial annual re-profiling of resources, the Department has been unable to provide an explanation of the basis for those actions, or what has been accomplished as a result.

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<sup>41</sup> Departmental re-allocations of SARA funds were directed to items such as

- contributions to initiatives such as "Hinterland Who's Who," the Fur Institute of Canada, Environment Canada's Biosphère in Montréal, and Bird Studies Canada;
- support to the Department's efforts on oiled birds;
- the Department's commitments to international initiatives such as the North American Waterfowl Management Plan, and the Ramsar Convention on Wetlands;
- occupancy costs for the National Wildlife Research Centre;
- contributions to the Department's Expenditure Review Committee objectives (these re-allocations were made in accordance with Treasury Board-sanctioned processes);
- Conservation Services Directorate's levy (unspecified); and
- a departmental overhead levy to address (unspecified) critical departmental pressures.

#### **4. Leadership**

The evaluation found that departmental personnel, colleagues in core departments, and external stakeholders appeared uncertain of where responsibilities for leadership and decision making for SARA (as a federal act under the auspices of the Minister of the Environment) rested. Interested parties identified the absence of a clear focal point for the Act, especially in its initial implementation, as a significant deficiency. At the same time, these individuals reported that the boundaries between the multitude of departmental, federal, and national governance mechanisms for species at risk (broadly) were blurred. Interested parties were often unsure of who was responsible for policy and decision making. They were also unsure of when and under what instances policy pronouncements and directions from national structures such as the Canadian Wildlife Directors Committee, the National Recovery Working Group, or the Canadian Endangered Species Conservation Council, were meant to be taken up as the Department's or federal government's own positions. Universally, all of those interested parties called on Environment Canada, and the Canadian Wildlife Service in particular, to exercise more leadership and assert clearer authority in this regard.

#### **5. Increased Risks**

As a result of the above deficiencies, the evaluation found that the Department is experiencing critical capacity, resource, management, planning, and policy/guidance gaps, with heightened risks in nearly all relevant program areas, including

- socio-economic analysis in support of listing decisions;
- consultation/engagement;
- Aboriginal involvement;
- recovery planning;
- recovery implementation;
- compliance promotion and enforcement activities; and
- safety net provisions.

The evaluation further determined that delays in developing a coordinated federal policy and guidance framework to support the Act and its programs heightens these risks and has contributed to a reactive and inefficient management response within the Department.

With the Department being expected, under the Accord for the Protection of Species at Risk, to co-lead, or cede the lead entirely to the provinces and territories on more than 90 percent of the species for which it is responsible, the Department is further constrained in meeting its requirements for these species due to the lack of staff and organizational capacities, resources, and in some cases, the level of commitment of the provinces and territories.

#### **Assessment**

Overall, the evaluation concludes that Environment Canada has not established appropriate and effective management and administrative structures to support delivery of SARA-related programs and activities. The Department is not currently delivering outputs and achieving intended outcomes to the level reflected in funding provided by Treasury Board, or in a manner commensurate with its responsibilities under the Act. The absence of a strategic approach, combined with the re-allocation and re-profiling of

significant portions of SARA program resources, means it is unlikely that the Department will be able to meet its obligations.

Heightened awareness and engagement at the levels of the Director General, Assistant Deputy Minister, and Associate Deputy Minister were becoming evident while this evaluation report was being prepared. As well, the new departmental planning structures are beginning to assert their authority over SARA resource allocations and related activities. Such engagement and dedicated planning efforts will need to be sustained to address the deficiencies and challenges identified here.

## **4.0 CONCLUSIONS AND RECOMMENDATIONS**

This final section of the evaluation report offers several broad conclusions and recommendations arising from the detailed findings presented in the previous sections.

With respect to the specific objectives established for this evaluation (see Section 1.3), the following conclusions and associated recommendations<sup>42</sup> are put forward:

**1. The federal government has delivered a number of the expected outputs associated with each of the core program areas. However, not all program areas are sufficiently on track. Fisheries and Oceans Canada and Parks Canada are delivering outputs and achieving intended outcomes commensurate with their responsibilities under the Act and to levels reflected in the funding provided by Treasury Board. Environment Canada has not organized itself appropriately to deliver fully on its obligations and commitments under the Act in a comprehensive and strategic manner.**

The initial two and a half years of program and activity implementation in support of the *Species at Risk Act* have seen some important preliminary results:

- Significant new resources (nearly \$75 million for 2005–2006) have been allocated for species at risk.
- The National Aboriginal Council on Species at Risk has been established.
- COSEWIC has been established on a sound, professional footing and is widely recognized as a scientifically credible, non-partisan body. The Committee has submitted 213 species and population assessments to the Minister of the Environment.
- The federal response and listing process is largely on track and species at risk are being identified and legally protected on federal lands, and for migratory birds and aquatic species on all lands and waters.
- Recovery strategies have been initiated for more than 100 species, and the first (five) draft recovery strategies prepared under the Act have been posted for public comment.

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<sup>42</sup> The following notional time frames are associated with the recommendations included herein:

- High priority: Short-term - response initiated during the remainder of 2006
- Medium priority: Medium-term - response initiated within the next 12 months
- Low priority: Longer-term - response initiated prior to the Parliamentary review, anticipated to be undertaken in 2008

- The Habitat Stewardship Program continues to play a well-regarded and important role in supporting the recovery of species at risk and their habitat on non-federal lands.
- The Act's first successful prosecutions have been realized.

The most important accomplishment to date, however, is the increased priority and profile for species at risk that have developed in nearly every jurisdiction of the country as a result of the entry into force of the Act and the steps taken to support its implementation.

Overall, the evaluation concludes that Fisheries and Oceans Canada and Parks Canada have established appropriate and effective management and administrative structures to support delivery of SARA-related programs and activities. Each is currently delivering outputs and achieving intended outcomes to a level reflected in the funding provided by Treasury Board and in a manner commensurate with their responsibilities under the Act.

Despite the important achievements realized, however, species at risk programs and activities are not yet on track to ensure that the Act's objectives and intended outcomes will be realized. In particular,

- recovery strategies are not being developed in a consistent manner or in accordance with the Act's timelines;
- critical habitat is not being identified or legally protected;
- core departments lack a strategic orientation and funding to support a number of cross-cutting program activities, including
  - consultation with affected parties;
  - Aboriginal involvement and consultation;
  - development and implementation of action plans to support recovery objectives; and
  - development and implementation of management plans for species of special concern;
- efforts to reach administrative agreements with provinces and territories have been protracted and no progress has been made, nor planned, in delegating responsibilities for enforcement responsibilities to the provinces;
- the degree to which provinces and territories are addressing their commitments under the Accord is uncertain and the Government of Canada lacks the mechanisms needed to inform itself of progress in this area; and
- other federal departments and agencies have not yet internalized their commitments with respect to the Act.

With respect to Environment Canada, the evaluation concludes that the Department is experiencing critical capacity, resource, management, planning, and policy/guidance gaps, with heightened risks in nearly all relevant SARA program areas. The lack of a strategic approach, combined with the re-allocation and re-profiling of significant portions of SARA resources, means it will take several more years of experience before the Department can reach conclusions with respect to its ability to deliver on SARA as it currently exists. The Department has recently embarked on a new process to support departmental planning, including a clearer assignation of responsibilities for species at risk outputs and deliverables. Heightened awareness and engagement by the SARA Assistant Deputy Ministers Committee and Deputy Ministers Committee is now evident

and will need to be sustained to address the numerous issues and challenges identified here.



**Recommendations:**

1. Environment Canada should develop a comprehensive plan for addressing its commitments that references Treasury Board's guidelines for a Results-based Management and Accountability Framework. This plan should include details on the Department's vision and should outline plans for implementing and enforcing the Act on federal lands under its purview. (*High priority*)

2. Environment Canada should undertake a functional review of the organizational structures and the management and planning capacities that are in place or need to be in place to support delivery of species at risk programs and activities. The review should lead to the development of a new accountability structure to address identified gaps. The new structure should include distinct areas of accountability to address each of the Department's responsibilities as

- "the Minister," responsible for the Act as a whole; and
- "the competent minister," responsible for activities related to all SARA-listed species and all federal lands not coming under the responsibility of Fisheries and Oceans Canada or Parks Canada.

(*High priority*)

**2a. Federal and provincial/territorial authorities continue to cooperate well in support of the Accord, but cooperation to date has been insufficient to ensure that the federal government can address its obligations under the Act without recourse to more unilateral action or the Act's safety net provisions.**

Parties to the Accord view national implementation as "a work in progress" and not all Accord commitments are being delivered on. The federal government, however, lacks a measurement and reporting framework to inform on actual implementation of the Accord, the degree to which complementary legislation and programs for the protection and recovery of species at risk have been put in place by other levels of Canadian governments, and the degree to which federally listed species at risk and their habitat are being effectively protected by those governments.

Progress in reaching agreements with other governments has been protracted, although one such agreement, with British Columbia, has been finalized. Those delays have had impacts on the ability of the federal government (and Environment Canada in particular) to meet requirements legislated under SARA for species for which the provinces and territories have been designated leads or co-leads under the Accord. While the Accord recognizes jurisdictional responsibilities over individual species, SARA is explicit in assigning responsibilities for meeting legislated time lines and requirements to competent ministers, not the provinces and territories. This creates a dilemma for the Government of Canada and Environment Canada, in particular. On the one hand, it faces legal challenges and risks in instances where it must rely on provincial/territorial contributions to federally legislated obligations to effectively protect species at risk and their habitat. On the other hand, there are risks that the generally positive federal/provincial/territorial cooperation achieved to date through the Accord could be undermined if the federal "safety net" or other federal action is deemed necessary.

**Recommendations:**

- 3.** The SARA Assistant Deputy Ministers Committee should proceed, on an urgent basis, with development of a policy/guidance framework to support the Act's "safety net" provisions. (*High priority*)
- 4.** Environment Canada should develop and implement a tool for tracking and monitoring the Parties' progress on implementation of SARA-related commitments under the Accord. This includes monitoring the extent to which all SARA-listed species are legally or otherwise protected in the provinces in which they occur. (*Low priority*)

**2b. Core departments are cooperating well on species at risk issues, but a fully coordinated and federally consistent approach is not yet apparent.**

The evaluation found that despite two and a half years of effort, the policy and guidance framework to support implementation of the Act and related programs remains under development, with significant difference of opinion between the core departments on some key issues. Presently, no federal policies have been posted on the Public Registry, and operational staff and affected parties remain uncertain as to where the federal government has or has not developed relevant policies and guidance. In total, more than 20 policy/guidance issues remain to be resolved, with differing degrees of priority. Stakeholders and partners have expressed concern with what they see as different approaches across departments, regions and species. Of concern to many affected parties are

- differences between Environment Canada and Fisheries and Oceans Canada, with respect to the role and timing of socio-economic analyses;
- different approaches to Aboriginal involvement and consultation across the core departments;
- delays in establishing clear guidance on critical habitat and residence issues; and
- delays in developing clear, transparent and consistent approaches to listing decisions.

The absence of an agreed policy/guidance framework has led to considerable challenges within Environment Canada, where key staff and managers are tied up in responding to challenging issues in a reactive, rather than strategic manner.

**Recommendations:**

5. The core departments, collectively, should develop and implement the supporting federal policy/guidance framework for the Act. An inventory of outstanding issues requiring policy/guidance support should be compiled and prioritized. Regular (quarterly) progress reporting should occur until the framework is sufficiently developed. (*High priority*)
6. The core departments should ensure that consultation with affected parties is undertaken in a more coordinated and efficient manner that reflects the requirements of the Act as well as the needs and capacities of affected parties. (*Medium priority*)
7. The core departments, collectively, should develop a comprehensive, federally coordinated, and strategic plan for increasing awareness and promoting compliance among affected parties. (*Medium priority*)

**3. Core departments' activities and undertakings to support Aboriginal involvement have not been commensurate with the requirements of SARA, the requirements of other federal acts and agreements, or the federal government's responsibilities towards Aboriginal people, as determined by the courts. Significant risks to the Government of Canada may exist as a result.**

Some important progress with respect to Aboriginal involvement has occurred, including the establishment of NACOSAR. There are notable differences in the manner in which the core federal departments have organized to deliver on their obligations to Aboriginal people, with some departments being more strategic and comprehensive than others. Overall however, a coordinated, federally consistent and strategic approach is lacking.

Key policies/guidance gaps exist with respect to

- Aboriginal consultation and involvement; and,
- recognition of the mandated roles and responsibilities of wildlife management boards under different land claims agreements with respect to species at risk.

The primary mechanism to support Aboriginal capacity building, the Aboriginal Capacity Building Fund, has yet to be established on a firm financial and program footing that includes a strategic orientation and effective governance and administration mechanisms. Moreover, a significant majority of the resources meant to be made available to support Aboriginal involvement, capacity building, and protection of critical habitat on Aboriginal lands have been re-profiled to other program areas.

Aboriginal people express strong concerns that a "double standard" is emerging with respect to how the Act is interpreted, implemented and enforced on Aboriginal lands. The policy issues related to Aboriginal involvement with SARA are complex. Addressing the risks and the significant number of outstanding resources and challenges will require more resources, increased Aboriginal involvement in program and policy development, and a more strategic federally coordinated approach.

**Recommendations:**

**8.** The core departments should take all necessary steps to ensure that wildlife management boards are engaged on relevant species at risk issues in a manner that is consistent with the boards' mandated roles and responsibilities, and consistent with the processes specified under land claims agreements. *(High priority)*

**9.** The core departments, collectively, should develop a comprehensive federally coordinated plan for addressing issues related to Aboriginal involvement, consultation, capacity building, stewardship action, and protection of critical habitat on reserve lands. The involvement and advice of NACOSAR and Indian and Northern Affairs Canada should be sought when developing the strategy. *(Medium priority)*

**4. While the Government of Canada is delivering on most of its mandatory requirements, not all requirements have been met, or are likely to be met, given progress to date.**

The Government of Canada has successfully delivered on a number of legislated requirements, including those related to

- creation of a public registry;
- establishment of NACOSAR;
- time lines for assessment of nearly all Schedule 2 species;
- all time lines to post responses to species' assessments submitted by COSEWIC;
- all time lines for Governor in Council listing decisions; and
- submission of the first annual report to Parliament.

Some requirements have only been delivered in part. Specifically,

- Aboriginal traditional knowledge is not being adequately incorporated into species at risk activities wherever relevant;
- wildlife management boards are being consulted, but SARA-related policies and guidelines have not formally integrated the roles and responsibilities established for certain boards under their respective land claims agreements;
- explanations have been posted for some, but not all, permits issued by competent ministers; and
- in meeting the legislated time lines for listing decisions, concern has been expressed that Aboriginal involvement and consultation, and consultation with other affected parties, have not been sufficient in all instances.

In still other areas, requirements remain outstanding, including establishing a COSEWIC Aboriginal Traditional Knowledge Subcommittee. Most importantly, however, are the delays and challenges in preparing and posting draft recovery strategies within the time lines provided for by the Act.

**Recommendations:**

**10.** The core departments should put in place a process and related procedures to ensure that the SARA Assistant Deputy Ministers Committee has a complete understanding of all obligations related to the Minister and competent ministers, as well as the extent to which those obligations are being adequately addressed on an ongoing basis. *(High priority)*

**11.** Subsequent to the June and July 2006 deadlines for posting the next batch of recovery strategies, the SARA Assistant Deputy Ministers Committee should initiate a review to determine whether

- sufficient progress is being made, and the Act's requirements satisfied, with respect to recovery strategies being led or co-led by the provinces/territories;
- tracking tools and contingency plans are working as intended;
- sufficient progress in identifying critical habitat is being made; and
- additional adjustments are necessary.

*(Medium priority)*

**12.** The SARA Assistant Deputy Ministers Committee should review current allocations to the Interdepartmental Recovery Fund and ensure that these are commensurate with the risks and needs of other SARA priorities. Core departments should also review the extent to which the Fund is meeting its intention of "placing emphasis on other government departments and agencies, to the exclusion of the core departments," and whether any adjustments are necessary. *(Medium priority)*

**5. The majority of the supporting governance structures/processes/procedures have been put in place to support implementation of the Act and related programs, but not all of these are working as intended. Key issues with respect to leadership and direction for the federal Act remain to be addressed.**

Nearly all governance structures mandated by the Act and committed to by the core departments in the Cooperative Management Framework for the Strategy for the Protection of Species at Risk have been established. The exception is the COSEWIC Aboriginal Traditional Knowledge Subcommittee, which had not been established as of December 31, 2005.

A multitude of complex and interrelated governance structures and processes affecting species at risk issues exists at each of the departmental, federal, and national levels. As a result, the boundaries between these structures and processes are blurred. In the absence of a clear focal point within Environment Canada for leadership and direction on the federal Act, and in the absence of a well-defined policy/guidance framework, there is some confusion and uncertainty about the federal government's implementation approach. Within the three core departments, the Cooperative Management Framework for the Strategy for the Protection of Species at Risk is seen as being useful. However, senior managers (assistant deputy minister and above) in Environment Canada need to do more to exercise their fiduciary responsibilities, and to ensure that complex policy and oversight issues are resolved in a more timely manner.

**Recommendations:**

**13.** The SARA Assistant Deputy Ministers Committee should review and renew the governance framework for SARA implementation in the three core departments. This should include

- review and renewal of the “Cooperative Management Framework for the Strategy for the Protection of Species at Risk”; and
- review of existing governance structures and processes against the specifications of the Treasury Board submission, Annex K: Governance.

*(High priority)*

**14.** The SARA Deputy Ministers Committee should request, review and approve quarterly progress reports detailing

- consideration of recommendations made in this evaluation report;
- financial status reporting against funding envelopes approved by Treasury Board; and
- progress reporting against planned outputs, the Act’s requirements, and resources provided in support of each of the main program components.

*(High priority)*

**6. Resource and capacity gaps exist in several areas. These gaps limit the core departments’ abilities to fully implement the Act, and create legal and other risks to the Government of Canada. The full scale of resource gaps has not yet been articulated. However, the core departments’ current and limited program delivery will be further impaired should funding levels decrease from \$75 million to \$45 million per annum, as currently scheduled to begin in 2007–2008.**

Initial funding allocations to support implementation of species at risk programs and activities were far below the minimum levels requested by the core departments to meet all obligations and initiate recovery actions for the top 25 percent of priority species. In particular, resource gaps are known to exist in areas relating to

- consultation involving affected parties;
- Aboriginal involvement and consultation;
- socio-economic analysis to support decision making;
- development of management plans for species of special concern;
- development of all recovery strategies for species where the Minister of the Environment is the competent minister;
- recovery implementation, with the exception of limited priority actions; and
- enforcement on federal lands.

The experiences of the core departments to date confirm that the limited resources made available have resulted in increased risks that the Government of Canada will not meet the requirements of the Act. Nevertheless, the core departments have not yet forecasted future resource needs on the basis of their experiences to date. Attempts to do so will be constrained by the extent to which resources have been re-allocated, within Environment Canada, to other departmental priorities and re-profiled from high-risk and

under-performing areas such as recovery planning and Aboriginal involvement, into the broader program management and development envelope, without direct links to clearly identified species and priority outputs.

**Recommendations:**

**15.** The core departments, collectively, should initiate an exercise to forecast resource needs to address identified gaps, deliver required outputs, ensure that legal obligations will be satisfied, and make progress towards the identified expected outputs and the objectives of the Act. *(High priority)*

**7.** It has now been recognized that a species-by-species approach will not be the most effective or efficient way of dealing with a number of species at risk issues. At its October 2005 meeting, the Canadian Endangered Species Conservation Council (CESCC) tasked the Canadian Wildlife Directors Meeting with preparing a program plan for reshaping the SARA recovery program. The specific implications of this decision are not yet known, however, and there is considerable uncertainty as to what it will mean for the future implementation of key program components involving species assessment, recovery planning, and implementation, among others.

**Recommendations:**

**16.** The SARA Assistant Deputy Ministers Committee, in a manner consistent with the requirements and objectives of the Act, should develop a comprehensive federal vision and strategy to support the preparation and implementation of action plans for the protection and recovery of species at risk and their habitat. *(High priority)*

**17.** The SARA Assistant Deputy Ministers Committee should undertake a further operational review of federal species at risk programs and activities, prior to the initiation of the first Parliamentary review, expected in late 2008. The review should include detailed examinations of progress, outstanding issues, and challenges, as well as resource needs for each key program component. *(Low Priority)*

## 5.0 MANAGEMENT RESPONSE

### Background/context

Environment Canada (EC), Fisheries and Oceans Canada (DFO) and Parks Canada (PCA) are dedicated to protecting and recovering species at risk through the implementation of the *Species at Risk Act* (SARA), as well as through programs and activities such as the Habitat Stewardship program, that support species recovery objectives.

In addition to the provisions of the *Species at Risk Act* to protect wildlife species, some departments like Fisheries and Oceans Canada have intrinsic powers through other legislation to protect biodiversity and conserve species. The *Fisheries Act* provides powerful mechanisms for managing aquatic resources and protecting habitat in both the freshwater and marine environments. Likewise, the *Oceans Act* provides an instrument that strives to conserve and maintain biological diversity and productivity in the marine environment. These capabilities can be used in a complementary fashion to SARA.

The recent program evaluation undertaken by STRATOS was designed to consider implementation of SARA from June 2003 through December 2005. The evaluation findings provide helpful direction on SARA's program and policy development and recommend changes on how to implement the Act in a more efficient and cost effective manner.

During the first 30 months of implementation, there has been ongoing learning. The core departments formalized the governance structures required to steer the SARA agenda and made a number of program changes to better meet obligations under the Act. Since January 2006, senior management initiated a number of actions dedicated to planning, monitoring and strengthening SARA follow-up actions and control mechanisms. A Deputy Minister Level Steering Committee, as well as the SARA Assistant Deputy Minister (ADM) and Director General Operations Committees have been meeting on a frequent and regular basis since February. Significant resources have been directed to accelerate planning and policy and process development, and tracking tools have been introduced to monitor and report on the progress of key activities such as the number of species assessed and listed and the status of recovery strategies.

The early years of SARA implementation have provided valuable lessons that are shaping the strategic vision for the next phases of implementation, including the adoption of an ecosystem/multi-species approach. There have also been significant achievements such as the:

- establishment of key SARA mechanisms (i.e. SARA Public Registry, the National Aboriginal Council on Species at Risk (NACOSAR) and Species at Risk Advisory Committee (SARAC))
- 197 COSEWIC species assessment reports forwarded to the Minister
- 347 species now legally protected under SARA (233 at proclamation, 114 species added since 2003)
- initiation of recovery strategies for more than 200 species



- policy framework and operational policies.

There have been other lessons learned in implementing the SARA requirements particularly in the area of aboriginal consultations. For example, in the case of DFO, there is a strong working relationship with aboriginal groups involved in the fishery or affected by decisions impacting aquatic habitats. There are obligations to consult and engage aboriginal groups, which is particularly important due to the relevance that aquatic species have to many aboriginal groups and their significance in the livelihood or social and cultural aspects of aboriginal society. As well, there are land claim arrangements in place that recognize the special requirements to work closely with those groups and these requirements are reflected in SARA legislation.

Core departments will continue to strengthen capacity and undertake improvements to meet the growing demands of SARA implementation. They will make best efforts to utilize available resources in meeting priorities based on the requirements and obligations under the Act. Core departments are already working on the Action Plan to address the Management Response (which follows) and will finalize it in the Fall 2006.

#### **Management Response-Recommendation 1**

Environment Canada (EC) agrees with the recommendation.

EC, in cooperation with the Department of Fisheries and Oceans (DFO) and the Parks Canada Agency (PCA), is leading the development of an Interdepartmental Action Plan. The Plan will be aimed at identifying and delivering on core priorities as well as strengthening accountability and governance mechanisms for SARA implementation across the three core departments. The Plan will also inform the development of an RMAF that encompasses all three departments and reflects the specificity of their programs.

EC is also developing a multi-year business plan, guided in part by the results of the evaluation, that will articulate the vision for meeting its obligations for species at risk on federal lands, determine priorities, assign resources to these priorities and better align TB allocations with SARA activities. This business plan will allow the department to ensure resources are aligned to priorities. (See also response to recommendation 2 regarding EC organizational changes).

#### **Management Response-Recommendation 2**

EC agrees with the recommendation. During the period of the evaluation, EC implemented a new results governance structure and organizational changes which will assist the department in ensuring that both the accountabilities of the Minister are met. The department is taking further steps to fully implement these governance and organizational changes which will ensure the appropriate skill sets are in place. New departmental planning and reporting tools have been introduced in April 2006 and will be applied to plan, track and report on costed results of the SARA program on an ongoing basis.

#### **Management Response-Recommendation 3**

Core departments agree with the recommendation and recognize that species at risk protection and recovery depends in good part on continued provincial/territorial cooperation. Core departments are committed to achieving intergovernmental co-operation through two key actions. First is the development of the SARA policy/guidance framework which includes effective protection, critical habitat, general prohibitions and emergency order provisions, all of which are critical for articulating the federal approach for meeting the safety-net provisions under SARA. Second, work will continue to complete the bilateral agreements with the provinces and territories to clearly establish jurisdictional responsibilities on all aspects of SARA and coordinate recovery and protection actions. (See also response to Recommendation #5)

#### **Management Response-Recommendation 4**

EC agrees with the recommendation. EC is presently monitoring and tracking the fulfillment of certain key commitments, including the development of provincial/territorial legislation for species at risk and status of recovery planning. EC will work with the provinces and territories to develop appropriate mechanisms that will enable comprehensive tracking of other information necessary for effective implementation of SARA.

#### **Management Response-Recommendation 5**

The core departments agree with the recommendation, have developed an inventory of outstanding policy issues requiring guidance and are working on an Interdepartmental Action Plan to address these. Progress is being made on the highest priority policy and guidance issues and reported on to the ADMs and the DM level Committee for review and approval.

The development and implementation of the policy/guidance framework, in an interdepartmental context, is discussed through the Canadian Wildlife Directors Committee and the federal-provincial-territorial Species at Risk Task Group (in DFO). (See also response to recommendation 11).

#### **Management Response-Recommendation 6**

The core departments agree with the recommendation. Consultation on Species at Risk issues is given high priority in the core departments, in particular with Aboriginal peoples and Wildlife Management Boards. A policy will be finalized soon to guide consultation efforts of all departments.

Core departments will develop and implement a consultation strategy, commensurate with available resources. Some efficiencies can be obtained where appropriate, by combining consultations in isolated and difficult locations such as Canada's North, combining consultations on groups of species, following a watershed or ecosystem approach to look at species assemblages, where appropriate, and by building aboriginal capacity in consultation with NACOSAR.

#### **Management Response-Recommendation 7**

The core departments agree with the recommendation, noting the significant benefits of an awareness and compliance program for consultations and SARA implementation generally. The core departments recognize the need for a federal approach and consistent messaging on awareness and compliance promotion. Steps are being undertaken in this regard through, for example, the species listing process, the

development of regulations under SARA, and the delivery of the Habitat Stewardship Program for Species at Risk. Coordination and development of additional communication materials will be improved within available limited capacity and resources. In particular, core departments will be using the first SARA Minister's Roundtable in the fall to raise awareness and promote engagement.

#### **Management Response-Recommendation 8**

The core departments agree with the recommendation.

The core departments are working to ensure that the processes for engaging the Wildlife Management Boards in the implementation of SARA are conducted in a manner that respects their mandated roles and responsibilities as well as processes specified under Land Claims Agreements. (Also see response to Recommendation #9)

#### **Management Response-Recommendation 9**

The core departments agree with the recommendation and acknowledges the need for a comprehensive, federally-coordinated plan for Aboriginal involvement, consultation and other activities. While the ability of core departments to respond will depend on the available level of resources, this is recognized as a priority. The plan will be developed in close cooperation with Aboriginal organizations, including NACOSAR and Indian and Northern Affairs Canada. It will address the engagement of local aboriginal and First Nation groups on the ground and in locations where endangered species are found. The first Minister's Roundtable will also provide an important venue for Aboriginal engagement.

#### **Management Response-Recommendation 10**

Noting that core departments have a complete understanding of the obligations under the legislation, the SARA ADM Committee agrees with the recommendation. For the period covered by the evaluation, the majority of key obligations have been met despite the complexity of the Act, challenging timelines, need for extensive consultations and resource constraints.

The SARA Interdepartmental Action Plan, the RMAF and the policy/guidance framework, all currently under development, will clarify and enable responding to the obligations on an ongoing basis. Successful negotiation and implementation of bilateral agreements with provincial and territorial governments will also be key given their significant contribution to recovery planning and action plan implementation.

#### **Management Response-Recommendation 11**

The SARA ADM Committee agrees with the recommendation and core departments have taken steps to review progress in the development of recovery strategies. Recognizing that success depends on close cooperation with provinces and territories, a number of measures have been taken to fulfill SARA obligations, including:

- Consultation on the SARA policy/guidance framework development
- Continued negotiation of bilateral agreements with provinces and territories (see response to recommendation 5)
- Establishment of a federal-provincial-territorial Aquatic Species at Risk Task Group and active engagement of Ministers from the Canadian Committee of Fisheries and Aquaculture Ministers (CCFAM).

- Active engagement of provincial and territorial agencies through the inter-governmental Canadian Wildlife Directors' Committee (CWDC), with respect to terrestrial species

**Management Response-Recommendation 12**

The SARA ADM Committee agrees with the recommendation. The core departments will conduct a critical review with Other Government Departments (OGDs) to adjust the scope, purpose and priorities of the IRF and better align fund allocations with OGD needs. The results of this analysis will be reflected in the development of future resource requirements.

**Management Response-Recommendation 13**

The SARA ADM Committee agrees with the recommendation.

A number of recent governance and program management changes have already been put in place. Specifically, regular senior management meetings are being held and significant resources have been directed to accelerate planning and policy and process development. Core departments are committed to reviewing and renewing the CMF in light of experience gained to date and the strengthened governance structure.

**Management Response-Recommendation 14**

The SARA Deputy Ministers (DMs) Steering Committee agrees with the recommendation. The SARA Deputy Minister's Steering Committee is meeting regularly and will be tracking progress as per the evaluation recommendation.

**Management Response-Recommendation 15**

The core departments agree with the recommendation. The Committee has launched the necessary planning to determine how best to meet current obligations and the growing workload linked to the increasing number of listed species at risk. The workload includes the need for timely development and implementation of recovery strategies, including work on critical habitat, extensive consultation and engagement, and raising awareness and promoting compliance. The core departments will plan activities commensurate with available resources and ensure that efficiencies are gained by implementing an ecosystem/multi-species approach where appropriate, supported by strong science and aided by regional stewardship.

**Management Response-Recommendation 16**

The SARA ADM Committee agrees with the recommendation. Core departments will lead the development of a vision aimed at streamlining recovery planning and implementation that encompasses a multi-species and/or ecosystems approach, where appropriate. The first SARA Minister's Roundtable will be used to seek the advice of key partners and stakeholders on the vision and identify opportunities for joint action.

**Management Response-Recommendation 17**

The SARA ADM Committee agrees with the recommendation and will ensure that their respective audit and evaluation groups plan for an appropriate review. As well, in addition to drawing on the results of the Minister's Roundtable, the core departments will review achievements and challenges to provide appropriate advice to Parliament to undertake the legislative review.

## **Appendix A: Evaluation Methodology**

This evaluation is “evidence-based.” That is, its conclusions and recommendations are based on objective, quantitative, and documented evidence to the fullest extent possible. The evaluation was conducted in accordance with the work plan described in the Evaluation Plan prepared by Environment Canada’s Audit and Evaluation Directorate. The major project phases are outlined as follows:

- Phase I: Evaluation Planning
- Phase II: Data Collection and Review
- Phase III: Analysis and Development of Findings
- Phase IV: Debriefing
- Phase V: Reporting

### **Phase I: Evaluation Planning**

During Phase I, a project initiation meeting was held with the core departments’ Joint Evaluation Committee to review and confirm the project’s scope and objectives; clarify roles and responsibilities; and finalize the evaluation work plan. A brief examination of the available documentation was conducted to gain a better understanding of the range of written material available to support the evaluation and to identify any shortcomings. A series of evaluation instruments were then developed to support the evaluation process. Included in the package of evaluation instruments were a program profile (see Appendix B) and an evaluation framework detailing the questions and issues to be examined for each main program component (see Appendix C).

### **Phase II: Data Collection and Review**

The evaluation process involved multiple perspectives across multiple lines of enquiry, including the following elements:

- *Document review and interviews* – Documentation was reviewed and analyzed. Gaps in the evidence base were noted, and interviews were scheduled with the relevant departmental personnel, who were provided with a summary of the gaps in the documentation for their areas of accountability before the interview. The initial analysis was then updated to incorporate any additional documentation or information made available through the interview process.
- *Electronic survey* – More than 600 interested parties were contacted and invited to participate in an electronic survey to solicit their views on SARA implementation to date. Of those contacted, 285 accepted the invitation and completed the electronic survey. Working Paper I provides a stand-alone summary and analysis report on the survey results.
- *Key informant interviews* – More than 80 stakeholders were contacted and invited to provide input to the evaluation. Of those contacted, 64 accepted the invitation and agreed to be interviewed. Working Paper II provides a stand-alone summary and analysis report of the views expressed by the key informants.
- *Case studies* – the project team undertook a detailed study of activities related to five different species at risk, plus one case study that focused on an ecosystem approach and multiple species at risk. The case studies were chosen to be illustrative across different species, departments and ecosystems. Each of the individual case studies was provided under separate cover, as Working Paper III

through Working Paper VIII of this report. These case studies involved the following species or ecosystems:

- Polar bear – This study examines the COSEWIC assessment process, the response and listing process, and the role of wildlife management boards in those processes.
- Northern abalone – The northern abalone study focuses on compliance promotion, enforcement, permitting, and recovery efforts for a species that includes raised (i.e., aquaculture) sub-populations.
- Northern wolffish – This study looks at compliance promotion, enforcement, prosecution, and permitting activities for an endangered marine species subject to significant incidental by-catch by commercial fisheries operations.
- Barrens willow – This study examines a plant species that is also protected under complementary provincial legislation. It focuses on efforts and processes for moving a provincially approved recovery strategy through the federal process, and on ecosystem-based approaches to recovery implementation in the Newfoundland limestone barrens.
- Piping Plover – The Piping Plover study focuses on a multi-jurisdictional (Ontario, Manitoba, Saskatchewan, Canada) examination of a migratory bird species. These jurisdictions have a long-standing history of cooperation and collaborative action.
- Garry oak ecosystems – The Garry oak ecosystem study looks at the processes, opportunities and challenges of addressing multiple species protected under both federal and provincial authorities.

### **Phase III: Analysis and Development of Findings**

In Phase III, the evidence within each main program component was analyzed, and preliminary findings were developed. Reports on each of the individual case studies, the key informant interviews, and the electronic survey were delivered to the Joint Evaluation Committee for review, further circulation and comment. Preliminary findings were developed and presented to the Joint Evaluation Committee.

Presentations on the preliminary findings that were relevant to the individual core departments were then made to representatives of each department. Those representatives were asked to validate the preliminary findings, identify information gaps, errors and omissions, and provide additional evidence in instances where the preliminary findings were considered to be in error. Additional evidence received was analyzed accordingly, and the preliminary findings were updated. Draft evaluation findings were then prepared.

### **Phase IV: Debriefing**

In Phase IV, the Joint Evaluation Committee was briefed on the draft findings of the evaluation. Subsequent debriefing sessions were conducted with

- the core departments' Directors General Evaluation Steering Committee, established to oversee and direct the work of the Joint Evaluation Committee;
- Environment Canada senior management;
- Parks Canada senior management;
- Fisheries and Oceans Canada senior management; and
- a committee comprised of Associate Deputy Ministers of each of the core departments.

The individuals briefed were able to provide comment and feedback on the draft findings. Additional evidence received was analyzed, and the draft findings were updated.

**Phase V: Reporting**

In Phase V, the draft evaluation findings were documented as a draft report. This draft report included revised versions of the case study reports, the report on key informant interviews, and the report on the survey results, which incorporated the comments and suggestions provided earlier by the Joint Evaluation Committee. The draft report was submitted to the Joint Evaluation Committee, which circulated the report for comment and aggregated the feedback provided. The draft report was adjusted, where appropriate, and a final evaluation report was prepared and submitted.

## Appendix B: Program Profile

Program Component	Purpose of Funding Allocations	Expected Outputs	Intermediate Outcomes
<b>1. Common Support Mechanisms</b>	Ensure coordination and consistency among the three competent departments under SARA for areas of common interest and responsibility and to ensure compliance with the legal listing requirements under the Act	<ul style="list-style-type: none"> <li>• Annual report to Parliament</li> <li>• Public awareness sessions on the new Act and key issues</li> <li>• Training of staff</li> <li>• Roundtable of interested parties</li> <li>• Agreements/protocols/MOUs developed with provinces, territories, OGDs, WMBs</li> <li>• Supporting federal policies/regulations developed in key areas</li> <li>• CESSC Secretariat created</li> <li>• Public access to SARA information and documents</li> </ul>	<ul style="list-style-type: none"> <li>• Parties to the Accord for the Protection of Species at Risk cooperate in national implementation priorities</li> <li>• Federal species at risk programs are administered in a coordinated, effective, and efficient manner</li> <li>• Canadians receive information on species at risk and have the opportunity to contribute to the protection of these species and their habitat</li> </ul>
<b>2. Aboriginal involvement</b>	Provide support for, and build capacities and processes for, meaningful Aboriginal involvement in the protection of species at risk and their habitat	<ul style="list-style-type: none"> <li>• NACOSAR is created and supported by a functioning secretariat</li> <li>• COSEWIC ATK subcommittee is created</li> <li>• Aboriginal people are consulted on species at risk issues</li> <li>• Aboriginal involvement and ATK are incorporated into recovery planning activities</li> <li>• Aboriginal involvement and ATK are incorporated into recovery strategy, action plan, and management plan implementation</li> <li>• An Aboriginal Capacity Building Program is designed and implemented</li> <li>• Stewardship agreements to protect and recovery critical habitat are put in place</li> </ul>	<ul style="list-style-type: none"> <li>• The federal government's fiduciary responsibilities towards Aboriginal people will be respected under SARA through consultation with and involvement of Aboriginal people</li> <li>• Aboriginal peoples' capacity to participate in SARA-related issues will be increased</li> <li>• Critical habitat on Aboriginal lands is protected and recovered</li> </ul>
<b>3. Assessment, Listing and Response</b>	<p>Establish COSEWIC on a sound and professional basis</p> <p>Meet legislative time lines for species assessment listing and response</p>	<ul style="list-style-type: none"> <li>• COSEWIC Secretariat is established</li> <li>• COSEWIC reassesses all Schedule 2 species by June 2006</li> <li>• COSEWIC publishes 60 status reports per year</li> <li>• Surveys of species at risk on federal lands and aquatic species wherever they are found</li> <li>• Scientific and basic research to support species at risk priorities is undertaken</li> <li>• Consultation requirements are satisfied (e.g., with Aboriginal peoples, affected parties)</li> <li>• Legal obligations to respond to COSEWIC assessments are met</li> </ul>	<ul style="list-style-type: none"> <li>• Government and public support and acceptance of COSEWIC as a scientifically credible, non-partisan body</li> <li>• Decisions on species at risk and species of special concern are made on the basis of timely, scientifically credible, and non-partisan advice</li> <li>• Species at risk are formally identified and legally protected</li> </ul>



Program Component	Purpose of Funding Allocations	Expected Outputs	Intermediate Outcomes
		<ul style="list-style-type: none"> <li>Listing decisions are made</li> </ul>	
<b>4. Recovery Planning</b>	<p>Meet legislative time lines for recovery planning</p> <p>Socio-economic considerations and stakeholder views are incorporated into decision making on the protection of species at risk and their habitat</p>	<ul style="list-style-type: none"> <li>Recovery strategies are produced within the Act's specified time lines (an estimated 167 recovery strategies by 2007–2008)</li> <li>Stakeholders are consulted on recovery strategies</li> <li>Critical habitat is identified for species at risk</li> <li>Aboriginal involvement and ATK are incorporated into recovery strategies</li> <li>Action plans for recovery strategy implementation (including socio-economic assessments) are developed by the competent minister</li> <li>Recovery secretariat established</li> <li>Management strategies for species of special concern are developed (30 strategies by year 5) within the legislated time lines</li> <li>Stakeholders are consulted on recovery strategies, action plans, and management strategies</li> </ul>	<ul style="list-style-type: none"> <li>Scientifically defensible and socio-economically desirable actions are identified (within legislated time lines) for the protection of species at risk and their environment</li> </ul>
<b>5. Recovery Implementation</b>	<p>Actions identified in recovery strategies, action plans, and management plans for the protection of species at risk and species of special concern and their habitat are initiated, on a priority basis</p> <p>Protect and report on critical habitat on federal lands</p>	<ul style="list-style-type: none"> <li>Aboriginal involvement and ATK are incorporated into recovery strategy, action plan, and management plan implementation</li> <li>Contributions are made to the WWF/EC ESRF</li> <li>Recovery actions will be partially implemented (40 percent of proposed actions) for 26 EC-led and 15 DFO-led species annually</li> <li>Competent departments will leverage other resources in support of action plan implementation</li> <li>Aboriginal involvement in critical habitat protection</li> <li>Prohibitions enacted for critical habitat on federal lands</li> <li>Stewardship agreements with Aboriginal peoples to protect critical habitat</li> </ul>	<ul style="list-style-type: none"> <li>Priority actions are initiated to protect species at risk and their habitat</li> <li>External resources are committed to protect species at risk and their habitat</li> <li>Critical habitat on federal lands is legally protected</li> </ul>
<b>6. Prohibitions (Permitting, Compliance Promotion and Enforcement)</b>	<p>Enforcement of SARA for federal species on federal lands</p> <p>Permits issued for relevant activities</p>	<ul style="list-style-type: none"> <li>Permit policies in place</li> <li>Permits issued for eligible activities</li> <li>Compliance promotion strategy in place and implemented</li> <li>Enforcement policies developed</li> <li>Training of federal personnel</li> <li>Ten regional and four headquarters (EC) enforcement officers by 2008</li> </ul>	<ul style="list-style-type: none"> <li>SARA is enforced for listed species</li> <li>A preventative approach is in place, focusing on compliance promotion</li> <li>Relevant scientific and monitoring activities are undertaken only where relevant permits have been issued</li> <li>Parties to the Accord take action to legally protect species at risk and their habitat</li> </ul>

Program Component	Purpose of Funding Allocations	Expected Outputs	Intermediate Outcomes
		<ul style="list-style-type: none"> <li>Enforcement personnel allocated to DFO regions</li> <li>Additional wildlife patrols in national parks</li> <li>Three enforcement coordinator positions staffed in PC</li> <li>Enforcement agreements with provinces</li> <li>Equivalent actions by parties to the Accord</li> <li>Development of a policy framework to support the Act's safety net provisions</li> </ul>	
<b>7. Habitat Stewardship Program</b> <sup>43</sup>	<p>Support to habitat projects that benefit species at risk</p> <p>Enable Canadians to become actively involved in stewardship for species at risk</p> <p>Improve the scientific, sociological and economic understanding of the role stewardship has as a conservation tool</p>	<ul style="list-style-type: none"> <li>Regional implementation boards engage multiple stakeholders</li> <li>National and regional prospectus established</li> <li>Contribution agreements in place</li> <li>Project-tracking system in place</li> <li>Recipient reports</li> <li>National and regional reports</li> <li>Species at risk targeted by funding program</li> <li>Area (ha) protected/targeted</li> </ul>	<ul style="list-style-type: none"> <li>Cooperation among partners is enhanced</li> <li>Habitat priorities identified by the HSP influence investments by other programs</li> <li>Best-use practices are in place to protect and conserve priority species/habitat</li> <li>There is increased awareness on the part of landowners and other stakeholders</li> <li>Threats are mitigated</li> </ul>
<b>8. Inter-departmental Recovery Fund</b>	<p>Enable federal departments and agencies to become actively involved in the recovery of species at risk that occur on lands or areas that they administer</p> <p>Enable OGDs to meet legal requirements under SARA</p>	<ul style="list-style-type: none"> <li>Species at risk recovery actions in support of recommendations specified in recovery strategies and action plans</li> <li>Activities that enable OGDs (excluding core departments) to meet legal requirements as imposed under SARA</li> <li>Emphasis on directing funding to other federal departments and agencies, excluding EC, DFO, PC</li> <li>Activities include threat abatement, habitat enhancement, surveys, research, identification of critical habitat, management plan preparation, outreach, and extension and capacity building</li> </ul>	<ul style="list-style-type: none"> <li>Biological results are achieved</li> <li>IRF is used to assist in meeting specific SARA requirements (protection of critical habitat, prohibitions against species and residences, surveys, etc.)</li> <li>Federal entities take SARA properly into account under their respective mandates</li> </ul>

<sup>43</sup> See HSP Results-based Management and Accountability Framework for additional details

<b>Program Component</b>	<b>Purpose of Funding Allocations</b>	<b>Expected Outputs</b>	<b>Intermediate Outcomes</b>
<b>Other</b>	Legal support for development of policies, regulations, etc.	<ul style="list-style-type: none"><li>• Legal support to core departments</li></ul>	

## Appendix C: Evaluation Matrix

Key Components	Sub components	Evaluation Issues	Sources of Evidence
1. Common Support Mechanisms	1.1 National Coordination and Cooperation	A. CESSC Secretariat established?	interviews / org charts / HR
		B. Work planning taking place?	work plans
		C. Resource needs estimated? Met?	budgets
		D. Secretariat reporting taking place?	reports
		E. CESSC meeting as planned?	minutes of meeting
		F. Is participation is consistent and does it involve targeted audience?	minutes/interviews
		G. How is CESSC advice/direction incorporated into decision making?	interviews/minutes
		H. Is CESSC meeting the needs of federal/provincial/territorial parties?	interviews / stakeholder interviews / survey / case studies
		I. Is there evidence of lessons learned and incorporation of best practices?	reports
		J. Is implementation of the Accord being tracked? Reported? What progress has been made?	reports/interviews
		K. Have any formal agreements/frameworks/processes been established with provinces/territories? Are there gaps? What are the consequences of these gaps?	agreements / interviews / case studies
		L. Has the work of the Canadian Wildlife Directors Committee been responsive to the direction and priorities set by the CESSC?	interviews / case studies
	1.2 Species at Risk Advisory Committee	A. Have terms of reference been developed for SARAC?	terms of reference
		B. Have SARAC resource needs been assessed/met?	budgets / work plans
		C. SARAC meeting as planned?	minutes of meeting
		D. Is participation consistent and does it involve targeted audience?	minutes of meeting
		E. How is SARAC advice incorporated into decision making?	minutes / interviews / stakeholder interviews
		F. Is SARAC meeting the needs of participants? Ministers?	interviews
		G. Is there evidence of lessons learned and incorporation of best practices?	reports/interviews
	1.3 Public Awareness	A. Is the Public Registry functional/current?	Public Registry / interviews / stakeholder interviews / survey
		B. Have Public Registry user needs been assessed? Met?	reports/interviews
		C. Is Public Registry use tracked? What are the trends?	reports/interviews
		D. Is the Public Registry meeting user needs?	reports / interviews / survey / stakeholder interviews
		E. Did the planned public awareness workshops take place?	reports/interviews
		F. Did the targeted audiences participate?	reports/interviews
		G. Have public awareness needs been assessed?	reports/interviews
		H. Is a plan in place to address public awareness needs?	work plan
		I. Is the plan being implemented? What has been done?	
	1.4 Federal Coordination	A. Have Assistant Deputy Minister / Director General coordinating committees been established?	minutes
		B. Have terms of reference for the committees been established?	terms of reference
		C. Are committees meeting as intended?	minutes

Key Components	Sub components	Evaluation Issues	Sources of Evidence
		D. Is participation consistent and with targeted audience?	minutes/interviews
		E. Is committee advice being incorporated into decision making?	minutes/interviews
		F. Are committees meeting the needs of the core departments?	interviews
		G. Are core departments producing annual work plans/strategies and budgets?	work plans / budgets
		H. Are financial tracking systems in place across core departments?	interviews/reports
		I. Are core departments reporting on implementation progress?	reports
		J. Have core departments developed and implemented training programs? What are the gaps?	training plans / reports / interviews
		K. Is the mandated reporting to Parliament taking place?	SARA report to Parliament
		L. Have the core departments developed the supporting policy framework/guidance/tools in specified areas: safety nets, compensation, federal-provincial relations, recovery feasibility, critical habitat identification, socio-economic assessment, and enforcement?	policies/interviews
		M. Is the Cooperative Management Framework working as intended? Are there any gaps or areas in need of adjustment? Has it been reviewed? Renewed?	reports/interviews
		N. Is there evidence of lessons learned and incorporation of best practices?	interviews/reports
<b>2. Aboriginal Involvement</b>	<b>2.1 NACOSAR</b>	O. Is the program being effectively coordinated across the core departments? Which elements are not being coordinated that should be?	interviews
		A. NACOSAR Secretariat established?	interviews / org charts
		B. Work planning taking place?	work plans
		C. Resource needs estimated? Met?	budgets
		D. Secretariat reporting taking place?	reports
		E. NACOSAR terms of reference established?	terms of reference
		F. NACOSAR meeting as planned?	minutes of meeting
		G. Is participation consistent and does it involve targeted audience?	minutes/interviews
		H. How is NACOSAR advice/direction incorporated into decision making?	interviews / minutes / stakeholder interviews / case studies
		I. Is NACOSAR meeting the needs of parties?	interviews
		J. Is there evidence of lessons learned and incorporation of best practices?	reports/studies
		K. Have any formal agreements/frameworks/processes been established to protect critical habitat on Aboriginal lands? Are there gaps? What are the consequences of these gaps?	agreements / interviews / case studies
	<b>2.2 COSEWIC ATK Subcommittee</b>		
		A. ATK Subcommittee established?	minutes
		B. Secretariat established?	interviews / org chart
		C. Work planning taking place?	work plans / interviews
		D. Resource needs estimated? Met?	reports/budgets/interviews
		E. Secretariat reporting taking place?	reports
		F. Terms of reference established?	terms of reference
		G. Subcommittee meeting as planned?	minutes
		H. Is participation consistent and does it involve targeted audience?	minutes/interviews
		I. How is ATK Subcommittee advice/direction incorporated into decision making? Is ATK being incorporated into COSEWIC assessments?	interviews / minutes / reports / case studies / stakeholder interviews
		J. Is ATK Subcommittee meeting the needs of parties?	interviews / stakeholder interviews

Key Components	Sub components	Evaluation Issues	Sources of Evidence
		K. Is there evidence of lessons learned and incorporation of best practices?	interviews/reports
	2.3 Aboriginal Capacity Building	A. Have Aboriginal capacity/awareness needs been assessed?	reports/interviews
		B. Has a plan to address Aboriginal capacity/awareness needs been developed?	plans/reports/interviews
		C. Have resource needs been assessed? Met?	reports/budgets/interviews
		D. What capacity-building and awareness-building activities have taken place? With what impacts?	reports / interviews / stakeholder interviews
	2.4 Aboriginal Participation	A. Is Aboriginal participation taking place in assessment? How?	interviews / case studies
		B. Is Aboriginal participation taking place in protection (i.e., prohibitions)? How?	interviews / case studies
		C. Is Aboriginal participation taking place in recovery planning? How?	interviews / case studies
<b>3. Assessment, Listing and Response</b>	3.1 EC-led Science and Support	D. Are there any notable differences in the level/appropriateness of Aboriginal involvement across the core departments?	interviews
		E. Has Aboriginal involvement materialized as hoped? If not, why not?	interviews / survey / stakeholder interviews
		A. Is work planning taking place? Have strategic plans been developed to identify priorities?	interviews / work plans
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	work plans / reports / budgets / interviews
		C. Are financial tracking systems in place?	reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support EC assessment-related activities?	interviews/policies/guidelines
		G. Has EC invested in the science needed in the required areas? If not, why not?	reports / interviews / stakeholder interviews
		H. Is EC science being disseminated and used by others?	reports / interviews / stakeholder interviews
		I. How has Aboriginal involvement been incorporated into EC's science and assessment programs?	reports / interviews / stakeholder interviews
		J. Has EC provided all the information needed to support COSEWIC assessments?	reports/interviews
		K. Have the provinces/territories cooperated with EC science/assessment activities? To what degree?	reports/interviews
	3.2 DFO-led Science and Support	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	interviews / work plans
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	work plans / reports / budgets / interviews
		C. Are financial tracking systems in place?	reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support DFO assessment-related activities?	interviews/policies/guidelines
		G. Has DFO invested in the science needed in the required areas? If not, why not?	reports / interviews / stakeholder interviews

Key Components	Sub components	Evaluation Issues	Sources of Evidence
		H. Is DFO science being disseminated and used by others?	reports / interviews / stakeholder interviews
		I. How has Aboriginal involvement been incorporated into DFO's science and assessment programs?	reports / interviews / stakeholder interviews
		J. Have the provinces/territories cooperated with DFO science/assessment activities? To what degree?	reports/interviews
		K. Has DFO provided all the information needed to support COSEWIC assessments?	reports/interviews
	3.3 PC-led Science and Support	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	interviews / work plans
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	work plans / reports / budgets / interviews
		C. Are financial tracking systems in place?	reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support PC assessment-related activities?	interviews/policies/guidelines
		G. Has PC invested in the science needed in the required areas? If not, why not?	reports / interviews / stakeholder interviews
		H. Is PC science being disseminated and used by others?	reports / interviews / stakeholder interviews
		I. How has Aboriginal involvement been incorporated into PC's science and assessment programs?	reports / interviews / stakeholder interviews
		J. Has PC provided all the information needed to support COSEWIC assessments?	reports/interviews
		K. Have the provinces/territories cooperated with PC science/assessment activities? To what degree?	reports/interviews
	3.4 COSEWIC	A. Work planning taking place?	work plans / interviews
		B. Resource needs estimated? Met?	reports/budgets/interviews
		C. Secretariat reporting taking place?	reports/interviews
		D. Terms of reference established for COSEWIC subcommittees?	terms of reference / interviews
		E. COSEWIC (and subcommittees) meeting as planned?	minutes/interviews
		F. Is participation consistent and does it involve targeted audience?	minutes/interviews
		G. How is CESSC advice/direction incorporated into decision making?	reports / interviews / case studies
		H. What progress has been made in completing the reassessment of Schedule 2 and 3 species? Are there any gaps? Challenges? What will be the impacts?	reports
		I. Is COSEWIC seen to provide scientifically credible, non-partisan assessments and reports?	survey / stakeholder interviews / interviews
		J. How many status reports is COSEWIC producing each year? Is the target being met (60 per annum)? If not, why not?	reports/ interviews
		K. Does COSEWIC continue to meet the needs of federal/provincial/territorial parties?	survey / stakeholder interviews / interviews
		L. Is there evidence of lessons learned and incorporation of best practices?	reports/interviews

Key Components	Sub components	Evaluation Issues	Sources of Evidence
	3.5 Listing	A. Have governments supported COSEWIC assessments? If not, why not?	reports / interviews / stakeholder interviews / surveys
		B. Have the responsible ministers responded to the COSEWIC assessments within the legislated time lines? If not, why not?	reports/interviews
		C. Have all other relevant mandatory requirements been met?	reports/interviews
<b>4. Recovery Planning</b>	<b>4.1 EC-led Recovery Planning</b>	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support EC recovery planning?	interviews/policies/guidelines
		G. What recovery planning has occurred? Is EC on track to meet legal obligations with respect to recovery strategies, action plans, and management plans? If not, why not?	reports / interviews / case studies
		H. Has critical habitat been identified for EC-responsible species? If not, why not?	reports / interviews / case studies
		I. Have all other relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into EC's recovery planning?	reports / interviews / case studies / stakeholder interviews
		K. Have the provinces/territories cooperated with EC-led recovery planning? To what degree?	reports/interviews
	<b>4.2 DFO-led Recovery Planning</b>	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support DFO recovery planning?	interviews/policies/guidelines
		G. What recovery planning has occurred? Is DFO on track to meet legal obligations with respect to recovery strategies, action plans, and management plans? If not, why not?	reports / interviews / case studies
		H. Has critical habitat been identified for DFO-responsible species? If not, why not?	reports / interviews / case studies
		I. Have all other relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into DFO's recovery planning?	reports / interviews / case studies / stakeholder interviews
		K. Have the provinces/territories cooperated with DFO-led recovery planning? To what degree?	reports/interviews



Key Components	Sub components	Evaluation Issues	Sources of Evidence
	4.3 PC-led Recovery Planning	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support PC recovery planning?	interviews/policies/guidelines
		G. What recovery planning has occurred? Is PC on track to meet legal obligations with respect to recovery strategies, action plans, and management plans? If not, why not?	reports / interviews / case studies
		H. Has critical habitat been identified for PC-responsible species? If not, why not?	reports / interviews / case studies
		I. Have all other relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into PC's recovery planning?	reports / interviews / case studies / stakeholder interviews
		K. Have the provinces/territories cooperated with PC-led recovery planning? To what degree?	reports/interviews
5. Recovery Implementation	5.1 EC-led Recovery Implementation	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support EC recovery implementation?	interviews/policies/guidelines
		G. What recovery activities have occurred? Have priorities been identified? Is EC on track to expected levels of recovery activity? If not, why not?	reports / interviews / case studies
		H. Has critical habitat been protected for EC-responsible species? If not, why not?	reports / interviews / case studies
		I. Have all relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into EC's recovery implementation?	reports / interviews / case studies / stakeholder interviews
		K. Have the provinces/territories cooperated with EC-led recovery implementation? To what degree?	reports/interviews
	5.2 DFO-led Recovery Implementation	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews

Key Components	Sub components	Evaluation Issues	Sources of Evidence
		F. Have the policy framework/guidance/tools been put in place to support DFO recovery implementation?	interviews/policies/guidelines
		G. What recovery activities have occurred? Have priorities been identified? Is DFO on track to deliver expected levels of recovery activity? If not, why not?	reports / interviews / case studies
		H. Has critical habitat been protected for DFO-responsible species? If not, why not?	reports / interviews / case studies
		I. Have all relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into DFO's recovery implementation?	reports / interviews / case studies / stakeholder interviews
		K. Have the provinces/territories cooperated with DFO-led recovery implementation? To what degree?	reports/interviews
	5.3 PC-led Recovery Implementation	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support PC recovery implementation?	interviews/policies/guidelines
		G. What recovery activities have occurred? Have priorities been identified? Is PC on track to deliver expected levels of recovery activity? If not, why not?	reports / interviews / case studies
		H. Has critical habitat been protected for PC-responsible species? If not, why not?	reports / interviews / case studies
		I. Have all relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into PC's recovery implementation?	reports / interviews / case studies / stakeholder interviews
		K. Have the provinces/territories cooperated with PC-led recovery implementation? To what degree?	reports/interviews
	5.4 Habitat Stewardship Program	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	HSP evaluation / follow-up interviews
		B. Are effective management and review processes in place?	HSP evaluation / follow-up interviews
		C. Are project and financial tracking systems in place?	HSP evaluation / follow-up interviews
		D. Are projects being levered at the expected ratios? If not, why not?	HSP evaluation / follow-up interviews
		E. Are measurement and reporting taking place?	HSP evaluation / follow-up interviews
		F. Has there been follow-up on the recommendations from the formative evaluation? If not, why not?	follow-up interviews
		G. How much area has been protected? What is the cost (total, to GoC) per hectare protected and how does this compare with other, similar initiatives?	HSP evaluation / follow-up interviews
		H. Have HSP resources been appropriately balanced across regions? Across species and habitats? How do we know?	HSP evaluation / follow-up interviews

Key Components	Sub components	Evaluation Issues	Sources of Evidence
		I. Is there any evidence that HSP has had an impact on targeted species?	HSP evaluation / follow-up interviews
		J. Does HSP target SARA-listed species? Other species? Why?	HSP evaluation / follow-up interviews
		K. How has Aboriginal involvement been incorporated into HSP?	HSP evaluation / follow-up interviews
		L. How have the provinces/territories demonstrated support for HSP?	HSP evaluation / follow-up interviews
		M. What involvement and leverage has been provided by other targeted audiences? Municipalities? Industry? NGOs?	HSP evaluation / follow-up interviews
		N. Is HSP being managed in a cost-effective manner? How do administration and overhead ratios compare with those of other, similar programs?	HSP evaluation / follow-up interviews
		O. Are resources sufficient to have an impact? How do we know?	HSP evaluation / follow-up interviews
	5.5 Interdepartmental Recovery Fund		
		A. Is work planning taking place? Have strategic plans been developed to identify priorities?	interviews/plans
		B. Are effective management and review processes in place?	interviews / documented processes
		C. Are project and financial tracking systems in place?	tracking systems / interviews
		D. Are all signatories to the MOUs identifying and protecting critical habitat? If not, why not?	reports/interviews
		E. Do signatories to the MOUs have the capacities/tools to identify and protect critical habitat?	interviews
		F. Are measurement and reporting taking place?	reports/interviews
		G. How much area has been protected? What is the cost (total, to GoC) per hectare protected and how does this compare with other, similar initiatives?	interviews/reports
		H. Is there any evidence that IRF has had an impact on targeted species?	interviews / reports / case studies
		I. Is IRF being managed in a cost-effective manner? How do administration and overhead ratios compare with those of other, similar programs?	interviews/reports
		J. Are resources sufficient to have an impact? How do we know?	interviews/reports
6. Protection (Prohibitions, Permitting, Compliance, and Enforcement)	6.1 EC-led Protection	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support EC permitting and enforcement activities?	interviews/policies/guidelines
		G. What permitting and enforcement activities have occurred? Have priorities been identified?	reports / interviews / case studies
		H. Are prohibitions being communicated to targeted audiences? Is compliance promotion taking place?	reports / interviews / case studies
		I. Have all relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into EC-led permitting, compliance promotion and enforcement activities?	reports / interviews / case studies / stakeholder interviews

Key Components	Sub components	Evaluation Issues	Sources of Evidence
		K. Have the provinces/territories cooperated with EC-led permitting, compliance promotion and enforcement activities? To what degree?	reports/interviews
	6.2 DFO-led Protection	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support DFO permitting and enforcement activities?	interviews/policies/guidelines
		G. What permitting and enforcement activities have occurred? Have priorities been identified?	reports / interviews / case studies
		H. Are prohibitions being communicated to targeted audiences? Is compliance promotion taking place?	reports / interviews / case studies
		I. Have all relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into DFO-led permitting, compliance promotion and enforcement activities?	reports / interviews / case studies / stakeholder interviews
		K. Have the provinces/territories cooperated with DFO-led permitting, compliance promotion and enforcement activities? To what degree?	reports/interviews
	6.3 PC-led Protection	A. Is work planning taking place? Have strategic plans been developed to identify priorities?	work plans / interviews
		B. Have resource needs been estimated? Met? If not, why not, and what are the expected impacts?	reports/interviews/budgets
		C. Are financial tracking systems in place?	budgets/reports/interviews
		D. Are measurement and reporting taking place?	reports/interviews/budgets
		E. Are there any attempts to identify lessons learned or share best practices?	reports/interviews
		F. Have the policy framework/guidance/tools been put in place to support PC permitting and enforcement activities?	interviews/policies/guidelines
		G. What permitting and enforcement activities have occurred? Have priorities been identified?	reports / interviews / case studies
		H. Are prohibitions being communicated to targeted audiences? Is compliance promotion taking place?	reports / interviews / case studies
		I. Have all relevant mandatory requirements been met?	reports/interviews
		J. How has Aboriginal involvement been incorporated into PC-led permitting, compliance promotion and enforcement activities?	reports / interviews / case studies / stakeholder interviews
		K. Have the provinces/territories cooperated with PC-led permitting, compliance promotion and enforcement activities? To what degree?	reports/interviews
	6.4 Provincial Actions and Safety Net Provisions	A. Have other parties to the Accord taken sufficient action to protect species at risk on non-federal lands? Which parties have done so? Which parties have not? Why not?	reports/interviews
		B. Have the policy framework/guidance/tools been put in place to support taking safety net actions? If not, why not?	reports/interviews

