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Evaluation of Programs and Activities in Support of the *Species at Risk Act*

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Acronyms Used in Report

Aboriginal Fund for Species at Risk	AFSAR
Aboriginal Traditional Knowledge	ATK
Canadian Endangered Species Conservation Council	CESCC
Canadian Environmental Assessment Agency	CEAA
Canadian Wildlife Directors Committee	CWDC
Canadian Wildlife Service	CWS
Committee on the Status of Endangered Wildlife in Canada	COSEWIC
Convention on Biological Diversity	CBD
Departmental Performance Report	DPR
Environment Canada	EC
Federal Sustainable Development Strategy	FSDS
Fisheries and Oceans Canada	DFO
Habitat Stewardship Program	HSP
Interdepartmental Recovery Fund	IRF
National Aboriginal Council on Species at Risk	NACOSAR
Office of the Auditor General	OAG
Parks Canada Agency	PCA
Results-based Management and Accountability Framework – Risk based Accountability Framework	RMAF-RBAF
Species at Risk Act	SARA
Species at Risk Advisory Committee	SARAC
Treasury Board Secretariat	TBS
Wildlife Management Board	WMB

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EXECUTIVE SUMMARY

The following evaluation examines the implementation of the *Species at Risk Act* (SARA) from June 2005 to December 2010. It was conducted to provide neutral evidence to senior policy makers at Environment Canada (EC), Fisheries and Oceans Canada (DFO) and Parks Canada Agency (PCA)– the departments and agency (referred to the competent departments) responsible for the implementation of the *Species at Risk Act*. **It should be noted that this evaluation does not assess the effectiveness of the *Species at Risk Act* itself.**

In 2002, the *Species at Risk Act* (SARA) was passed to help the federal government implement its commitments under the *1996 Accord for the Protection of Species at Risk*. The Act, proclaimed in June 2003, came into full force on June 1, 2004. It ensures legal protection for individuals of federally listed species at risk and their residences for aquatic species and for migratory birds protected by the *Migratory Birds Convention Act, 1994* wherever they occur and for all other species on federal land. The competent departments received approximately \$100M per year to implement SARA during the course of the evaluation.

The three main objectives of the Act are:

- to prevent wildlife species from being extirpated or becoming extinct;
- to 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.

The implementation of the Act is a shared responsibility of EC, DFO and PCA. EC is responsible for the overall administration of the Act.

The evaluation was conducted to provide program management and senior decision makers at EC, DFO and PCA with evidence-based information on the relevance and performance of efforts to support the implementation of the *Species at Risk Act*. The evaluation data collection and initial report writing was conducted by a consulting firm. Additional analysis and further drafting of the report was conducted by evaluators from EC, DFO and PCA.

The scope of the evaluation is necessarily broad and does not examine any particular implementation issue in detail. This was done to ensure that all the key implementation issues received evaluation coverage while recognizing that the time and resources available did not allow for a detailed assessment of each of the wide range of implementation activities and associated impacts on provincial legislation, Aboriginal communities in Canada, industrial and commercial development activities and hunting

and fishing practices throughout Canada. Where possible, findings are presented for each competent department as each one has its own unique constituency and departmental decision-making approach.

The evaluation is based on the following four methods:

- File and document review of approximately 200 documents and administrative databases;
- International literature review to examine legislation in Australia and the United States;
- Key informant interviews with 73 individuals, both internal and external to government; and,
- Five case studies designed to probe specific issues in greater depth, particularly related to demonstrating the achievement of outcomes and delivery and demonstration of efficiency and economy.

The evaluation found that overall, the implementation of SARA is a relevant federal activity. The evidence indicates that the SARA programs and activities address a continued need to meet Canada's obligations to protect biodiversity, that the programs and activities are aligned with federal and departmental priorities, and that the federal government has a legitimate role in the implementation of the Act.

EC, DFO and PCA have undertaken a wide range of actions at the assessment, protection and recovery planning stages of the conservation cycle. Competent departments progressed at different rates towards producing recovery strategies; action plans; and management plans according to the legislated timelines. The evidence available on the three funding programs under SARA suggests that these programs are enabling the recovery of species at risk on federal and non-federal land, though these actions are still in the preliminary phases. Preliminary evidence reviewed for the achievement of immediate outcome of engagement by Aboriginal peoples and external stakeholders at various stages of the conservation cycle suggests that the departments have taken a variety of steps to engage and collaborate with First Nations and stakeholders, though the evidence on the impact of these collaborations was limited.

Though a full quantitative analysis of efficiency and economy was limited at this point in time, the available evidence nevertheless points to several key issues impacting the extent to which the competent departments demonstrate efficiency and economy in the implementation of the Act. Departments did not spend their allocated amounts. Reasons cited included the fact that they are not yet active in all stages of the conservation cycle required to deliver SARA and that there is a lag in staffing vacant positions. In contrast, looking forward over the coming years, there is concern that resources may not be sufficient to implement SARA once all stages of the conservation cycle are being addressed and legislated timelines for new outputs (e.g., reporting on

implementation of recovery strategies five years after posting on the registry) come into effect. Other issues, such as workload and the cost of doing research for large ranging species, the consultation requirements of the Act, legal challenges and meeting legislated timelines are noted as contributing to the costs of implementing the Act. The overall decision-making process and the clarity of roles and responsibilities, both among the three competent departments and between the federal government and other parties involved in the implementation of SARA (e.g., First Nations), is also highlighted as an area of concern. Using an ecosystem approach and/or multispecies approach at certain stages of the conservation cycle is a possible approach to making implementation of the Act more efficient.

The evaluation concludes that the competent departments are progressing towards meeting the objectives of the Act, particularly as regards prevention, but have not fully implemented all components of the conservation cycle, particularly the development of action plans and subsequent implementation of priority actions to recover wildlife.

The recommendations are as follows:

Recommendation 1: Overall implementation of SARA

It is recommended that the three competent departments develop a clear and actionable strategy to address the current backlog of Recovery Strategies, Action Plans and Management Plans and advance their work into those areas of the conservation cycle that have minimal activity at present: the implementation, monitoring and evaluation of priority actions.

Recommendation 2: Critical Habitat

It is recommended that: the three competent departments should finalize SARA policy related to the *identification* of critical habitat. This policy may be either horizontal or by individual department. This policy should be communicated to key stakeholders and Aboriginal groups.

Recommendation 3: Measuring, tracking and reporting on performance

It is recommended that the three competent departments articulate how they will measure, track and report on the key indicators such as: identifying critical habitat; timelines for and the delivery of action plans; and, the implementation of priority actions.

Recommendation 4: Consultations

It is recommended that each competent department identify key areas for improvement, and feasible ways to implement respective efficiencies to address the overall consultation requirements of the Act. These measures could include building upon consultations already occurring within various stages of the

conservation cycle. Where appropriate, these improvements should be done in coordination with the other departments/Agency.

1.0 INTRODUCTION

The following evaluation examines the implementation of the *Species at Risk Act* (SARA) from June 2005 to December 2010. It was conducted to provide neutral evidence to senior policy makers at Environment Canada (EC), Fisheries and Oceans Canada (DFO) and Parks Canada Agency (PCA) - the departments and agency responsible for the implementation of the *Species at Risk Act* (referred to hereinafter as the competent departments¹), to provide evidence to help inform program redesign, to support accountability to parliament and Canadians, to inform resource allocation and to improve program management practices where possible.

This evaluation does not assess the effectiveness of the *Species at Risk Act* itself. It also does not evaluate the work of any particular committee established under the Act such as the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). Rather, the scope of this evaluation is limited to EC, DFO and PCA's implementation of the programs and activities which support SARA.

Section two of this report provides a high-level overview of the Act and a description of the program. Details on the evaluation approach and methodology used to collect the evaluation evidence can be found in the third section, as well as the limitations of the report. The fourth section provides the findings based on the evaluation evidence and divided by the Treasury Board Evaluation Policy issues of relevance and performance including efficiency and economy. The fifth section shows the extent to which EC, DFO and PCA are meeting the objectives of the Act. The final section provides recommendations and the management responses from the competent departments.

¹ The ministers responsible for EC, DFO and PCA are known as the "competent ministers" in the Act. The term "competent departments" is commonly used to refer to EC, DFO and PCA in the implementation of SARA

2.0 BACKGROUND

The following section includes a brief overview of the legislative history of the *Species at Risk Act* (SARA), the objectives of the Act and the roles and responsibilities of the three competent departments. This information is meant to provide context to the evaluation findings and should not be taken as an exhaustive overview of the Act.

2.1 *The Species at Risk Act and its legislative framework*

In 1992, Canada signed the United Nations *Convention on Biological Diversity (CBD)* which committed the federal government to “[conserve] biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out the utilization of genetic resources”². As a result of ratifying the CBD, the federal government prepared the *Canadian Biodiversity Strategy (1995)*, and *the Accord for the Protection of Species at Risk (1996)*. Both the federal and provincial/territorial governments signed the Accord in order to establish national goals for conserving biological diversity.³

In 2002, the *Species at Risk Act* was passed to help the federal government implement its commitments under the Accord. The Act, proclaimed in June 2003, came into full force on June 1, 2004. It ensures legal protection for individuals of federally listed species at risk and their residences for aquatic species and for migratory birds protected by the *Migratory Birds Convention Act, 1994* wherever they occur and for all other species on federal land.

The three main objectives of the Act are:

- to prevent wildlife species from being extirpated or becoming extinct;
- to 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.

The implementation of the Act is a shared responsibility of EC, DFO, and PCA.

EC is responsible for the overall administration of the Act. The Minister of the Environment is responsible for all other terrestrial species on federal lands (other than those on PCA lands) as well as the protection of migratory birds. The Minister is required to consult with the other competent departments/agency in matters related to administration. EC is responsible for the overall coordination of the federal species at risk strategy. Within EC, implementation of the Act and related programs falls largely

² United Nations. 1992. *Convention on Biological Diversity*. www.cbd.int/doc/legal/cbd-en.pdf

³ Government of Canada. 2009. *Progress Report on the Species at Risk Act (SARA)*. www.sararegistry.gc.ca/approach/act/progress_report_e.cfm

under the responsibility of the Canadian Wildlife Service (CWS) and its Executive. The CWS aids SARA implementation by supporting EC management: it coordinates reporting and monitoring of the progress and performance of the implementation of the Act against objectives, provides advice, coordinates, and prepares material on overall program issues for review by senior management.

DFO oversees matters concerning aquatic species at risk within Canadian waters (except when these species are within waters managed by PCA). DFO had originally created a SARA Secretariat to oversee and coordinate species at risk related activities in the department. In March 2008, DFO re-structured and re-oriented its Species at Risk (SAR) program and established a SAR Directorate to manage the implementation of SARA for aquatic species. In April 2010, a departmental reorganization resulted in the division of the DFO SAR Directorate into two units: SAR Program Management and SAR Policies and Strategies. The two units pursue the original objective of the SAR Directorate: to provide national coherence and functional leadership, policy development and guidance, management of the DFO SAR budget, and liaison and coordination activities with EC, PCA, and other external bodies.

PCA oversees matters concerning individual species on federal lands and in waters administered by the Agency. The Minister responsible for PCA is responsible for individuals of species at risk found in national parks, national historic sites or other protected heritage areas. The Protected Areas Establishment and Conservation Directorate provides scientific and procedural advice to the CEO of PCA and to superintendents and provides nation-wide co-ordination of species at risk activities within the PCA. The Aboriginal Affairs Secretariat at PCA provides field units with support for the purposes of Aboriginal involvement and consultations. In addition, the service centres provides regional coordination and technical advices.

2.2 Advisory Bodies

Three advisory bodies are involved in the implementation of SARA: Committee on the Status of Endangered Wildlife in Canada (COSEWIC), Species at Risk Advisory Committee (SARAC), and the National Aboriginal Council on Species at Risk (NACOSAR). Though this evaluation does not directly examine the effectiveness of these advisory bodies, given their unique perspectives and role in providing advice, members of each advisory body participated in the interview process.

Committee on the Status of Endangered Wildlife in Canada (COSEWIC)

COSEWIC is established within the Act as the “scientific body that assesses the status of species at risk in Canada;”⁴ its members⁵ are appointed by the Minister of the Environment and the Committee is supported by a Secretariat funded and staffed by EC. Using the best available information on biological status, COSEWIC assesses and classifies potential species at risk and advises the Minister on the status of the assessed species. COSEWIC also contains a sub-committee on Aboriginal Traditional Knowledge (ATK) to help inform assessment decisions using the community knowledge of species within its lands and waters. EC, DFO, and PCA representatives contribute to the Committee’s work by sharing information on species of interest to COSEWIC (e.g., population surveys). Although the committee itself was not evaluated, the activities undertaken by EC, DFO and PCA to support COSEWIC and enable the assessment process were examined as part of the evaluation, as these activities are considered part of the department’s implementation of the Act.

Species at Risk Advisory Committee (SARAC)

SARAC facilitates consultation with industry and environmental groups. The Committee provides advice to the Minister of the Environment, the Minister of Fisheries and Oceans, and the Minister responsible for PCA on the following topics: implementation of the *Species at Risk Act*; effective stewardship of Canada’s biological diversity, federal programs and activities to achieve the objectives of SARA.⁶ SARAC members are appointed by the Assistant Deputy Minister, Environmental Stewardship of Environment Canada on behalf of the Species at Risk Assistant Deputy Ministers Committee. Members include: members of industry, and representatives of Environmental Non-Governmental Organizations (ENGOS).

National Aboriginal Council on Species at Risk (NACOSAR)

The National Aboriginal Council on Species at Risk (NACOSAR) is established under the Act to advise the Minister of the Environment on the administration of SARA from an Aboriginal perspective. NACOSAR also provides advice and recommendations to the Canadian Endangered Species Conservation Council (CESCC).⁷ NACOSAR consists of six representatives of the Aboriginal peoples of Canada. Members are appointed by the Minister, based upon recommendations from Aboriginal organizations that the Minister considers appropriate.

⁴ Library of Parliament. 2002. *Legislative Summary – Bill C-5: The Species at Risk Act*. www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?lang=E&ls=C5&Parl=37&Ses=1&source=Bills_House_Government

⁵ Membership includes representatives from the three competent departments.

⁶ Species at Risk Advisory Committee: Presentation on the Species at Risk Act to the Standing Committee on Environment and Sustainable Development.

<http://naturecanada.ca/pdf/final%20SARAC%20SC%20brief%2020april09%20en.pdf>

⁷ www.nacosar-canep.ca

2.3 Implementation of the Act

This section provides an overview of the implementation of the Act. The Act is complex and contains provisions for the assessment, protection (including provisions for enforcement and regulations), recovery and management of species at risk. A detailed description of how the Act is implemented can be found on the public registry.

Figure 1 provides a diagram of the SARA conservation cycle. The conservation cycle includes assessment, protection, recovery planning, implementation, and monitoring and evaluation.

Figure 1: SARA Conservation Cycle



2.3.1 Assessment Process

Assessment is carried out to determine if a species is at risk or trending toward becoming at risk. COSEWIC evaluates the national conservation status of wildlife species based on the best available scientific knowledge, community knowledge and Aboriginal Traditional Knowledge (ATK).

Assessment information is used to make the COSEWIC candidate list of species which the Committee uses to decide when a species will be assessed, giving priority to those most-at risk. Species are assessed by the Committee in order to designate them as extirpated,⁸ endangered, threatened, of special concern,⁹ or not at risk. COSEWIC then provides its assessment to the federal Minister of the Environment and to the Canadian Endangered Species Conservation Council (CESCC).¹⁰ (Within 90 days of the receipt of the COSEWIC assessment, the Minister includes a report on the SARA Public Registry indicating the intended response to the assessment and, to the extent possible, timelines for action. The Minister of the Environment also indicates the scope of any consultations. During this 90-day period, the Minister may undertake an internal review to determine the level of public consultation and socio-economic analysis necessary to inform the

⁸ Extirpated refers to species that no longer live in Canada but may live elsewhere.

⁹ According to SARA, 'species of special concern' are wildlife species that may become threatened or endangered due to a combination of biological characteristics and identified threats. Species of special concern are treated differently than species at risk under SARA, due to their lower risk status. They require a management plan but are not subject to prohibitions and do not require critical habitat designation.

¹⁰ Irvine et al., 2005.

listing decision. The assessment is sent by the Minister to the Governor in Council for receipt; this triggers a nine-month timeline for a final listing decision.

2.3.2 Protection

Protection begins under SARA once the Governor in Council, upon recommendation from the Minister of the Environment, adds a species to Schedule 1 of the Act. The protection that comes into effect following the addition of a species to Schedule 1 of SARA varies depending on the type of species (e.g. migratory bird, aquatic species), the status of the species that is listed, and the species' location in Canada.

SARA makes it an offence to:

- kill, harm, harass, capture or take an individual of a species that is listed as extirpated, endangered or threatened;
- possess, collect, buy, sell or trade an individual of a species that is listed as extirpated, endangered or threatened, or any of its parts or derivatives; or
- damage or destroy the residence of one or more individuals of a species that is listed as endangered or threatened, or of a species listed as extirpated if a recovery strategy has recommended its reintroduction into the wild in Canada.

These prohibitions apply automatically to listed aquatic species and to listed birds covered by the *Migratory Birds Convention Act, 1994* wherever they are found in Canada, and to all other species listed under SARA as endangered, threatened or extirpated, when they occur on federal lands.

SARA also provides authority to protect critical habitat - ie. the habitat that is necessary for the survival or recovery of a listed species. Provinces and territories have the first opportunity to protect species and critical habitat on private land and provincial or territorial land. However, SARA provides the federal government with the authority to impose federal prohibitions if, after consulting with the province or territory, the Minister of the Environment finds that critical habitat or a listed species is not effectively protected by the province or territory. In this case, the Minister of the Environment can recommend to the Governor in Council that an order be made to apply SARA's protections to that habitat. As well, SARA includes an emergency order provision, for the protection of a listed wildlife species or its habitat if the Minister is of the opinion that the species faces an imminent threat to its survival or recovery.¹¹

¹¹ SARA Annual Report. 2009.

Enforcement of SARA's prohibitions and compliance promotion takes place through such methods as checking permits, conducting patrols and inspections, issuing warnings, educating the public, sharing information between jurisdictions, engaging in court actions, and gathering intelligence. Compliance and enforcement is carried out by EC, DFO and PCA personnel.

2.3.3 Recovery Planning

The requirement for recovery planning starts once a species is listed under SARA. A recovery strategy and one or more action plans are required for extirpated, endangered or threatened species;¹² a management plan is required for species of special concern. A recovery strategy is a planning document that sets population and distribution objectives for the species and identifies the main areas of activity to be undertaken. Recovery planning takes into consideration science, community knowledge, Aboriginal Traditional Knowledge, and socio-economic analysis,¹³ as appropriate. Part of the recovery planning step is the identification of critical habitat. SARA defines "critical habitat" as the habitat that is necessary for the survival or recovery of a listed wildlife species.¹⁴ Critical habitats must be identified to the extent possible in recovery strategies, based on best available information. Where available information is inadequate, the recovery strategy must outline a schedule of studies to identify the critical habitat.

Responsible departments must post a recovery strategy within legislated timelines dependent on when the species was listed on Schedule 1 of SARA, and on the status of the species on the list (see Table 1 below).

¹² If it is determined that it is not feasible to recover a species, a recovery strategy will not be prepared.

¹³ Note: Socio-economic analysis occurs for the purpose of the action plans that outline the projects or activities required to meet the goals and objectives outlined in the recovery strategy. (SARA Annual Report, 2009). It provides an analysis of the social and economic impacts of species recovery to guide the development of action plans in order to balance environmental, social and economic impacts of recovery activities.

¹⁴ Library of Parliament. 2002. *Legislative Summary – Bill C-5: The Species at Risk Act*. www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?lang=E&ls=C5&Parl=37&Ses=1&source=Bills_House_Government

Table 1: Timelines for Recovery Planning Documents

	For species included in the List of Wildlife Species (Schedule 1) on June 5, 2003	For species added to the List of Wildlife Species (Schedule 1) after June 5, 2003
Recovery strategies for endangered species	Within three years	Within one year
Recovery strategies for threatened or extirpated species	Within four years	Within two years
Management plan for species of special concern	Within five years	Within three years

Action plans are the second part of the recovery planning process¹⁵. These plans identify the projects and actions that will be used to meet the objectives of the recovery strategy. Action plans must identify any critical habitat, consistent with the recovery strategy, and include examples of activities that are likely to result in critical habitat destruction. The timelines for producing action plans are to be stipulated in the related recovery strategy; however it is possible to include an action plan within a recovery strategy.

Management plans are different from recovery strategies and action plans as they set goals for sustainable population levels for species that are sensitive to environmental factors but are not imminently in danger of extinction.¹⁶ These are species listed as species of “special concern”.

2.3.4 Implementation

Recovery implementation is the stage where priority actions identified in recovery strategies, action plans and management plans are carried out to improve the status of the species. It may also refer to recovery actions taking place prior to the posting of an action plan. Implementation must be done in collaboration with other responsible jurisdictions, landowners and other responsible interests, where feasible.¹⁷ Three funding programs support the implementation of SARA: the Habitat Stewardship Program (HSP), the Interdepartmental Recovery Fund (IRF) and the Aboriginal Fund for Species at Risk (AFSAR). Departments also use other internal resources to support implementation.

SARA contains clauses which promote voluntary stewardship by other governments, individuals and communities” in Canada¹⁸. The Habitat Stewardship Program (HSP), the Interdepartmental Recovery Fund (IRF) and the Aboriginal Fund for Species at Risk Program (AFSAR) are funding programs that support such stewardship.

¹⁵ Only for endangered or threatened species.

¹⁶ www.sararegistry.gc.ca/sar/recovery/management_e.cfm

¹⁷ Government of Canada. 2009. National Framework for Species at Risk Conservation.

¹⁸ Clauses 10.1 and 10.2.

The Habitat Stewardship Program (operational since 2000-2001) was created to provide financial support for stewardship activities that contribute to the survival and the recovery of species at risk and their habitats outside of federal lands. HSP was established by the federal government as part of the National Strategy for the Protection for Species at Risk. It allocates up to \$9 million per year toward projects that conserve and protect species at risk and their habitats. The Program's overall goal is to "contribute to the recovery of endangered, threatened, and other species at risk, and to prevent other species from becoming a conservation concern, by engaging Canadians from all walks of life in conservation actions to benefit wildlife" (EC, 2001). An evaluation of this program was conducted in 2010.¹⁹

The Interdepartmental Recovery Fund (operational since 2002-2003) was established by the federal government as part of the National Strategy for the Protection for Species at Risk. The fund provides money for recovery activities for species designated by COSEWIC as nationally extirpated, endangered or threatened that are predominately on other federal government departments' lands. Recipients include federal departments, agencies and crown corporations.

The Aboriginal Fund for Species at Risk was established in 2004 as an important element of the implementation of the Act. The AFSAR program enables the Government of Canada to help build capacity in Aboriginal communities/organizations for their participation in the implementation of SARA, and to support Aboriginal involvement in activities that protect or conserve habitats for SAR. The expected outcome is Aboriginal engagement and cooperation in the recovery of SAR and their habitats, protection and improvement of habitats of SAR, and an overall reduction in the level of threats to SAR. The program is also intended to help protect and recover critical habitat or habitat important for species at risk on or near, First Nations communities and on lands and waters traditionally used by Aboriginal peoples. AFSAR is also responsible for gathering Aboriginal Traditional Knowledge to be used in the implementation of SARA.

2.3.5 Monitoring and Evaluation

Monitoring and evaluation is undertaken to report on the overall implementation of SARA (e.g. in annual reports), as well as to ensure recovery activities are on track to reaching overall and individual species conservation goals and objectives.

As part of SARA monitoring and evaluation, there are several requirements for reporting. The broadest level of SARA reporting concerns the requirement for the Minister of the Environment to report on the general status of wildlife species in Canada every five years, and for a parliamentary review of the Act to be undertaken in the fifth year of the

¹⁹ www.ec.gc.ca/doc/ae-ve/2009-2010/966/toc_eng.htm

Act's implementation.²⁰ In addition, Ministers of the competent departments must report on:

- the implementation of a recovery strategy every five years until its objectives have been achieved or the species' recovery is no longer feasible;
- the implementation of each action plan and its ecological and socio-economic impacts five years after the plan comes into effect; and
- steps taken to protect unprotected critical habitat every 180 days after the strategy or the plan identifying it is included in the public registry, until the habitat is protected or is no longer identified as critical habitat.

Ministers must also monitor the implementation of management plans for species of special concern every five years until their objectives have been met. Other, more general, aspects of monitoring and evaluation under SARA include Annual Reports on the Administration of SARA, round table meetings and responses, and program evaluations.

2.4 Program Reach

SARA provides protection to all federally-listed species at risk in Canada in a manner that respects the shared responsibilities for protection between the federal, provincial, territorial and aboriginal governments and other stakeholders. The Government of Canada is responsible for applying SARA on "federal lands." Federal land is defined as "(a) land that belongs to Her Majesty in right of Canada, or that Her Majesty in right of Canada has the power to dispose of, and all waters on and airspace above that land; (b) the internal waters of Canada and the territorial sea of Canada; and (c) reserves and any other lands that are set apart for the use and benefit of a band under the *Indian Act*, and all waters on and airspace above those reserves and lands."²¹ SARA also reflects federal responsibilities for conservation by providing authority for the federal government to protect aquatic species and migratory birds wherever they are found.

As well, SARA provides authority for the protection of listed species, residences and critical habitat on private and provincial land. The Minister of the Environment must recommend to the Governor in Council that SARA's protections be applied if the Minister is of the opinion that the species or its critical habitat is not effectively protected by the province or territory.

The federal species at risk program works cooperatively with provinces and territories to meet its recovery and management planning responsibilities outlined in SARA, the

²⁰ A Parliamentary Review was underway during the course of the evaluation.

²¹ Library of Parliament. 2002. *Legislative Summary – Bill C-5: The Species at Risk Act*. www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?lang=E&ls=C5&Parl=37&Ses=1&source=Bills_House_Government

Accord for the Protection of Species at Risk, and bilateral agreements between the Government of Canada and a provincial or territorial government.

The activities to implement SARA on federal lands are carried out by federal scientists, enforcement officers, EA specialists, and others, according to the stages of the SARA conservation cycle described in section 2.3 above. The Act also stipulates a coordination role between federal and provincial governments through the Canadian Endangered Species Conservation Council (CESCC). Further, in the preamble of SARA, “the roles of Canadian Aboriginal peoples, individuals and communities are all cited as important to the conservation of wildlife species”. Therefore, the responsibility for the conservation of wildlife in Canada is shared with the SAR Program partners, many stakeholders, and Aboriginal Peoples.

SAR Program partners include:

- federal departments/agencies whose activities may affect species at risk;
- provincial and territorial governments and natural resource departments; and
- land claim agreement authorities and wildlife management boards.

Stakeholders are involved throughout the conservation cycle, and formal consultations are required at several stages. They provide input to the assessment process (e.g., species data) and support stewardship activities / projects. The engagement and co-operation of stewards is critical to the successful delivery of species at risk results.

Stakeholders include:

- individual Canadians;
- landowners;
- regional and municipal governments;
- resource industries (fisheries, forestry, agriculture, mining, oil and gas, hydroelectricity) and other industry, companies and associations;
- ENGOs (e.g., Nature Conservancy of Canada, Nature Canada, Ducks Unlimited, World Wildlife Fund, Sierra Club, David Suzuki Foundation);
- museums (e.g., for information and public education);
- Nature Serve and Conservation Data Centres; and
- Universities.

2.5 Aboriginal Communities and Organizations

Collaboration with Aboriginal people is key to the protection of species at risk, to the delivery of SAR program results and to meeting the competent departments' obligations. As a result, Aboriginal peoples are involved throughout the SAR conservation cycle. Furthermore, as noted above, land claim agreement authorities and wildlife management boards are considered program partners.

At a broad level, the Act acknowledges the rights of the Aboriginal peoples of Canada in the implementation of SARA, and states that "nothing in [the] Act shall be construed so as to abrogate or derogate from the protection provided for existing Aboriginal or treaty rights of the Aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the Constitution Act, 1982."²²

To ensure that the implementation of SARA includes the perspective of Aboriginal communities and organizations, the federal government established and supports the National Aboriginal Council on Species at Risk (NACOSAR). Further, the AFSAR program works to build capacities and processes for meaningful Aboriginal involvement in the protection of species at risk and their habitat. In accordance with the Act, COSEWIC also established a subcommittee specializing in ATK in order to further the participation of Aboriginal groups in the assessment process.

The Act also specifies that if a species is found in an area in which a wildlife management board is authorized by a land claims agreement to perform functions with respect to a wildlife species, the Minister of the Environment must consult the Wildlife Management Board (WMB) before making a recommendation regarding a species at risk. WMB is any board or other body established under a land claims agreement that is authorized by the agreement to perform functions in respect of wildlife species. Existing WMBs cover almost all of Nunavut, northern Northwest Territories, the Yukon and parts of Quebec and British Columbia, and provide direction on the sustainable use of wildlife resources within their jurisdictions.

2.6 Program Logic

The expected results for SAR programs and activities were defined in the Species at Risk RMAF-RBAF approved by the three competent departments in 2008, which included four logic models structured around the five key stages of the SARA Conservation Cycle (i.e. assessment, protection, recovery planning, implementation, and monitoring and evaluation). Table 2 summarizes the logic models in one table and shows that SARA activities, outputs and immediate/intermediate outcomes align with the

²² Library of Parliament. 2002. *Legislative Summary – Bill C-5: The Species at Risk Act*. www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?lang=E&ls=C5&Parl=37&Ses=1&source=Bills_House_Government

stages of the SARA conservation cycle. Activities and outputs are shown for The Minister of the Environment, Governor in Council and for the three competent departments at the assessment, protection and evaluation stages. The evaluation examines the activities and outputs associated with the competent departments; however, some exceptions are noted in the text of the report (e.g. reporting on departmental activities that help COSEWIC assess the conservation status of wildlife species).

As shown in Table 2, the immediate outcomes relate to the engaging Aboriginal peoples and other partners in activities at all stages of the conservation cycle. The intermediate outcomes are related to engaging stakeholders (e.g. private industry, private landowners) in activities at all stages of the conservation cycle. Engagement of partners, Aboriginal peoples and stakeholders support the conservation of federally-listed species at risk outside federal lands.

All inputs, activities and outputs at all stages of the cycle will lead to the final outcome: to conserve and protect Canada's species at risk.

Table 2: Activities, Outputs and Outcomes by Stage of the SARA Conservation Cycle

Stage of Conservation Cycle	Activities	Outputs	Immediate Outcomes (SAR Program Partners and Aboriginal Peoples)	Intermediate Outcomes (SAR program stakeholders)	Final Outcome
Assessment	<p><i>COSEWIC (arms-length organization)</i></p> <ul style="list-style-type: none"> Assess the conservation status of wildlife species based on the best available biological information, ATK and community knowledge 	<ul style="list-style-type: none"> COSEWIC Status Reports 			
	<p><i>Competent Departments</i></p> <ul style="list-style-type: none"> Provide professional, technical, secretarial services to COSEWIC (EC) Monitor the status of wildlife species Establish and maintain federal SAR assessment policies and guidelines 	<ul style="list-style-type: none"> Secretariat support to COSEWIC Report on the general status of species Federal SAR assessment policies and guidelines 			
Protection	<p><i>Competent Departments</i></p> <ul style="list-style-type: none"> Undertake listing consultations with partners, Aboriginal people and stakeholders Issue permits for eligible activities Post statements of rationale for permitting decisions on the Public Registry Develop and implement compliance promotion strategies, plans, tools and policies Develop and implement enforcement tools, policies and capacity Establish and maintain federal SAR protection policies and guidelines 	<ul style="list-style-type: none"> Listing consultations Permits Statements of rationale²³ Compliance promotion strategies, plans, tools and policies Enforcement tools and policies Trained enforcement officers Enforcement activities / investigative reports Federal SAR protection policies and guidelines 	<ul style="list-style-type: none"> Engagement by partners and Aboriginal people in SAR assessment and protection activities Identification of SAR priorities through a coordinated early detection system based in science, ATK and risk ranking of species Legislative frameworks collectively provide protection to species at risk, their residence and critical habitats 	<ul style="list-style-type: none"> Engagement and support by stakeholders in the development of SAR assessment and protection activities Critical habitat is protected 	To conserve and protect species at risk in Canada

²³ We had no data on this output as the departments had not tracked this information

Stage of Conservation Cycle	Activities	Outputs	Immediate Outcomes (SAR Program Partners and Aboriginal Peoples)	Intermediate Outcomes (SAR program stakeholders)	Final Outcome
Protection	<p><i>Minister of the Environment</i></p> <ul style="list-style-type: none"> • Coordinate responses to COSEWIC Assessments • Complete recommendations to GiC for listing SAR or for other orders/regulations to protect SAR based on input from core departments • Make orders to protect critical habitats • Make statements regarding the level of protection of critical habitats 	<ul style="list-style-type: none"> • Response statements • Minister's recommendations • Statements that support decisions • Orders to legally protect critical habitat • Ministerial opinions on effective protection 			
	<p><i>Governor in Council</i></p> <ul style="list-style-type: none"> • Make decisions for listing SAR and for other orders to protect SAR • Make regulations to protect critical habitat on federal lands 	<ul style="list-style-type: none"> • GiC listing order • Orders, other than listing orders • Regulations to protect critical habitat on federal lands 			
Recovery Planning	<p><i>Competent Departments</i></p> <ul style="list-style-type: none"> • Develop recovery strategies, action plans and management plans, including the identification of critical habitat, within legislated timelines • Undertake consultations with partners, Aboriginal people and stakeholders on recovery strategies, action plans and management plans • Establish and maintain federal SAR recovery planning policies and guidelines 	<ul style="list-style-type: none"> • Recovery Strategies, Recovery Action Plans, and Management Plans • Recovery Planning Consultations • Federal SAR recovery planning policies and guidelines 	<ul style="list-style-type: none"> • Engagement by partners and Aboriginal people in SAR recovery strategies, action plans and management plans 	<ul style="list-style-type: none"> • Engagement and support by stakeholders in recovery strategies, action plans and management plans 	
Implementation	<p><i>Competent Departments</i></p> <ul style="list-style-type: none"> • Implement priority recovery actions on federal lands and for federal species as identified in recovery strategies, action plans and management plans • Provide support to program partners, Aboriginal people and stakeholders (through G&C programs) to implement actions identified in the recovery strategies, action plans and management plans, e.g.,: OGD actions on federal lands (IRF) • Stewardship actions on non-federal land (HSP) • Aboriginal community capacity development and habitat protection activities • Review projects that require environmental assessments under CEAA • Establish and maintain federal SAR implementation policies and guidelines 	<ul style="list-style-type: none"> • Core departments' implementation of priority actions • G&C Funding Support • Funding agreements • CEAA recommendations • Federal SAR implementation policies and guidelines 	<ul style="list-style-type: none"> • Implementation of priority recovery actions by partners and Aboriginal people • Increased aboriginal capacity to participate in SAR planning and implementation • Inclusion of SAR, their residence and/or critical habitat, in environmental assessments 	<ul style="list-style-type: none"> • Implementation of priority recovery actions by stakeholders • Stakeholders have the information necessary to contribute to the protection of species at risk and their habitat 	

Stage of Conservation Cycle	Activities	Outputs	Immediate Outcomes (SAR Program Partners and Aboriginal Peoples)	Intermediate Outcomes (SAR program stakeholders)	Final Outcome
<p>Monitoring and Evaluation</p>	<p><i>Competent Departments</i></p> <ul style="list-style-type: none"> • Monitor actions identified in recovery strategies, action plans and management plans and compare results to-date against expected progress • Monitor and report on SARA administration, e.g.: <ul style="list-style-type: none"> ▸ COSEWIC's assessments and the Minister's responses ▸ Preparation and implementation of recovery strategies, action plans and management plans ▸ Administrative and funding agreements ▸ Agreements and permits ▸ Enforcement and compliance actions taken ▸ Regulations and emergency orders ▸ Mitigation measures identified in projects' environmental assessments (CEAA monitoring requirement) ▸ Establish and maintain federal SAR monitoring and evaluation policies and guidelines 	<ul style="list-style-type: none"> • SAR 5 -year recovery implementation reports²⁴ • Annual report to Parliament on the administration of SARA • Federal SAR monitoring and evaluation policies and guidelines 	<ul style="list-style-type: none"> • Improved species monitoring • Improved administration of SARA 	<ul style="list-style-type: none"> • Engagement and support for species monitoring 	
	<p><i>Minister of the Environment</i></p> <p>Convene and facilitate a round table of SAR Program partners, Aboriginal people and stakeholders</p>	<ul style="list-style-type: none"> • Round table meetings • Responses to round table recommendations 			

²⁴ We do not examine in this evaluation as there were none required during the period of evaluation.

2.7 Program Resources

The implementation of SARA has been supported by three federal budget appropriations since 2003, with the most recent commitment being a total of \$100M per year across the three competent departments from 2007/08 to 2011/12. As presented in Table 3, EC, DFO and PCA have spent progressively more on SARA between 2007-08 and 2009-10.²⁵ The federal government spent approximately \$245 million in these three fiscal years on the implementation of SARA. Although the expenditures change each year, EC generally spends approximately 60% of the funds devoted to implementing SARA, DFO - approximately 25%, and PCA - approximately 15%. It was not clear, at the time of data collection for this evaluation, if these trends continued in 2010-11. Program resources are discussed in more detail in the findings section of this report.

Table 3: SARA Program Expenditures (2007-2010) (in millions)

	EC	DFO	PCA	Total
2007-08	47.8	17.6	11.6	77.0
2008-09	46.5	24.2	9.3	80.0
2009-10	47.7	21.8	18.4	87.9
Totals	142.0	63.6	39.3	244.9

Source: TBS Horizontal Initiatives Database

On average between 2007-2008 and 2009-2010, there were over 300 individuals employed within the three competent departments to deliver the programs and activities under SARA²⁶

Table 4: SARA FTE's (2007-2010)

	EC	DFO	PCA	Total
2007-08	150	104	30	284
2008-09	151	130	33	314
2009-10	175	144	35	354
Average	159	126	33	318

Source: EC, DFO and PCA Program Management

²⁵ Though the evaluation covers five years, from 2005 to 2010, these three years of financial information were reported using a similar methodology. Financial information prior to 2007 was calculated using a different methodology and was therefore not considered comparable.

²⁶ These numbers should be taken as lower-bound estimates. Given the reach of the program, many individuals that are involved in the implementation of SARA as part of their broader duties, for example Enforcement officers, are not included in this table.

3.0 EVALUATION DESIGN

3.1 Purpose and Scope of the Evaluation

The focus of the evaluation is on the implementation of SARA at EC, DFO and PCA between June 2005 and December 2010. The evaluation was conducted to provide neutral evidence to senior policy makers at Environment Canada (EC), Fisheries and Oceans Canada (DFO) and Parks Canada Agency (PCA) to help inform program redesign, to support accountability to parliament and Canadians, to inform resource allocation and to improve program management practices where possible.

The evaluation data collection and initial report writing was conducted by a consulting firm. Additional analysis and further drafting of the report was conducted by evaluators from EC, PCA and DFO.

The scope of the evaluation is broad and does not examine any particular implementation issue in detail as the time and resources available did not allow for a detailed assessment of each of the wide range of implementation activities and associated impacts on provincial legislation, Aboriginal communities in Canada, industrial and commercial development activities and hunting and fishing practices throughout Canada. Where possible, findings are presented for each department as each department has its own unique constituency and departmental decision-making approach.

3.2 Evaluation Questions

The evaluation assesses the core evaluation issues of relevance and performance (including efficiency and economy), as set out in the TBS *Directive on the Evaluation Function*, (April 1, 2009).

The evaluation questions used in this evaluation were based on an original set of questions developed during the evaluation planning phase, which occurred between September 2009 and March 2010. The Evaluation Plan was developed by EC, DFO and PCA in order to help guide the evaluation. Although the last evaluation question related to *Meeting the Objectives of the Act* is not a core TBS evaluation question, it was added as it served to summarize the evaluation evidence relative to the overall objectives of the Act.

Table 5: Evaluation Questions

Relevance	
Continued Need for the Program	1. To what extent do SAR programs and activities address a continued need?
Alignment with Government Priorities	2. Are SAR programs and activities consistent with the priorities of the federal government and the three competent departments/agency (EC, DFO, PCA)?
Alignment with Federal Roles and Responsibilities	3. Is there a legitimate role for the federal government in the protection and recovery of species at risk?
Performance	
Achievement of Outcomes	4a. Have SAR programs and activities generated the expected outputs? 4b. Have immediate/intermediate outcomes been achieved?
Delivery and Demonstration of Efficiency and Economy	5. Are the SARA programs and activities being implemented in an economical and efficient manner?
Meeting Objectives of the Act	6. To what extent are the three competent departments meeting the objectives of the Act?

3.3 Evaluation Approach and Methodology

The data collection methods employed for the evaluation were as follows:

File and document review

A file and document review was used to address all evaluation questions. Approximately 300 documents were reviewed to establish a full picture of both the horizontal and departmental-specific components of the implementation of the Act²⁷. These documents included the Act itself, Annual Reports submitted to Parliament, Departmental Performance Reports and departmental planning documents. In addition to these documents, key performance information was collected from several sources, including:

²⁷ The initial list of documents sent to the consultant included: 289 documents from EC, 14 links to the SARA registry, 22 links to other sites, 18 documents from DFO, 29 documents from PCA and access to 4 PCA databases.

- a database that tracked the posting of recovery strategies, action plans and management plans across the three competent departments since the inception of the Act²⁸;
- the Performance Measurement Framework (i.e., the Species at Risk Program: RMAF-RBAF 2008) that contained the initial performance indicators used to report on the implementation of the Act; and,
- a subsequent draft performance report based on the RMAF-RBAF²⁹.

Additional documentation included horizontal and department-specific information such as: links to the SARA registry; documents related to aquatic species at risk and the implementation of the Act within DFO; PCA databases and documents related to PCA's implementation of the Act; and, links to other relevant sites (e.g., COSEWIC, NACOSAR).

Literature review

A literature review was also conducted using documents and articles on legislation in the United States and Australia that were similar to the Canadian *Species at Risk Act*. Its purpose was to compare the Canadian context and approach to those of other jurisdictions to address issues related to efficiency and economy.

Key Informant Interviews

The key informant interviews addressed all evaluation questions related to the relevance and performance including the achievement of outputs and outcomes, and the efficiency and economy of the program. A list of 185 potential interviewees was developed by the Evaluation Steering Committee that included representatives of all key groups involved in the implementation of SARA, including: senior management; program management and staff from the competent departments; Provincial/Territorial Partners; SARAC and NACOSAR representatives; COSEWIC representatives; Canadian Wildlife Directors; other government departments; and external stakeholders. From this broad list, a target of 80 interviewees was established to ensure a broad range of internal and external stakeholder and partner perspectives. In total, 73 interviews were conducted during the evaluation, mainly in individual format, although staff from both DFO and PCA participated in group interviews.

Table 6 presents the distribution of respondent groups that participated in interviews. Table 7 provides additional detail on the distribution of the 41 interviewees within the competent departments.

²⁸ This database is managed by EC staff in the Recovery Management Division and is used by both the interdepartmental Listing and interdepartmental Recovery Planning Committees to track the requirements for posting documents. The database includes information on required posting dates, which allowed the evaluation team to examine the extent to which documents were actually posted within the required timelines. The information was captured in an Excel database and was made available to the evaluation team during the data collection phase.

²⁹ The RMAF-RBAF report was not finalized during the data collection phase of the evaluation

Table 6: Categorization of all interviewees

Type of Key Informant	Number of Key Informants
<i>Federal Government Competent Departments</i>	41
Senior Management	22
Program Staff and Management	19
<i>External Interviews</i>	32
COSEWIC	4
External Stakeholders ³⁰ (ENGOs, Industry, OGD, etc.)	15
Provincial/Territorial Partners	13
TOTAL	73

Table 7: Categorization of competent department key informants

Competent Departments	Senior Managers	Managers and Staff	Total # of Informants
Environment Canada ³¹	8	2	10
Fisheries and Oceans Canada	6	8	14
Parks Canada Agency	8	9	17
Total	22	19	41

Two interview guides were developed to guide the interview process, one for representatives of the competent departments and one for external representatives.

Case Studies

Five case studies were undertaken to probe specific issues in greater depth, particularly related to demonstrating the achievement of outcomes and program delivery and a demonstration of efficiency and economy. For each case study theme, specific species or habitats were examined to understand the range of issues and to ensure, to the extent possible, a range of coverage across aquatic and terrestrial species. Specific species or habitats within each theme were also selected according to whether they were considered to be indicative of the challenges faced implementing SARA in the field. The case study themes and specific species or habitats examined are presented below:

³⁰ Seven of the external interviewees were representatives of SARAC.

³¹ Although EC receives the majority of funding under the Act, the smaller number of interviewees is based on the fact that there were no group interviews at EC.

1. Recovery Planning
 - Species: Atlantic Coastal Plains Flora, Black footed Ferret, Inner Bay of Fundy Atlantic Salmon
2. Critical Habitat
 - Species/Habitat: Multi-Species Layering – Point Pelee National Park, Piping Plover, Inner Bay of Fundy Salmon
3. Aboriginal Issues
 - Species: Lake Sturgeon, Northern Mountain Woodland Caribou, Peary Caribou
4. Priority Setting
 - Species: North Pacific Right Whale
5. Commercially Harvested Species
 - Species: Canary Rockfish

Twenty two (22) case study interviews were conducted³² with departmental/agency staff, researchers, recovery team members and Aboriginal representatives. Secondary data (academic and non-governmental organization reports; contextual reports), file information (HSP and projects funded by the IRF pertaining to cases), and documentation (COSEWIC assessment and update status reports; recovery strategies; action plans) were also used during the case study analysis.

3.4 Evaluation Challenges and Mitigation Strategies

The following section presents details on the challenges experienced in conducting the SARA evaluation and approaches adopted to address or mitigate these challenges. A non-experimental model was used in this evaluation as there was no feasible approach to creating a control group within the time and resources available for the evaluation.

Challenges associated with interview data

The interview data presented in this report provided a useful source of evidence on the implementation of SARA within the three competent departments and a description of the complexity, challenges and barriers of implementation. The original list of 185 potential interviewees were chosen based on their experience and knowledge of SARA and were considered representative of a broad base of stakeholders, partners and Aboriginal groups. The actual interview data is nevertheless based on the views of a small number of individuals relative to the size and complexity of the Act (n=73), particularly for industry representatives and Aboriginal community representatives, limiting the extent to which this data can be used to generalize findings across all groups

³² These interviews are in addition to the key informant interviews.

involved in SARA. This limitation was mitigated by the use of other sources of evidence (i.e., triangulation) wherever possible to address the evaluation questions.

Performance reporting related to outcomes

There were several challenges associated with the performance reporting under SARA. First, departmental performance data during the evaluation was generally at the level of activity and output. This emphasis on activity and output was likely related to the fact that outcome data for species at risk is limited; for many species it may take several generations to see any change in a species population and potentially several decades before a significant change in population can be observed. The lack of outcome-based performance data related to environmental outcomes therefore created challenges to reporting on the broad environmental impacts of the program at this point in time. Further, while there was existing data related to the engagement of partners and stakeholders, it was challenging to determine the impact of these activities as the evidence on engagement was limited to overall numbers of consultations and did not provide information on the depth, scope or impact of the consultations. Finally, there was limited data on the implementation of priority actions and monitoring and evaluation as the departments had generally not progressed to those stages of the conservation cycle. Efforts were made to assess departmental performance under the Act through the use of existing performance data, key informant interviews and case studies.

Financial Reporting

The competent departments maintained different financial tracking tools to respond to department specific information needs. As a result, there was limited horizontal financial data to analyse the allocation of funds to various activities aligned with the different stages of the SARA conservation cycle. This limitation made the assessment of the economy and efficiency across the overall program challenging. These two evaluation issues were therefore assessed largely using qualitative data (i.e., program documentation, interview and case study data) to develop a broad understanding of the relationships between inputs and outputs and outcomes of the program.

4.0 FINDINGS

The following section presents evaluation findings by question. In each case, a general summary of the findings is presented (in bold), and detailed findings are presented below. The following guidelines can be used when interpreting the terminology used to report qualitative evidence from the key informant interviews: “a minority” equates to between 25% and 45% of respondents; “approximately half” means between 45% and 55%; “a small majority” means between 56% and 74%; “most” means between 75% and 99%; and “all” is equal to 100% of respondents.³³

4.1 Relevance

Evaluation Issue: Relevance

Overall Findings: Relevance

The evaluation found that overall, the implementation of SARA is a relevant federal activity. The evidence indicates that the SARA programs and activities address a continued need to meet Canada’s obligations to protect biodiversity, that the programs and activities are aligned with federal and departmental priorities, and that the federal government has a legitimate role in the implementation of the Act.

Evaluation Question

1. To what extent do SARA programs and activities address a continued need?

The evaluation found a range of evidence to suggest that the implementation of SARA is addressing continuing needs related to meeting international commitments to protect Canada’s biodiversity, protecting the existing endangered species already identified at the outset of the Act, and coordinating federal and provincial/territorial efforts. Further, other jurisdictions with a comparable landmass and biodiversity have similar legislation in place, suggesting that protecting biodiversity is understood by these jurisdictions to be a public good.

³³ The evaluation did not report feedback from less than 25% of respondents to protect anonymity.

Detailed findings

The implementation of SARA is instrumental in meeting several international commitments. To begin, it is the main federal mechanism to meet Canada's commitments to protect biodiversity. For example, as previously noted, Canada prepared the Canadian Biodiversity Strategy (1995), which both the federal and provincial/territorial governments signed, in order to establish national goals for conserving biological diversity. The Species at Risk Act arose out of the need to establish a federal approach to protect biodiversity as detailed in the Strategy, including a formal approach to identify species at risk within Canadian borders, as well as prohibitions and strategies to protect species.

There is also evidence which suggests that the full extent to which species in Canada are at risk is not yet fully understood. A total of 233 species were listed when SARA was first introduced, suggesting that there was an immediate need to protect species at risk at the outset of implementation. Evidence suggests that this need still exists today, as the number of listed species is now close to 500.³⁴ Only a small percentage of Canada's known animals, aquatic wildlife and plants have been assessed under SARA to date (about 7,700 species over an estimated 70,000 species in Canada). There is therefore a continued need to assess the extent to which these and other species are at risk.

There is also a need to coordinate federal and provincial actions to protect species at risk. A progress report on SARA (2009)³⁵ stated that in 2007, federal, provincial and territorial deputy ministers responsible for wildlife endorsed the National Framework for Species at Risk Conservation. The Framework provides a set of common principles, objectives and overarching approaches for protecting biodiversity. The progress report on SARA (2009)³⁶ also stated that the federal government is finalizing SARA policies to guide its actions under each of the five related components of the species at risk conservation cycle that is embodied in SARA, suggesting a continued need of the federal government to coordinate with provincial and territorial partners.

Findings from the document review are supported by interview results. All federal government respondents and external respondents indicated that there is an ongoing need for SARA programming. All DFO respondents indicated that there is a need to ensure that the department has adequate scientific information on species of concern in order to manage and protect species within Canada's waters. EC's respondents also noted that SAR programs are needed to address habitat issues which are shared with

³⁴ www.cosewic.gc.ca/eng/sct0/index_e.cfm

³⁵ Government of Canada. 2009. *Progress Report on the Species at Risk Act (SARA)*. http://publications.gc.ca/collections/collection_2011/ec/En1-37-2009-eng.pdf

³⁶ Government of Canada. 2009. *Progress Report on the Species at Risk Act (SARA)*. http://publications.gc.ca/collections/collection_2011/ec/En1-37-2009-eng.pdf

provinces and to support provincial legislative changes. Responses from PCA respondents were consistent with those of other government respondents.

Other jurisdictions with a similar landmass to Canada have also identified a federal need to protect biodiversity and endangered species. For example: since 1973, the US has been implementing federal action to protect species through the Endangered Species Act (ESA); and, the Australian Environment Protection and Biodiversity Conservation Act (EPBC Act) of 1999, addresses both the protection of single threatened and endangered (T&E) species and ecological communities of national environmental significance.

Evaluation Question

2. Are SARA programs and activities consistent with the priorities of the federal government and the three competent departments (EC, DFO and PCA)?

The available evidence confirms that the SARA programs and activities are consistent with federal and departmental priorities. Continued federal support is evident from recent federal budgets, and SARA programs and activities are prominent in each departmental /agency planning and reporting structure.

Detailed Findings

SARA is an important priority of the federal government. The programs and activities in support of implementing the Act contribute directly to the Government of Canada's *Whole of Government Framework* outcomes for a clean and healthy environment. The 2007 federal budget provided additional resources for more effective implementation of SARA, resulting in a total of approximately \$100 million per year over five years dedicated to implementing the Act. The Government of Canada has also made announcements indicating the addition of human resources to appropriate federal departments in order to ensure the proper management and implementation of SARA.³⁷

The Act is also well aligned to the priorities of the competent departments. SAR programs and activities are part of the program activity architecture of each of the competent departments. The Departmental Performance Reports (DPRs)³⁸ and Reports on Plans and Priorities (RPPs) of the three competent departments include SARA as a key activity that contributes to their respective strategic outcomes. For example, the Act's objectives to prevent wildlife species from being extirpated or becoming extinct, provide for the recovery of wildlife species and manage species of special concern is

³⁷ www.millerthomson.com/en/publications/newsletters/envirotnotes/2010-archives/december-2010&sa

³⁸ DPRs from the following years were reviewed for EC, DFO and PCA: 2006-2007; 2007-2008; 2008-2009; 2009-2010 (draft).

directly aligned to EC's strategic outcome, that "Canada's natural capital is restored, conserved, and enhanced". Furthermore, DFO's 2010-11 DPR indicates that the Species at Risk Management Program Activity contributes to the *Clean and Healthy Environment Government of Canada* outcome. At PCA, the SAR program is a sub-activity of the Heritage Resources Conservation Activity, and as such contributes directly to the Agency's overall performance expectation of monitoring or improving the ecological integrity of national parks.

The RPPs for the competent departments also cite the implementation of SARA as a priority:

EC: In the Minister of Environment's letter introducing the department's 2010 RPP, he notes that EC will continue to implement the *Species at Risk Act* (SARA), including fulfilling obligations for recovery planning, action planning and implementation to protect species at risk.³⁹ It is further noted that the implementation of SARA is critical to preventing biodiversity loss while still enabling sustainable use by protecting and recovering species at risk, conserving, restoring and rehabilitating significant habitats, and conserving and managing migratory birds.⁴⁰

DFO: SARA contributes to the Strategic Outcome of Sustainable Ecosystems. The Species at Risk Act is also one of three pieces of legislation that guides the work of the Department of Fisheries and Oceans and gives the Minister responsibilities associated with the management of aquatic species at risk.⁴¹ DFO contributes to the Federal Sustainable Development Strategy (FSDS). At DFO, Species at Risk Management is a separate Program Activity that not only contributes to the FSDS, but that is also responsible for carrying out DFO's SARA-related mandate to protect and recover all listed aquatic species at risk in Canada.⁴²

PCA: PCA's *Heritage Resources Conservation* Program Activity addresses legal responsibilities assigned to PCA by the Species at Risk Act. As part of this, PCA plans to "continue to lead the development of national recovery strategies for species at risk that are found primarily on Parks Canada administered lands and waters in accordance with legislative requirements".⁴³ PCA has also recognized Environmental Forces to be a key corporate risk to its ability to maintain or improve overall ecological integrity in national parks and meet legal requirements

³⁹ EC. *Report on Plans and Priorities*, 2010: p. 7.

⁴⁰ EC. *Report on Plans and Priorities*, 2010: p. 30.

⁴¹ DFO. *Report on Plans and Priorities*, 2010: p. 3

⁴² DFO. *Report on Plans and Priorities*, 2010: p. 3

⁴³ PCA. *Report on Plans and Priorities*, 2010: pp. 22-23.

related to species at risk.⁴⁴ As part of its plan to mitigate this risk, PCA plans to continue to implement accelerated action plans for species at risk recovery strategies.

Interview responses are consistent with documented evidence. Most of the respondents from the three competent federal departments agreed that SAR programs and activities are consistent with the federal government's overall priorities and departmental priorities.

Evaluation Question

3. Is there a legitimate role for the federal government in the protection and recovery of species at risk?

The evidence confirms that the federal government has a legitimate role in the protection of species at risk. The implementation of the Act supports other federal Acts and Conventions, and recent collaborations with the provinces and territories suggest that the federal government has a legitimate role in coordinating species at risk activities across provincial jurisdictions. Case study evidence also confirmed the importance of the federal coordination role. External respondents indicated that it is appropriate for the federal government to implement the Act.

Detailed Findings

SARA applies to all listed species at risk in Canada, but the Act assigns the Government of Canada specific responsibility for applying SARA on "federal lands"⁴⁵ and for the protection of migratory birds and aquatic species. This section of the Act then clearly establishes the role of the Government of Canada regarding species at risk on federal land and is the foundation for protecting and recovering species at risk on federal lands. The Act also provides for the federal government to protect species other than 'federal species' (migratory birds and aquatic species) on non-federal lands, through a Governor in Council order to apply SARA's prohibitions. To date, this type of order has not been made.

The legitimacy of the federal government in protecting species at risk was also noted by the extent to which the implementation of the Act also enables and supports other federal legislation to conserve biodiversity. Two specific examples of legislation were noted during the evaluation. First, SARA complements the *Canada National Parks Act* which states the maintenance or restoration of ecological integrity, through the protection

⁴⁴ PCA. *Report on Plans and Priorities*, 2010: pp. 22-23.

⁴⁵ Section 53 of SARA.

of natural resources and natural processes, shall be the first priority of the Minister when considering all aspects of the management of parks. Further, the *Canada National Marine Conservation Areas Act* recognizes the protection of natural, self-regulating marine ecosystems as important for the maintenance of biological diversity. Through its protected heritage areas, PCA currently manages close to 265,000 square kilometers of land where approximately half of the species at risk currently listed in Canada occur.⁴⁶

In addition, SARA requires actions to protect listed aquatic species, by “developing recovery strategies, action plans and management plans for all aquatic species; promoting recovery implementation and monitoring of marine and anadromous (moving between fresh and salt water) species over which the federal government has exclusive jurisdiction; and promoting freshwater species for which certain provinces have specific delegated responsibilities related to fisheries management through regulations under the *Fisheries Act*.”⁴⁷

Collaborations with the provinces and territories also suggest that the federal government has a legitimate role in coordinating the protection of species at risk across provincial jurisdictions. As stated in the preamble of SARA, “...responsibility for the conservation of wildlife in Canada is shared among the governments in this country and that it is important for them to work cooperatively to pursue the establishment of complementary legislation and programs for the protection and recovery of species at risk in Canada...”⁴⁸. Species at risk issues are considered by the Canadian Wildlife Directors Committee (CWDC) and included in the committee’s strategic plan and work plan. The Committee is comprised of members from federal, provincial and territorial governments, who regularly collaborate on wildlife issues. The Federal/Provincial/Territorial RENEW (Recovery of Nationally Endangered Wildlife) committee that reports to CWDC also meets regularly to further collaboration efforts related to SAR recovery planning.

Additionally, negotiations have been undertaken with all provinces and territories, to develop bi-lateral agreements on species at risk.⁴⁹ These “agreements are intended to foster collaboration on the implementation of SARA and provincial and territorial endangered species legislation.”⁵⁰ Further, they set out shared objectives and commitments to cooperate on species at risk initiatives. Agreements have already been signed with British Columbia, Ontario, Quebec, and Saskatchewan, and several other agreements were nearing completion at the time of the evaluation.⁵¹ Species are not

⁴⁶ It should be noted that not all of these species occur exclusively on Parks Canada land.

⁴⁷ DFO. *Departmental Performance Report*, 2010-2011.

⁴⁸ *Species at Risk Act*.

⁴⁹ *Action Plan Status Report*, 2010.

⁵⁰ SARA Annual Report, 2010.

⁵¹ Government of Canada. 2009. *Progress Report on the Species at Risk Act (SARA)*. http://publications.gc.ca/collections/collection_2011/ec/En1-37-2009-eng.pdf

bound by federal and provincial jurisdictions and there is no other government entity positioned to support cooperation between these entities.

Case study evidence on the black-footed ferret provides a specific example of the role of the federal government in coordinating efforts to protect species at risk. Interviewees in that case study noted that involvement at the federal level is important for these projects, as it lends credibility and draws national attention to the work. The case study also noted that the federal government can be effective in ensuring that there is consistent coordination between relevant partners and communication regarding the status of species across the country.

Most external respondents (excluding COSEWIC respondents who did not address the question) interviewed feel the federal government has a legitimate role in relation to species at risk and is the key player in the implementation of the Act. The federal government is also responsible for providing clear policy guidelines for all stakeholders to help interpret SARA. Respondents also suggested that the legitimacy of the federal role was also aided by the benefits of implementing SARA in such areas as the development of scientific expertise, fostering stewardship by landholders and industry, and holding other jurisdictions accountable to commitments made in the *Accord for the Protection of Species at Risk*.

4.2 Performance

4.2.1 Achievement of Outputs and Outcomes

This section examines the extent to which the three departments have undertaken key activities to implement the SARA, produced the expected outputs, and progressed towards achieving immediate and intermediate outcomes.

Evaluation Issue: Performance – Achievement of Outputs and Outcomes

Overall Findings:

All competent departments have undertaken a wide range of actions at the assessment, protection and recovery planning stages of the conservation cycle. Competent departments progressed at different rates towards producing recovery strategies, action plans, and management plans according to the legislated timelines. The evidence available on the three funding programs (IRF, HSP, AFSAR) suggests that these programs are enabling the recovery of species at risk on federal and non-federal land, though these actions are still in the preliminary phases.

Preliminary evidence reviewed for the achievement of the immediate and intermediate

outcomes of engagement of Aboriginal peoples, program partners and external stakeholders at various stages of the conservation cycle suggests that the departments have taken a variety of steps to engage and collaborate with First Nations, program partners and stakeholders, though the evidence on the impact of these collaborations was limited.

Evaluation Question

4a. Have SAR programs and activities generated the expected outputs?

The three competent departments have undertaken a wide range of activities to implement SARA. Many outputs associated with the first three stages of the conservation cycle have been produced. These include the work being done to support the assessment function of SARA, the development of protection mechanisms, extensive recovery planning consultations, implementation of priority actions prior to the publication of final recovery strategies and the implementation of actions that support the objectives of final recovery strategies, although action plans are not yet published. Important outputs, however, such as recovery strategies and management plans are still behind in meeting legislated timelines, though DFO and PCA are generally closer to meeting these timelines. Preliminary evidence from the three funding programs suggested that some recovery work is underway at the implementation stage of the conservation cycle.

Detailed findings

4.a.1 Assessment

Outputs associated with the first phase of the conservation cycle, assessment, are:

- COSEWIC status reports
- Secretariat support to COSEWIC (by EC)
- Reports on the general status of species⁵² (posted by EC every 5 years)
- Federal SAR assessment policies and guidelines

Assessment mechanisms under SARA are generally the purview of COSEWIC as this advisory body is responsible for the initial species assessments and recommendations to the Minister of the Environment regarding listing. Although COSEWIC activities are

⁵² Since section 128 came into force in 2003, SARA requires that a general report on the status of wildlife species be prepared every five years. The evaluation does not report on this output, but the first report was tabled in 2008 and in 2010 the Wildspace 2010 report was adopted as the General Status Report. It is available at <http://www.wildspecies.ca/wildspecies2010/default.cfm>

outside the scope of the current evaluation, EC, DFO and PCA are nonetheless expected to provide professional, technical, and in the case of EC, secretarial services to COSEWIC for monitoring the status of wildlife species.

The evidence indicates that all three federal departments/agency had undertaken activities to support assessment activities under SARA, including the following:

Environment Canada

EC is resourced to provide COSEWIC with professional, technical, secretarial, clerical and other assistance that is considered necessary to carry out its functions via the COSEWIC Secretariat, which is housed within EC. Both the majority of EC interviewees and available documents indicated that EC scientists are regularly involved in the peer review of COSEWIC status reports, particularly for terrestrial species with significant populations in national wildlife areas and migratory bird sanctuaries.⁵³

Fisheries and Oceans Canada

DFO contributes to the preparation of the status report by leading a peer-review process of departmental information and sending the results of the peer review process to COSEWIC author.⁵⁴ The peer review process includes broad range of stakeholders such as provinces and territories, First Nations, Industry and where relevant, species specialists from the U.S.. In 2009, DFO conducted pre-COSEWIC scientific meetings on five aquatic species and reviewed 41 aquatic species reports from COSEWIC.⁵⁵

Parks Canada Agency

PCA uses a tool known as the Detailed Assessment to measure the conservation status of a species. The Detailed Assessment is used to determine the risk of a species being extirpated from given heritage places, changes in species' population levels, and the effectiveness of management activities for a species. This tool is designed to help the Agency identify feasible recovery opportunities and knowledge gaps for species at risk at each heritage place under the Agency's responsibility (i.e. national parks, national marine conservation areas, and national historic sites). The information in Detailed Assessments contributes to the update of the Wild Species report and to COSEWIC status reports. The Agency's long-term goal is to conduct Detailed Assessments on the conservation status for all species at risk found within its network of heritage places. As of 2010, the total number of species assessed in the heritage places since 2002 was 273, accounting for 85% of the species assessed by COSIWEC and 99% of species listed on Schedule 1 of SARA that are found on Parks Canada lands and waters⁵⁶.

⁵³ SARA Annual Report, 2008, 2009

⁵⁴ SARA Annual Report, 2009.

⁵⁵ SARA Annual Report, 2009.

⁵⁶ SARA 2010 Annual Report, p. 4

4.a.2 Protection

The outputs associated with protection are related to the listing process and with measures put in place to protect the listed species. The evaluation examined the following outputs⁵⁷:

- Listing consultations
- permits
- trained enforcement officers
- enforcement activities and investigative reports
- enforcement tools and policies
- compliance promotion strategies, plans, tools and policies
- Federal SAR protection policies

The available evidence indicates that protection mechanisms are generally taking place. Competent departments undertake listing consultations and other analysis (e.g. socio-economic) to make a recommendation to the competent Minister with respect to the listing decision.

At a horizontal level, the competent departments were responsible for developing federal SAR policies and guidelines related to protection. The SARA Registry currently has the following three Federal SAR assessment policies and guidelines posted:

- Addressing Species at Risk: Considerations Under the Canadian Environmental Assessment Act for Species Under the Responsibility of the Minister responsible for EC and PCA (2010)
- The SARA Environmental Assessment Checklists for Species under the Responsibility of the Minister responsible for EC and Parks Canada (2010).
- Species at Risk Policies (draft) (2009).

Most interviewees noted, however, that limited progress on development of policies remains a challenge to effective implementation of the Act.

Examples of protection work within each of the three competent departments are presented below.

Environment Canada

Since March 2006, EC developed an annual National Inspection Plan for the wildlife acts and regulations it enforces, including SARA, where it identifies high priority enforcement activities. EC also manages a Wildlife Intelligence Program which has been in existence

⁵⁷ We did not examine the outputs of emergency listings or conservation agreements as there were none during the period of the evaluation.

for over 10 years, which includes five regional intelligence officer positions (one for each region), three national intelligence analyst positions and a national manager of intelligence position at headquarters.

Evidence from 2009 indicates that EC's entire on-field action team consisted of 84 officers that have reported 45 recorded violations, 15 charges laid, 12 charges approved, 389 inspections, and 35 investigations⁵⁸. In September 2008, for example, an EC investigation set a precedent with a case that was successfully prosecuted in Toronto, Ontario where a resident pled guilty to two counts of unlawfully possessing 26 Blanding's turtles. The offender was ordered to pay \$10,000 to the Environmental Damages Fund and was given three years' probation.⁵⁹

EC's wildlife officers monitor compliance by checking permits, conducting patrols and inspections, and issuing warnings. They also assist in the delivery of outreach events designed to educate the public and partners about activities that impact wildlife and their habitat, and share information within the Department and with federal and provincial partners. EC promotes compliance with SARA by creating signage and printed guides (such as the "SARA and You" guides), administering volunteer guardian programs, and by conducting information sessions with other government departments, Aboriginals and industry, though the exact number of information sessions was not available during the evaluation.⁶⁰ Furthermore, interviewees at EC indicated that EC and DFO are currently developing a list of the regulated communities that should be targeted by compliance promotion strategies.

Between 2006 to 2009 EC issued 159 permits⁶¹ to allow monitoring, inventory and management of a variety of species of birds, mammals, reptiles, amphibians and plants. EC also manages a web-based SARA permit tracking system to allow for more efficient processing and issuing of permits. According to EC senior management interviewees, the Department is engaged in the implementation of the SARA component of the e-permitting.

Fisheries and Oceans Canada

Between 2006 and 2009, DFO contacted 14 partners, 129 Aboriginal people or organizations, and 152 stakeholders during listing consultations.⁶² In 2008 and 2009, DFO undertook listing consultations on more than 53 aquatic species. Consultation

⁵⁸ SARA Annual Report, 2009.

⁵⁹ SARA Annual Report, 2008.

⁶⁰ SARA Annual Reports. 2006-07, 2008 and 2009

⁶¹ SARA Annual Reports. 2006-07, 2008 and 2009

⁶² SARA Annual Reports, 2006-07, 2008, 2009

documents and workbooks were also mailed directly to other government departments, stakeholders, Aboriginal peoples and non-governmental organizations.⁶³

In 2008, more than 640 front-line fishery enforcement officers working in the Conservation and Protection Branch at Fisheries and Oceans Canada continued to work with internal and external partners to promote compliance through education and outreach activities with affected communities and Aboriginal groups. Fishery officers dedicated more than 2170 hours educating a wide range of Canadians on the threats to aquatic species at risk and what to do to help protect them. These efforts included school visits, trade shows, workshops and community meetings.⁶⁴

Between 2006 and 2009, DFO also issued approximately 32,237 permits for incidental harm for approximately 14 species. These permits were issued to different groups, including fish technicians, consultants, researchers, environmental scientists and National Geographic film crews, whose activities could incidentally harm listed species.⁶⁵ DFO also issued 546 permits for scientific research aimed at species conservation, activities expected to benefit the species, and scientific work in freshwater and marine areas.⁶⁶ DFO tracks enforcement activities through the Fishery Officer Activity Tracking System (FEATS). Specifically in 2009, “fishery officers recorded a total of 100 occurrences (reported or observed incidents) related to aquatic species at risk resulting in inspections and investigations of suspected violations. A total of 60 SARA violations were recorded, and 26 charges related to species at risk were laid.”⁶⁷

Parks Canada Agency

Between 2006 and 2010, PCA issued 106 permits to academic and government researchers, and to PCA scientists for conservation research affecting species at risk. PCA tracks enforcement activities through the Occurrence Tracking System, which includes querying and reporting functions for species at risk.

PCA uses a variety of education and outreach measures intended to promote compliance, including training front-line staff to deliver outreach and education within administered lands and waters for all species, including species at risk. PCA implemented its new law enforcement program on May 7, 2009, with a partial contingent of park wardens fully dedicated to law enforcement. In 2010, the complete allocation of park wardens was in place in 33 national parks and historic sites across Canada. While park wardens are located in specific sites, they support other locations as required through temporary workplace assignments. Park wardens are responsible for enforcing

⁶³ SARA Annual Report, 2009.

⁶⁴ SARA Annual Report, 2008.

⁶⁵ SARA Annual Reports, 2006-07, 2008 and 2009

⁶⁶ SARA Annual Reports, 2006-07, 2008 and 2009

⁶⁷ SARA Annual Report, 2009.

all legislation related to the PCA's full mandate, including the Species at Risk Act, on all lands and waters it administers.⁶⁸ In 2009 and 2010, park wardens recorded a total of ten law enforcement occurrences related to the protection of species at risk and enforcement of the Act in national parks and historic sites. There were no charges and prosecutions under the prohibitions under SARA.⁶⁹

4.a.3 Recovery Planning

This section examines the extent to which DFO, PCA and EC have produced the expected outputs for the recovery planning stage of the conservation cycle. The outputs of competent departments associated with recovery planning are:

- Recovery strategies, action plans and management plans (see Table 1 for legislated timelines)
- Recovery planning consultations
- Federal SAR recovery policies and guidelines

The quantitative data presented for recovery strategies, action plans and management plans are based on data from an administrative database managed by EC staff, as noted in the methodology section (section 3.3). The numbers are as of December 31, 2010, however program staffs were able to further update numbers on the three main outputs (recovery strategies, action plans and management plans).

The evidence indicates that the competent departments are developing recovery strategies, action plans and management plans at different rates, though none are currently meeting the legislated timelines for these three outputs. The fact that there were over 200 listed species at the outset of the implementation of the Act was cited as a key challenge to meeting these timelines⁷⁰.

Of the 617 species assessed at risk by COSEWIC since 2003, a total of 359 had been placed on Schedule 1 as extirpated, endangered or threatened as of December 31, 2010.

As noted in Table 8, for the period covered by the evaluation, all three entities were unable to complete all recovery strategies within the required timelines. Overall, only 141 (43%) of 328 recovery strategies were posted by December 31, 2010. Although EC posted the largest number of recovery strategies (N=54), it also reports the lowest proportion of recovery strategies posted among the competent departments (26%) given that it had the largest backlog of recovery strategies (n=207). DFO and PCA had posted

⁶⁸ SARA Annual Report, 2010.

⁶⁹ SARA Annual Reports 2009 and 2010

⁷⁰ SARA Annual Report, 2010

a larger proportion of recovery strategies, reporting 44 of 61 (72%) and 43 of 60 (72%) posted strategies, respectively. Recent data indicates that there has been improvement in this indicator.⁷¹

In 2008, the Office of the Auditor General (OAG) identified the backlog in recovery strategies as a concern, given that only 24% of listed species had recovery strategies in place at that time. The 43% rate for recovery strategies reported here suggests that departments are beginning to address the backlog of overdue recovery plans.

Table 8: Recovery Strategies for Species Listed as Extirpated, Endangered or Threatened (as of December 31, 2010)⁷²

	EC	DFO	PCA	TOTAL
# of species listed on Schedule 1 as extirpated, endangered or threatened	359			
# of species required to have a recovery strategy posted	207	61	60	328
# of species that had a recovery strategy due with a recovery strategy posted as:	54	44	43	141
• <i>proposed</i>	8	1	8	17
• <i>final</i>	46	43	35	124
# of species required to have a recovery strategy posted that are still pending ⁷³ (overdue)	153	17	17	187
# of species whose recovery strategy deadline is after December 31, 2010	20	4	7	31
TOTAL	227	65	67	359

Action plans are the other main output associated with recovery planning examined in the evaluation. They do not have mandated timelines within the Act. Typically, deadlines are set within approved recovery strategies. Overall, the available performance information was inadequate to understand what deadlines had been proposed for action plans in posted recovery strategies and how EC, DFO and PCA were following up on suggested schedules.

Nevertheless, there were 141 listed species with recovery strategies posted, as noted in Table 8. Of these, 22 had action plans. A total of 26 action plans were developed as one

⁷¹ As of November 23, 2011, EC had posted 32%, DFO 74% and PCA 85% of planned recovery strategies.

⁷² Data obtained from a database that tracked the posting of recovery strategies, action plans and management plans across the three competent departments since the inception of the Act for each competent department.

⁷³ Pending refers to species that had a recovery strategy due on or before December 31, 2010 that do not yet have a recovery strategy posted as either proposed or final.

species⁷⁴ required four action plans. Only three of these action plans were actually posted as of December 31, 2010 – two for one species and one for another.

It is possible to produce a recovery strategy and an action plan at the same time. For example, this strategy was undertaken by PCA for the Banff Springs Snail and by DFO for the Northern Wolfish. These species had local populations and there were few stakeholders involved.

As noted in the introduction, management plans are required for those species that are listed as “special concern”. In total, as of December 31, 2010, there were a total of 111 species that were listed on Schedule 1 as a species of special concern. Of these species, 86 were required to have a management plan by that date, however only 22 (26%) actually had one in place. DFO had made relatively more headway than the other two partners, having posted 13 of the required 20 management plans (65%), while EC had posted 8 of the required 62 (13%) and PCA had posted 1 of the required 4 (25%).

Table 9: Management Plans for Species listed on Schedule 1 as special concern (as of December 31, 2010)⁷⁵

	EC	DFO	PCA	TOTAL
# of species listed on Schedule 1 as special concern	111			
# of species required to have a management plan posted	62	20	4	86
# of species that had a management plan due with a management plan posted as:	8	13	1	22
• <i>proposed</i>	2	3	0	5
• <i>final</i>	6	10	1	17
# of species required to have a management plan posted that are still pending (overdue)	54	7	3	64
# of species whose management plan deadline is after December 31, 2010	12	12	1	25
TOTAL	74	32	5	111

⁷⁴ The recovery strategy for the Piping Plover sub-species (*Charadrius melodus melodus*) required four action plans.

⁷⁵ Data obtained from a database that tracked the posting of recovery strategies, action plans and management plans across the three competent departments since the inception of the Act for each competent department.

One issue which likely impacted progress on the three outputs noted above is the legacy list. The legacy list refers to those 233 species that were listed under SARA as soon as the Act came into effect in 2004. Although only a minority of the interviewees from the three competent departments noted the legacy list, those that did pointed out that the departments were required to develop recovery strategies for the original list within the available resources, which caused an immediate backlog which departments are only now beginning to manage.

Recovery Planning Consultations

Consultations are considered an important component of the recovery planning phase (including recovery strategies, action plans and management plans) as EC, DFO and PCA are mandated by the Act to consult any landowners, resource users and other persons who could be considered to be directly affected, including the government of any other country in which the species is found.⁷⁶ It is important to note that these consultations precede and occur in addition to the 60-day public consultation through the SAR registry that takes place when a recovery strategy is posted.

To demonstrate the scope of recovery planning consultations, as of 2009-2010, 5,867 stakeholders (e.g., landowners, municipal governments, industry) were on file as having been contacted⁷⁷ in relation to recovery planning (DFO 265, EC 1164 and PCA 4438⁷⁸), as were 1,121 partners and Aboriginal organizations (DFO contacted 435 partners and Aboriginal organizations; EC contacted 148 partners and 334 Aboriginal organizations; and PCA contacted 101 partners and 103 Aboriginal organizations).⁷⁹ As of March 2010, EC had undertaken recovery planning consultations for 45 of 306 listed species (15% of species), DFO for 48 of 94 listed species (51%), and PCA for 63 of 67 listed species (94% of species). Overall, there have been consultations for 156 of 467 listed species (33%).⁸⁰ Specific information on the scope of these consultations, for example whether the consultation was a face-to-face interaction or a general email sent to a list of stakeholders, was not available.

Interviewees suggest that recovery planning consultations have been extensive. A minority of the interviewees noted that consultations have been so numerous that some consultations initiatives by the different departments have overlapped and consultation fatigue with some stakeholders may be occurring. A minority of the interviewees also reported that consultations in some regions can be particularly challenging to meeting legislated timelines. For example, the Nunavut land claims agreement and the Nunavik

⁷⁶ *Species at Risk Act Policies* (draft), 2009.

⁷⁷ Contacted refers to reaching people through letters, emails, telephone, notice on website, public notice (e.g., notice in newspaper).

⁷⁸ This number includes a mail-out of 4,000 letters to landowners for a consultation process covering three species.

⁷⁹ RMAF-RBAF (draft), 2009-10.

⁸⁰ RMAF-RBAF (draft), 2009-10.

agreement give these jurisdictions certain power to comment on species beyond those conferred in the Act, which further lengthen the consultation process for finalizing a recovery document.

Evidence from the Aboriginal Issues case study suggests that although consultations are progressing, the competent departments are experiencing challenges in addressing all the Act's consultation requirements. Interviewees who participated in the Lake Sturgeon case study noted, for example, concerns that the Act did not provide effective guidance on listing consultations, as there was little clarity about the extent of consultation expected with First Nations and Aboriginal groups. For the Northern Mountain Woodland Caribou, the need to obtain approval to list the species from all parties, including local governments, was noted as a challenge to effective consultations, though there were also positive benefits as the extensive consultations did help foster closer relationships and trust between all key partners. A further challenge noted in this case study was the limited tools, such as guidelines, available to support staff in undertaking consultations.

4.a.4 Implementation

This section provides an overview of the extent to which EC, DFO and PCA have produced the expected outputs for the implementation stage of the conservation cycle. The outputs associated with the implementation stage of the conservation cycle are:

- Implementation of priority actions
- Funding Programs support
- Canadian Environmental Assessment Agency (CEAA) recommendations
- Federal SAR policies and guidelines

Only the first three outputs are presented here as federal SAR policies and guidelines address broad implementation issues and are discussed elsewhere in this report.

Implementation of Priority Actions

There is little to report on implementation of priority actions under action plans in that only a handful of final action plans are posted. There is evidence that some priority actions for SAR are being implemented by the competent departments in the absence of action plans. At EC, for example, there is evidence of priority actions related to education, research, protection and recovery taking place in Newfoundland prior to the posting of an Action Plan to protect the endangered Fernald's Braya species⁸¹. PCA has implemented similar work for the same species in one of its National Historic Sites where 25% of the world's population of the plant grows.

⁸¹ More information is available at:
www.natureserve.org/servlet/NatureServe?searchSpeciesUid=ELEMENT_GLOBAL.2.149847

Another example through DFO is noted in the Inner Bay of Fundy Atlantic Salmon case study. This species was listed as endangered when SARA came into force in 2003. Although a recovery strategy has yet to be finalized, DFO already supports a gene bank to maintain viable levels of the species while research continues in order to better understand the marine critical habitat of the species and reasons for its high mortality at sea, without which it would be difficult to develop an action plan that addresses the recovery needs of the species.

There is also evidence of priority actions in federal protected heritage places such as in National Parks and national historic sites including along heritage canals. Since March 31, 2009, the Agency has been able to integrate funds available from the SARA program with other funding and A-base resources and apply the money to priority actions for species at risk through 14 projects in 21 of its protected heritage areas (17 national parks, 3 national historic sites and 1 Marine Conservation area.)⁸² One such example involves multiple actions to recover piping plover populations in the PEI, Kejimikujik and Kouchibouguac National Parks.⁸³ Another example involves coordinated actions in the mountain parks to protect woodland caribou.⁸⁴ Because of the Agency's mandate to protect endangered species in all its administered lands, since 2005 the Agency has been able to direct other departmental funds toward projects that support Species at Risk.⁸⁵

As is noted in tables 10a) and c) in the efficiency and economy section, both EC and PCA reported relatively high expenditures related to implementation (DFO did not track expenditures in such a way as to report specifically by implementation). It is not clear how different departments define implementation, or related areas, in their financial reporting. While a lack of clarity in financial reporting limits the extent to which the evaluation can draw specific conclusions related to implementation, there does appear to be more activity under this area than is reported. It is possible that the implementation of priority actions is not being adequately captured by the performance reporting of the competent departments.

Program Funding Support

The following section provides a broad assessment of the extent to which funding programs under SARA support implementation activities. The principal⁸⁶ funding programs within SARA are HSP, AFSAR and IRF.⁸⁷ Activities taken under each of these funding programs to support SARA is described below:

⁸² PCA final approved East and West Integrated Funding List

⁸³ PCA Performance Report for the period ending March 31, 2011, p. 37.

⁸⁴ PCA financial information and Success stories fact sheet: Jasper Park takes action for species at risk.

⁸⁵ PCA, Action on the Ground (2005 and 2008)

⁸⁶ The contributions to NatureServe were not included in this analysis.

⁸⁷ IRF is not considered a G&C funding program.

- Between 2004–2005 and 2007–2008, the HSP funded an average of 170 projects per year, at an average level of funding of approximately \$54,000 per project. Among the 829 applications submitted, 655 projects were funded and completed.⁸⁸ Evidence for the Atlantic Coastal Plains Flora case study noted that the HSP program had helped in the groundwork necessary for the development of recovery documents. It was noted in the evaluation of the HSP, however, that there was significant concern that reduced funding and the late release of funds had negatively impacted the effectiveness of the program.

- The Aboriginal Fund for Species at Risk (AFSAR) was established in 2004 and enables the Government of Canada to facilitate Aboriginal involvement throughout the SARA conservation cycle: from species assessments and listing consultations to the development, implementation and monitoring of recovery measures. The program is designed for two purposes:
 - to support Aboriginal communities and organizations across Canada in building capacity to participate actively in the implementation of SARA, and
 - to work towards meeting the high priority needs of habitats important for the survival and recovery of endangered and threatened species.Specifically for the capacity building aspect, the AFSAR Program is designed to enable Aboriginal communities and organizations to acquire, develop, and use knowledge and skills so that they can play an active role in species protection and recovery. Capacity building includes skill (e.g., via education, training, learning) and tool (e.g., systems, mechanisms) development, and information management.⁸⁹

- The IRF program supports federal departments, agencies and crown corporations in their efforts to meet the requirements of SARA.⁹⁰ During the IRF's first seven years (2002-2003 to 2008-2009), it financed 491 recovery projects by 9 federal departments and 4 crown corporations,⁹¹ for a total investment of \$13.7M.⁹² Between 2006 and 2009, 70% percent of funds were applied to recovery actions and 30% percent to surveys on federal lands.⁹³

⁸⁸ EC. Evaluation of the Habitat Stewardship Program.

⁸⁹ SARA Annual Report, 2009.

⁹⁰ SARA Annual Report, 2009.

⁹¹ SARA Annual Reports, 2006-07, 2008, 2009

⁹² SARA Annual Report, 2009.

⁹³ SARA Annual Reports. 2006-07, 2008, 2009

CEAA Recommendations

Under the *Canadian Environmental Assessment Act*, the Responsible Authority has a legal obligation to consider the impacts that a project may cause on listed wildlife species, its critical habitat or its residence. SARA confers additional obligations on the responsible authority to notify the competent Minister when a project is likely to affect a listed wildlife species, and, if the project is carried out, a responsibility to ensure that adverse effects are identified, mitigated and monitored. Environment Canada, Fisheries and Oceans Canada, and the Parks Canada Agency inform the environmental assessment process by providing technical and scientific advice on the environmental assessment report. However, the requirement for conducting the environmental impact analysis for the development and the implementation of the mitigation measures and the monitoring program rests with the responsible authority.

The Canadian Environmental Assessment Registry (CEAR) shows that 897 projects were in progress as of April 2009 and that 1,269 projects were initiated in 2009-10. The CEAR does not provide a platform for reporting out on SARA-related factors that have been considered in environmental assessment. Nevertheless, given the available evidence, it appears that in 2009-10, 19 CEAA projects formally required mitigation and monitoring measures related to species at risk. It is expected that for the other projects the environmental effects on any listed wildlife species, its critical habitat and residence were considered and suggestions for mitigation measures and monitoring programs made where possible. The departments have taken steps to ensure that all SARA obligations related to federal EA have been reflected in both training and guidance materials

The departments have taken steps to ensure that all SARA obligations related to federal EA have been reflected in both training and guidance materials.⁹⁴

4.a.5 Monitoring and Evaluation

The main outputs associated with the monitoring and evaluation stage of the conservation cycle are:

- SAR 5-year recovery implementation reports
- Annual report to parliament on administration of SARA
- Federal SAR monitoring and evaluation guidelines

The evaluation found that the competent departments have delivered Annual Reports on the administration of SARA to Parliament as required. The evaluation found, however, that the efforts under SARA conservation cycle for most species have not yet advanced

⁹⁴ For example: Parks Canada has integrated SARA requirements into its Guide to Compliance with the Canadian Environmental Assessment Act (2007), screening templates, training presentations and other tools available for EA in the Agency.

to the monitoring and evaluation stage. The monitoring that is occurring is only taking place in limited areas, and any monitoring that has taken place has been in the absence of final guidelines (only draft ones are available). Monitoring and evaluation is occurring for only a few species overall. As an example, 14 of 306 species (5%) for which EC is responsible were monitored in 2009-10.⁹⁵ EC did not yet have monitoring programs in place for critical habitat during the time frame examined in the current evaluation.

There is evidence however that monitoring initiatives involving species at risk are taking place within the PCA heritage areas network of national parks, marine conservation areas and national historic sites as these initiatives are part of the Agency’s pre-existing monitoring program to assess the long-term condition of the species or evaluate the results of recovery actions and other management initiatives.⁹⁶ For example, PCA was monitoring the Pink Sand Verbena in Pacific Rim National Park to assess its survival and seed production. PCA also reported that they were monitoring critical habitat for six species as of 2009-2010.⁹⁷

DFO reported that monitoring data was aggregated to meet the requirements of science peer review associated with support to COSEWIC and was not developed to assess monitoring and evaluation at this point in time. Generally, there was no consistent reporting on the identification and protection of critical habitat during the evaluation in order to make a full assessment across the competent departments.

Evaluation Question
4b. Have immediate/intermediate outcomes been achieved?

There is evidence that the competent departments have taken steps to engage Aboriginal groups, partners and stakeholders in the implementation of the Act, in particular at the assessment, and recovery planning stages of the cycle, and of the implementation of recovery strategies through the three funding programs. The lack of identified critical habitat was cited as a key area where the competent departments are challenged in meeting their legal obligations under the Act. The need to develop clear guidelines to identify critical habitat was noted as an area for future improvement. The findings presented here are preliminary, as the outcomes addressed longer-term issues which will first require fuller implementation of the core activities and outputs under SARA.

⁹⁵ RMAF, (draft) 2009-10.

⁹⁶ SARA Annual Report, 2010.

⁹⁷ RMAF, (draft) 2009-10.

Detailed findings

There are 12 immediate and 6 intermediate outcomes articulated in the program logic model (see Table 2). Many of the immediate outcomes relate to the engagement of program partners and Aboriginal peoples in the activities of the conservation cycle. Most of the intermediate outcomes relate to the engagement of program stakeholders in the activities of the conservation cycle. There are both immediate and intermediate outcomes related to the protection of critical habitat.

Given the early challenges associated with implementation of the Act, as well the fact that the Act addresses ecological outcomes that may take many years to observe, the focus of the evaluation was on the immediate outcomes associated with the implementation of SARA as these outcomes should be observed on federal lands and with the partner groups directly reached and involved in the federal program (i.e., Aboriginal peoples, other government jurisdictions and program partners). Specifically, the outcomes that were examined include:

- partners and Aboriginal people are satisfied with their engagement in the SARA process;
- legal obligations for assessment and protection are met; and,
- stakeholders, partners and Aboriginal people implement priority recovery actions.

4.b.1 Partner and Aboriginal satisfaction with their engagement in the SARA processes

It was difficult to assess the level of satisfaction associated with consultations, as the competent departments did not track satisfaction as a performance indicator between 2005 and 2010 and this data was not collected during the evaluation. The evaluation did, however, find evidence of consultations having taken place and thus of considerable effort to address this outcome. For example, approximately 160 partners participated in the recovery planning process in 2009-10.⁹⁸

The evaluation also noted the development of tools to support the engagement of Aboriginal peoples in species at risk conservation, including the development of a strategy for consultation with Aboriginal peoples, the development of Nunavummut and SAR course (developed in collaboration between the three competent departments and delivered since 2008) to inform the Nunavummut about such issues as the Act, the process required to list species, and funding programs which define the roles for and promote engagement of these communities.⁹⁹

A small majority of the interviewees suggested that there has been good effort to engage partners in the implementation of SARA, although a minority felt there was a limited

⁹⁸ RMAF-RBAF (draft), 2009-10.

⁹⁹ Government of Canada. 2009. *Progress Report on the Species at Risk Act (SARA)*. http://publications.gc.ca/collections/collection_2011/ec/En1-37-2009-eng.pdf

engagement of stakeholders or stakeholders were not involved in their process. The mixed findings from interviewees, including both internal stakeholders and representatives of partners and Aboriginal groups, suggest that while there is evidence of consultations across the three departments, the extent to which these consultations have led to on-going successful engagement between the federal government and external stakeholders and Aboriginal groups is unclear.

4.b.2 Implementation of priority recovery actions by stakeholders, partners and Aboriginal peoples

The evaluation found that progress is still required on addressing priority actions since mechanisms to identify priority actions in recovery planning documents are still pending. There is early evidence however, that implementation has occurred by stakeholders and Aboriginal groups between 2007 and 2010, particularly through the funding programs.

As a general overview, the evaluation found that 262 AFSAR projects were funded with \$8.8M in G&C funding. As previously noted, program staff at DFO assessed the extent to which the AFSAR program at DFO contributed to all stages of the SARA cycle. The following AFSAR projects supported each stage of the cycle: 6 COSEWIC species assessments, 8 SARA listing consultations, 15 SARA recovery planning projects, 10 SARA implementation projects, 8 SARA monitoring and evaluation projects, and 17 ATK projects. The IRF has provided \$9.3M in funding to help government departments address SAR concerns on their property. In addition, 820¹⁰⁰ HSP Projects were funded between 2006-07 and 2009-10 with \$41.4M.¹⁰¹

Survey¹⁰² and documentary evidence also assessed the implementation of SARA occurring through the funding programs. For example, individuals that had completed an HSP-funded project were asked in a survey to identify the most significant change/outcome that occurred as a result of their project. The protection/improvement/recovery of habitat/species at risk was mentioned most frequently (38%), followed by increasing engagement/interest in their issues (29%). The awareness/knowledge that was created (13%) or the organizational knowledge that was gained (10 %) were also cited as being the most important outcome of their HSP-funded project. While the survey did not ask specific questions related to the implementation of priority recovery actions, the survey evidence does point to the fact that activities taken under HSP appear to be leading towards implementation of the recovery actions required under SARA. The HSP

¹⁰⁰ Calculated from a combination of data sources, including the 2009 HSP evaluation, the final 2009-10 RMAF (indicator #4) and the 2009 SARA Annual Report. Only approximate data is available for 2008-09.

¹⁰¹ Calculated from a combination of data sources, including the 2009 HSP evaluation, the draft March 2009-10 RMAF (indicator #54) and the 2009 SARA Annual Report.

¹⁰² These surveys were not conducted for this evaluation but were from the Evaluation of the HSP Program and an internal survey conducted by DFO for performance monitoring purposes.

evaluation also noted that HSP projects "... were achieving intended habitat protection, restoration, threat mitigation and education results and several examples were reported of such achievements. However, the effectiveness of these activities was reduced by the limited number of recovery strategies, action plans and identification of critical habitat."

Findings from SARA Annual Reports also demonstrate that AFSAR had enabled the implementation of priority recovery actions by partners and aboriginal people. Over the last five years, 333 projects have been funded through AFSAR. During the 2009-10 fiscal year, 99 of the 159 (62%) AFSAR applications received grants and contributions.

An internal DFO AFSAR recipient survey conducted in 2010 also provides evidence of the extent to which the program is supporting the implementation of recovery actions.¹⁰³ More than 90 Aboriginal communities have been involved in delivering projects benefiting more than 270 SARA-listed or COSEWIC-designated species, such as the plains bison, the woodland caribou, the Forked Three-awned Grass and the Blanding's Turtle. Moreover, there was initial evidence from this survey that aboriginal awareness of SAR has increased as a result of AFSAR as respondents identified the program as playing a critical role in raising awareness for SAR. All survey respondents stated that AFSAR helped to meet the community's or organization's needs regarding species at risk protection and recovery. In addition, most survey respondents felt the projects funded through AFSAR have an impact on their capacity to implement SARA.

Evidence from interviews broadly aligned with the evidence presented above. Most of the program and external respondents believe there has been an implementation of priority actions by stakeholders or Aboriginal groups funded through the grant and contribution programs.

In general, the evidence suggests that the three funding programs have been effective in engaging stakeholders, partners and Aboriginal people in the implementation of priority recovery actions. Given the generally low numbers of recovery strategies, however, the broad implementation of priority actions across the SARA conservation cycle is still an area for on-going improvement.

4.b.3 Legal obligations for assessment and protection

As previously stated, critical habitat needs to be identified in recovery strategies, and where available information is inadequate, the recovery strategy or action plan must outline a schedule of studies to identify the critical habitat. Once identified, critical habitat

¹⁰³ As many AFSAR projects cover both terrestrial and aquatic species, the survey contained information related to both areas.

must be protected on federal lands by provisions or measures under SARA or another Act of Parliament.¹⁰⁴

The SARA annual reports from 2006 to 2010 point to examples of work being done by the competent departments in the identification, definition and measures to protect critical habitat. Systematic performance information related to critical habitat, however, is generally inconsistent and there is no accessible database available to broadly assess the extent of work being done in these areas.¹⁰⁵ As a result, we are not able to fully report on the number of recovery strategies that identify critical habitat, or alternatively the timelines for studies to deliver on this output.

As noted previously there have been several federal court rulings involving the identification and/or protection of critical habitat. One of these cases was discontinued, while the other three cases ruled in favour of the claimant that the federal government had not adequately identified or protected critical habitat.

The need for the federal government to identify critical habitat has also been noted as a concern by external stakeholders outside of legal actions. As an example, one report¹⁰⁶ published in 2009 from a coalition of ENGOs was critical of federal action taken to identify critical habitat, noting that, at that time, critical habitats had only been identified for 21 listed species. This report concluded that the low rates with which critical habitat had been identified at that point in time was a major gap in meeting the obligations set out in the Act.

The case study evidence indicates that in some cases, there can be significant challenges identifying critical habitat, particularly for species with a geographically large or disperse natural habitat (e.g. birds, large ungulates and aquatic species). In the case of the Inner Bay of Fundy salmon, critical habitat in freshwater was well understood, however critical habitat in the marine environment was not identified because of major gaps in scientific information available. Generally, the identification of critical habitat for aquatic species can be challenging for many species as there is limited biological and territorial information required to identify critical habitat. If this information does not exist, the critical habitat cannot be identified, though a schedule of studies to ultimately identify the critical habitat should be identified in the recovery strategy and/or action plan.

¹⁰⁴ On provincial lands, it must be given protection under the laws of the province or territory, otherwise the SARA safety net can be imposed.

¹⁰⁵ The evaluation team did not review recovery strategies to determine whether competent departments were compliant with the requirements related to identification and protection of critical habitat.

¹⁰⁶ David Suzuki Foundation, Ecojustice, Environmental Defence, and Nature Canada. April 2009. *Canada's Species at Risk Act: Implementation at a Snail's Pace*. www.naturecanada.ca/endangered_atrisk_saraRC2009.asp

The time needed to identify critical habitat was also illustrated as a challenge in the case study evidence related to the piping plover, where there are multiple jurisdictions involved and a significant amount of cooperation and coordination is required. Interviewees in the case study also cited the absence of a clear policy on how to compensate private landowners who protect critical habitat.

The lack of clear guidance and policy to enable the identification of critical habitat is the main areas in which the competent departments are facing challenges meeting their legal obligations. This finding suggests that this is a key area where the competent departments require more attention.

4.2.2 Efficiency and Economy

This section examines the efficiency and economy of the programs and activities to implement SARA.

Evaluation Issue: Performance – Efficiency and Economy

- **Overall Findings:** The competent departments did not report expenditures in a comparable manner, limiting a full quantitative analysis of efficiency and economy. The available evidence nevertheless points to several key issues impacting the extent to which the competent departments demonstrate efficiency and economy in the implementation of the Act. Departments did not spend their allocated amounts. Reasons cited included the fact that they are not yet active in all stages of the conservation cycle required to deliver SARA and that there was a lag in staffing vacant positions. In contrast, there is concern that resources may not be sufficient to implement SARA once all stages of the conservation cycle are being addressed and legislated timelines for new outputs (e.g., reporting on implementation of recovery strategies five years after posting on the registry) come into effect. At this point, it is difficult to reconcile these two issues. Other issues both internal to program management, such as workload and the cost of doing research for large ranging species, and external to program management, such as the consultation requirements of the Act, legal challenges and meeting legislated timelines, are noted as contributing to the costs of implementing the Act. The overall decision-making process and the clarity of roles and responsibilities, both among the three competent departments and between the federal government and other parties involved in the implementation of SARA (e.g., First Nations), is also highlighted as an area of concern. Using an ecosystem approach and/or multispecies approach at certain stages of the conservation cycle is a possible approach to making implementation of the Act more efficient.

Evaluation Question

5. Are the SARA programs and activities being implemented in an economical and efficient manner?

According to Treasury Board policy, a program is **economical** to the extent the cost of resources used approximates the minimum amount needed to achieve expected

outcomes. A program is **efficient** to the extent a greater level of output is produced with the same level of input, or, a lower level of input is used to produce the same level of output. The level of input and output could increase or decrease in quantity, quality, or both¹⁰⁷. The demonstration of economy and efficiency involves the assessment of resource acquisition and utilization in relation to the production of outputs in support of outcomes. While economy and efficiency are distinct concepts, they are closely related and complementary in terms of their focus, and we have treated them together in this section.

In the case of the programs and activities in support of SARA, inputs consist of the overall budgets and staff (see section 2.7 program resources). Outputs and outcomes are discussed in the program logic model and can be aggregated aligned with the five stages of the SARA conservation cycle.

Tables 10a, b and c represent the financial information provided by the each competent department. Expenditures and FTEs by stages of the conservation cycle across all three competent departments would be required for a detailed horizontal assessment of level of output produced for the inputs. The competent departments, however, maintain different financial tracking tools to respond to department-specific information needs, and there is no comparable financial data to assess how overall program funds are allocated to various stages of the SARA conservation cycle. Further, it was not clear during the evaluation how each department coded each expenditure item, limiting comparisons across departments. As a result, the information provided in the following three tables provides an overview of departmental spending across budget items but any quantitative analysis of economy and efficiency is not possible at this point in time.

Table 10a – EC Expenditures on SARA (2007/08 - 2009/10)

	Expenditures	%	FTEs*	%
Assessment	\$11.6	8.9%	17.0	10.7%
Listing	\$3.3	2.5%	5.5	3.5%
Recovery Planning	\$18.8	14.4%	37.0	23.3%
Implementation	\$60.8	46.6%	32.6	20.6%
Monitoring	\$8.0	6.1%	15.1	9.5%
Program Management	\$19.9	15.3%	36.8	23.2%
Compliance Promotion and Enforcement	\$7.5	5.7%	14.7	9.2%
Other Activities	\$0.4	0.3%	0.0	0.0%
Total	\$130.3	100.0%	158.7	100.0%

Notes: Figures in millions except FTEs. FTE figures are the average FTEs over three years.

¹⁰⁷ Treasury Board *Policy on Evaluation* 2009

Table 10b – DFO expenditures on SARA (2008/09 - 2009/10)

	Expenditures	%
Science	\$13.5	33.4%
Monitoring & Evaluation	\$5.3	13.2%
Protection	\$12.1	29.9%
Recovery	\$9.5	23.6%
Total	\$40.4	100.0%

Notes: Figures in millions

Table 10c - PCA Expenditures on SARA (2007/08 to 2009/10)

	Expenditures	%
Assessment	\$1.2	4%
Recovery Planning	\$0.6	2%
Compliance promotion/enforcement	\$0	0%
Implementation	\$21.8	80%
Monitoring and Evaluation	\$0	0%
Program development/management	\$2.4	9%
Legal services	\$0.4	2%
Public education and outreach	\$0.6	2%
Aboriginal support	\$0.4	1%
TOTAL	\$27.3	100%

Notes : Figures in millions. Expenditures for implementation are primarily in the field and include some spending to complete recovery planning, although the exact portion is unknown.

While detailed quantitative evaluation evidence is limited, there is nevertheless evidence to make limited observations on the sufficiency of inputs (budgets) and on management decisions in directing these inputs and producing outputs. There is also evidence regarding the potential impact on program costs related to internal and external constraints on program management, the governance structure and the clarity of roles and responsibilities. Finally, the evaluation examines evidence related to using an eco-system or multi-species approach as alternatives to achieving outcomes. The analysis of efficiency and economy is largely based on qualitative data from the interviews and case studies, and in many cases is anecdotal in nature.

Expenditures

Funding levels have been relatively stable for the competent departments. TBS reports, however, that there have been lapsed funds over the past five years. Table 11 provides an overview of the planned and actual resources expended for SAR programs. During the 2007-2011 period, approximately \$45M in funding to implement SARA was lapsed.

Table 11: Planned and Actual SAR Program Expenditures (2007-2011) (in millions)

	EC			DFO			PCA		
	Planned	Actual	Gap	Planned	Actual	Gap	Planned	Actual	Gap
2007-2009	59.9	47.8	-12.1	26	17.6	-8.4	14.1	11.6	-2.5
2008-2009	50.9	46.5	-4.4	24.8	24.2	-0.6	14.1	9.3	-4.8
2009-2010	59.9	47.7	-12.2	26	21.8	-4.2	14.1	18.4	4.3
Totals	170.7	142	-28.7	76.8	63.6	-13.2	42.3	39.3	-3

Notes: TBS Horizontal Initiatives Database

There are various reasons provided for the lapsing of funds. Most of the senior managers noted that, in general, the delays in the implementation of all the components of the SARA conservation cycle have impacted spending the allocated amounts. For example, the potential costs associated with the implementation of large numbers of action plans have not yet been encumbered by the competent departments, and this is an area which may be particularly resource-intensive to implement.

FTE issues were also cited as a reason for lapsing. According to the TBS Website, EC explained the 2009-2010 funding lapse by a lag in staffing vacant positions (this was also provided as an explanation in previous years). Interviewees from EC noted that delays in resourcing staff positions may have impacted the speed at which SARA has been implemented. This evidence however, does not appear to reconcile with the level of FTEs committed toward SARA programs and activities as shown in Table 12. Number of FTEs has increased steadily for all competent departments between 2007 and 2010.

Table 12: SARA FTE's (2007-2010)

	EC	DFO	PCA	Total
2007-2008	150	104	30	284
2008-2009	151	130	33	314
2009-2010	175	144	35	354
Average	159	126	33	318

Source: EC, DFO and PCA Program Management

There is some evidence that program management in the competent departments did use some flexibility to direct funds or (in the case of PCA) carry forward funds to other areas and undertake activities that support SARA's broad objectives. EC, for example, allocated a portion its SARA funds to support complementary wildlife program activities, including protected areas and migratory bird programs. At DFO, the variance for 2009-2010 was explained by the temporary re-allocation of resources to other departmental

priorities associated with the protection of biodiversity¹⁰⁸. At PCA, funds carried forward from 2008–2009 were allocated to action on the ground initiatives (recovery activities and restoration) in national parks and national historic sites with significant species at risk, as well as for completion of recovery strategies within legislated timelines.

Sufficiency of resources

The available evidence is not adequate at this point to reconcile the apparent level of resources available with claims that there are inadequate resources available for SARA. To some extent, however, this difference may be related to the fact that stakeholders appear to view resource sufficiency as a potential problem that will impact implementation over the coming years rather than reflecting the use of current resources. The perspectives of departmental/agency interviewees with regard to the adequacy of resources are generally consistent. Most EC, DFO and PCA interviewees expressed concern regarding the extent to which the federal government has been and will be able to meet its obligations under the *Species at Risk Act* within current resources. Broadly speaking, therefore, the evidence indicates that there is concern over whether resources in the coming years will be sufficient once SARA is fully implemented (e.g., action plans are implemented, reporting on recovery strategies is taking place).

Case study evidence also pointed to concerns over the resources allocated to implement SARA. The Inner Bay of Fundy Salmon case study, for example, noted program management concern that there were not enough financial and human resources for identifying critical habitat. Further, due to reduced funding and delays in the distribution of funding to recipients, the resources through the IRF and HSP programs are not sufficient to implement key actions (e.g. maintaining gene pools) that are imperative for recovery.

External stakeholders noted the need for additional resources to clear the backlog of recovery strategies and action plans. For example, in a submission to the Standing Committee as part of the SARA Parliamentary Review, the SARAC urged Parliament to “dedicate adequate financial and human resources to clear the backlog of incomplete Recovery Strategies as expeditiously as possible.”¹⁰⁹

Factors contributing toward the costs of program implementation

The evaluation evidence highlighted the following eight factors that contributed to the level of resources required to implement the Act. They are: the workload associated with

¹⁰⁸ The published numbers for DFO may be an overestimation of the lapse in funding as coding issues in regional offices misidentified funds that were being used to support SARA.

¹⁰⁹ SARAC. Presentation on the *Species at Risk Act* to the Standing Committee on Environment and Sustainable Development, Spring 2009, p. 6

implementation; addressing consultation requirements; the cost of research for large ranging species; managing legal challenges; meeting legislated timelines and reporting requirements; the capacity of provincial partners; commercially-harvested species; and, the lack of policies to guide various activities (e.g. compensation regulations).

The workload associated with implementation of the Act increases as species are added to the legal list as, once listed, ongoing reporting requirements and timelines apply.¹¹⁰ Further, though COSEWIC assessments contain some information on the species, this information may be limited and departments must still collect additional information in order to take the necessary recovery actions. The workload associated with increasing numbers of species identified as at risk was raised by the departments/agency as early as 2008 as the “[d]evelopment and implementation of a growing number of strategies and plans, and subsequently enforcing prohibitions and regulations under the Act and monitoring and evaluating and reporting on compliance and species recovery, will put further demands on the Program.”¹¹¹ Factors such as the complexity of recovery planning processes, the location and distribution of the species, associated threats, and the number and diversity of interested stakeholders, lead to wide variability in the costs associated with socio-economic analyses and consultations for different species. For example, collaborating with partners in remote and northern communities can be far more costly than recovery planning in more southerly locations.¹¹²

As noted previously, SARA sets out specific timelines for the implementation of many key activities. Generally, interviewees indicated efficiency in implementing the Act is impacted by the time and resources required to consult and develop partnerships necessary at each stage of implementation. Most of the interviewees from the competent departments noted the challenges associated with meeting these timelines, particularly given the consultations required at many stages of implementation. For example, extended public consultation may be needed when listing a particular species has the potential to affect Aboriginal peoples, commercial and recreational fishers, or Canadians at large. According to the 2009 annual report, this was the case for nine of twenty-nine species, including eight aquatic and one terrestrial species.¹¹³ This issue was also noted in the documentary analysis, as:

“... the costs associated with consultations and socio-economic analyses can vary greatly depending on the location and distribution of the species, the associated threats, the complexity of the recovery planning processes, and the number and diversity of interested stakeholders.

¹¹⁰ Species at Risk Program RMAF/RBAF 2008 p. 38

¹¹¹ Species at Risk Program RMAF/RBAF 2008 p. 38

¹¹² Species at Risk Program RMAF/RBAF 2008 p. 38

¹¹³ 2009 Annual report, p. 6.

Managing consultations in remote and northern communities is especially challenging and costly.”¹¹⁴

Case study evidence provides insight into the particular impacts associated with meeting the consultation requirements of the Act. For example, consulting with local communities, many of which are located in remote areas, as well as with wildlife management boards, before taking a decision, significantly added to the cost of listing species and to the time required for meeting SARA timelines. It was also noted in the same case study that coordinating consultation efforts are also particularly challenging, as consultations must respect cultural and seasonal calendars. Further, significant complexity is added to consultations under SARA when listed species exist across jurisdictions, species’ ecosystems are unknown, and/or critical habitats of numerous species are contained within the same spatial location.

The cost of research for large ranging species was also cited as a factor contributing to the cost of implementation. As noted earlier in the report, aquatic species listed in SARA provide a significant challenge in regards to the scientific information required for identifying and protecting species’ critical habitats, as these species are not necessarily found in well-defined areas. Instead, their habitat tends to be multi-dimensional and involve a broad geographic area (e.g., an ocean). Conducting research is, therefore, generally resource intensive, and results are highly uncertain. Moreover, due to the need for specialized equipment (i.e., research vessels) and knowledge, the cost of conducting research in a marine environment is generally very high.

The *Setting Priorities* case study provides an example of how SARA research can be more cost effective. For example, DFO Pacific Region has been applying relatively low-cost acoustic technologies to monitor North Pacific Right Whales. The approach represents a relatively inexpensive alternative to costly (\$20,000 per day) shipboard searches for the Right Whale.

Concern was expressed by nearly all senior managers at EC, DFO and PCA that responding to legal issues has diverted resources away from implementation of the Act. As the courts continue to make decisions, the competent departments may also require additional resources in order to be compliant with SARA. It was noted, however, in the 2008 RMAF/RBAF that the competent departments were working towards developing national policies and guidelines to help address risks associated with legal challenges to SARA.¹¹⁵ While there were draft SARA policies (2009) posted on the public registry containing specific text to clarify the definition of critical habitat and to establish

¹¹⁴ RMAF/RBAF, p. 38

¹¹⁵ 2008 RMAF, p. 39.

expectations around identifying it in the recovery planning stage, these were not finalized.¹¹⁶

As noted previously, SARA sets out specific timelines for the implementation of many key activities. The competent departments are continuing to work towards meeting the legislated timelines for the development of recovery strategies and management plans. Schedule 1 of SARA included 233 species when SARA was proclaimed in June 2003.¹¹⁷ Although slightly longer timelines were allowed for completion of documentation pertaining to species listed in June 5, 2003,¹¹⁸ the addition of species to the Schedule 1 every year since 2003 has resulted in a growing number of recovery planning documents that still need to be completed.¹¹⁹ Further, there is concern that legislated timelines for new requirements (e.g. reporting on implementation of recovery strategies five years after posting on the registry) will soon come into effect, which will place additional burden on current resources.

Challenges regarding resources were not only noted at the federal level, but respondents also raised questions of whether there was sufficient resource capacity within the provinces to address the timelines imposed by the Act. The importance of the participation of the provinces, municipal governments, and private landowners was highlighted by some key informants. Many terrestrial species are found on non-Federal land and responsibility for these species is shared.

Commercially harvested species were also highlighted as an area that poses a potential challenge to efficient implementation. According to case study findings, the binary nature of the Act (i.e. a species is either listed or not-listed) does not address the need or desire to protect species which are problematic to list for economic or social reasons. A key success factor to protecting commercially harvested species, according to respondents, appears to be related to finding a reasonable 'middle ground', recognizing the cultural and/or economic importance of these species without excluding them altogether from the protections afforded through a SARA listing. This was particularly true for DFO during the period covered by the evaluation, but also for the other competent departments where specific communities, such as Aboriginal communities, are involved.

One of the ways to resolve this dilemma, noted during case study data collection, is to identify a mechanism in which some degree of harm to the species is tolerated. In other words, a potential solution is to find a way within the SARA framework to ensure that the

¹¹⁶ Examples of policies can be found at: <http://www.sararegistry.gc.ca>

¹¹⁷ 2009 Annual report, p. 10

¹¹⁸ 2009 Annual report, p. 16

¹¹⁹ For example, 112 species were added to the original list in 2005, 44 species in 2006, 36 species in 2007, and 22 species in 2009 (no species were added to or removed from Schedule 1 in 2008).

species can be managed towards the recovery of the population as a whole, without requiring that each individual is fully protected under SARA. The creation of a special class of listing for species of commercial interest was suggested during the Commercially Harvested Species case study as one way to achieve this objective. Another recommended option would be to allow some by-catch of listed species through permitting. Permitting is a mechanism for providing exemptions from the prohibitions of SARA for listed species, with the precondition that any exemptions will not jeopardize the survival and recovery of the species. DFO was working on permitting guidelines to this end during the period covered by the evaluation.

There was some concern from external stakeholders that there is a lack of clear information on compensation and the associated costs of complying with SARA for parties outside the federal government. For example, in its submission to the Standing Committee on Environment and Sustainable Development as part of the Parliamentary Review, the SARAC highlighted the absence of compensation regulations as a barrier to being able to engage with external partners, such as industry and private landowners. It is not clear at this point, however, how compensation regulations will impact resource allocation under SARA.

Governance and clarity of roles and responsibilities

Evidence related to governance and the clarity of roles and responsibilities are examined in this section as ineffectiveness in these areas may decrease the program's achievement of outcomes and increase the resources used to implement the Act.

Interviewees from the competent departments noted concern regarding the efficiency of the current governance structure. Most respondents stated that the current governance structure is not efficient, noting that there are too many layers of committees and decisions are made too slowly. Reasons for the perceived inefficiency noted by interviewees included the duplication and confusion caused by the lack of inter-jurisdictional bi-lateral agreements and the internal resources required to deal with legal reviews which have caused delays in establishing an effective governance structure.

A majority of those indicating concern about the governance structure, however, noted that there have been significant improvements in the last few years, particularly since the formative evaluation in 2006. Examples of improved governance noted by interviewees included the reorganization of program delivery and governance at DFO and the development of relationships with stakeholders by all three competent departments.

Another example of work undertaken to improve governance is the National Framework for Species at Risk Conservation, to which the federal, provincial and territorial governments agreed in June 2007. This framework is intended to provide a set of

common principles, objectives and overarching approaches for species at risk conservation to guide federal, provincial and territorial SAR programs and policies. The specific objectives of the framework are to:

- facilitate coordination and cooperation among jurisdictions involved with species at risk;
- encourage greater national coherence and consistency in jurisdictional policies and procedures; and
- provide context and common ground for federal– provincial–territorial bilateral agreements.¹²⁰

The extent to which these processes have actually improved governance is not clear, as they were generally noted to be processes that had only recently been put in effect. Nevertheless, while challenges appear to remain, the evidence does suggest the competent departments recognize the need to improve the current governance model and have been putting in place practices intended to achieve this end.

The evaluation evidence points to several on-going concerns related to the clarity of roles and responsibilities in implementing SARA, including: overlap and duplication between the three competent departments; the need for improved policy guidance related to areas such as critical habitat; and, the need to improve the clarity of interaction with Aboriginal peoples.

Case study evidence pointed to concerns regarding the clarity of roles. There were concerns that insufficient information is given to First Nations about the distinction between different federal and provincial government roles involved in SARA. When consultations with First Nations occur, the consultations may be seen as an opportunity to voice concerns for which there are no other avenues available to First Nations. For example, issues may be raised (e.g. mining, land issues, hunting quotas) that go beyond the jurisdiction of the competent department undertaking the consultation.

The issue related to the clarity of roles most frequently cited by EC and DFO interviewees was overlap and duplication. It was noted by EC respondents in particular, that overlap can occur during consultations conducted separately by the provinces and federal government. This situation has the potential to cause confusion for the two layers of government, as well as for stakeholder groups (e.g., industry, ENGOs) and/or Aboriginal communities. DFO interviewees, on the other hand, were more likely to mention the risk of duplication with the two other federal partners, although this was not always viewed as negative and could be complementary if done correctly. For example, it was noted that planning for the protection of marine species in national parks is likely to involve overlap between DFO and PCA (both may work separately on the issue),

¹²⁰ SARA Annual Report 2009, p. 31

though this overlap was viewed as complementary given that marine habitat spans such a vast area. DFO respondents noted, however, there have been instances of duplication with DFO and EC, particularly in the administration of the funding programs. For example, both departments may review the same HSP application, which may be unnecessary.

Most PCA interviewees also noted concern regarding the clarity of roles and responsibilities. Generally speaking, the concern focused on the lack of clarity between PCA and EC. An example was the fact that PCA may be responsible for a species within their park jurisdiction, but negotiations with a landowner are the responsibility of EC, causing some potential for confusion when there is poor coordination between the two federal partners and the landowner.

One of the reasons for the lack of clarity likely stems from delays in finalizing policies and guidelines to help will clarify roles and responsibilities for all partners involved in the implementation of SARA. In its *Submission to the Standing Committee on the Environment and Sustainable Development*, SARAC pointed out that it “remains frustrated that key policies and operational guidelines and practices essential to the effective implementation of SARA are taking too long to finalize and implement”. In addition, SARAC argued that clearer definitions are needed for “critical habitat”, “residence”, “recovery”, “effective protection” and associated terms such as “survival”, “damage”, and “destroy”. Similarly, the *Second Minister’s Round Table on SAR* (2008) stated that EC should publish clear policy guidelines on how to apply the definitions of habitat and critical habitat in a consistent manner and should take steps to reduce any overlap between SARA and provincial/territorial legislation. Though not cited by external interviewees, most interviewees in the three competent departments also noted the ongoing lack of policy guidelines and clarity as a concern.

Alternative approach: multispecies or ecosystem approaches to the delivery of SAR programs and activities

The main alternative approaches highlighted during the interviews, case studies and in the review of documentation were an ecosystem approach and/or a multi-species approach to implementing SARA. A distinction is made between an ecosystem approach which allows SAR activities to progress for a group of species common to a specific ecosystem, and a multi-species approach where SAR activities are implemented for a group of species which could be part of an ecosystem, a region or a protected area such as a national park. Most interviewees, both internal and external to the federal government, suggested that multi-species recovery planning is necessary to achieve a more efficient and economical process for this stage of the cycle. Also, a report prepared

for the *Parliamentary Five-Year Review* of SARA¹²¹ states that learning how to use ecosystem and multi-species approaches may be an important part of the path forward. These approaches have the potential to recognize and address overlaps in species range and needs and common underlying problems across species in the same ecosystem.

There are several examples of successful recovery planning using an ecosystem approach. For the Gary Oaks ecosystem on the west coast, PCA developed an ecosystem-based recovery document addressing 20 species at risk. Multi-species recovery documents have also been produced for 11 SARA listed species of Atlantic Coastal Plain Flora. As well, PCA is currently in the process of developing a multi-species action plan for all species at risk within Grasslands National Park, which is planned for release in 2012. This approach may also benefit non-targeted species.

Other efficiencies of an ecosystem approach are illustrated by the *Recovery Planning* case study, where evidence suggested that an ecosystem approach allowed duplication of public consultations to be avoided for the most part. An ecosystem approach can also be an effective prevention measure. By taking a system approach, species that are potentially at risk can be included in localized efforts, such as educating landowners or changing regulations. These approaches, however, must be chosen carefully. Some academic reviews of multi-species approaches in the US point out that species must be grouped in a way that makes sense (e.g. common threats, common distribution, common location and habitat, etc.). Further, the *Critical Habitat* case study suggested that while the ecosystem-based approach can be effective, it may be more time consuming (e.g., communication between multiple recovery teams, stakeholders) and resource intensive (e.g., more research required to determine the relative impact of various approaches to all potentially affected species) than initially thought. The benefits and costs of an ecosystem approach are not yet fully understood, however, as the competent departments have only been able to implement this approach in a small number of cases.

A minority of interviewees commented on the challenges of using an ecosystem approach for recovery planning within the parameters imposed by existing legislation. The primary challenge noted by interviewees is related to the COSEWIC assessment process, whereby separate assessments are undertaken for individual species. Since legislated timelines for recovery planning begin as individual species are listed, species within the same ecosystem would have to be reviewed in the same COSEWIC review batch (i.e., at the same time) to be considered for multi-species recovery planning. In

¹²¹ Government of Canada (2009) PROGRESS REPORT ON THE SPECIES AT RISK ACT (SARA): Prepared for the Parliamentary Five-Year Review of the Species at Risk Act (SARA). Accessed in: http://publications.gc.ca/collections/collection_2011/ec/En1-37-2009-eng.pdf

this way, all of the listed species would have the same timelines for the completion of recovery documents.

5.0 EXTENT TO WHICH DEPARTMENTS ARE MEETING THE OBJECTIVES OF THE ACT

The three objectives of SARA are: to prevent wildlife species from being extirpated or becoming extinct; to 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.¹²² These can be viewed as the long-term outcomes of the SAR program.

The competent departments appear to have made some early progress toward the first objective of prevention, though more remains to be done. The competent departments have been providing the expected technical support to enable COSEWIC's function and COSEWIC assessments are occurring as planned. Protection measures have been put in place through listing (359 species had been listed as extirpated, endangered or threatened by the end of 2010), regulations, compliance promotion and enforcement. Funding mechanisms associated with the Act have supported activities of protection, compliance promotion, stewardship education and recovery planning on federal and non-federal lands. There are concerns, however, that the departments are not adequately identifying critical habitat, as required for the prevention of extirpation or extinction. The objectives to achieve sustainable population levels are established in over 140 published recovery strategies, however overall, the departments are not delivering strategies at the rate required by the Act.

In terms of the objective of recovery, the fact that only twenty six action plans were in place at the time of the evaluation suggests that departments are not yet contributing significantly to this objective. Although some stewardship actions have been implemented by the competent departments, partners and stakeholders, there are few examples of the implementation of priority actions prior to the publication of action plans noted in the evaluation. Therefore, it is likely that there is not enough work being done at the implementation stage to lead to a measureable impact on recovery. It should be noted that monitoring and evaluation have not progressed to a stage that can inform the impact of any actions undertaken.

Twenty six (26%) percent of the required management plans, the main tool under SARA to manage species of special concern, were in place during the period reviewed by the evaluation, indicating that the competent departments are progressing slowly towards meeting the third objective of the Act; managing species of special concern.

¹²² Government of Canada. 2009. *Progress Report on the Species at Risk Act (SARA)*. www.sararegistry.gc.ca/approach/act/progress_report_e.cfm

There is evidence of engagement with Aboriginal peoples in the first three activities so the conservations cycle. Stakeholders have been engaged in stewardship for species at risk through funding programs (e.g., HSP and AFSAR). However, consistent with the findings of the formative evaluation¹²³, Species at Risk protection and recovery depends in good part on provincial/territorial cooperation. By the end of the December 2010, only four of a potential 13 bi-lateral agreements were in place with provinces or territories.

An Ecosystem and/or multispecies approaches were noted as having the potential to improve the efficiency of the implementation of the Act. The benefits and costs of these approaches are not yet fully understood, however, as the competent departments have only been able to implement this approach in a small number of cases.

The evaluation concludes, therefore, that the competent departments are progressing towards meeting the first objective of the Act but are struggling to fully implement all components of the conservation cycle, particularly the development of action plans and subsequent implementation of priority actions to recover wildlife. The low production of management plans indicates slow progress towards the management of species of special concern.

¹²³ Formative Evaluation of the Programs and Activities that Support the *Species at Risk Act* (2007).

6.0 RECOMMENDATIONS

The following recommendations are directed at the responsible Assistant Deputy Ministers and equivalents in the three competent departments: Environment Canada, Fisheries and Oceans Canada, and Parks Canada Agency.

Recommendation 1: Overall implementation of SARA

While the evaluation evidence pointed to a range of work taking place in areas such as assessment, protection, stewardship, education, consultations, and recovery planning, there continued to be a backlog related to delivering recovery strategies, action plans and management plans according to legislated timelines and requirements. Further, the resources required to address this backlog are not clear. Ongoing efforts to address this backlog highlight the challenges the departments are experiencing in progressing further into the other stages of the conservation cycle. In particular, there is little evidence of activity in the implementation of priority actions, monitoring and evaluation. It is not clear at this point how the departments are planning on moving forward to address all three objectives of the Act.

It is recommended that the three competent departments develop a clear and actionable strategy to address the current backlog of Recovery Strategies, Action Plans and Management Plans and advance their work into those areas of the conservation cycle that have minimal activity at present: the implementation, monitoring and evaluation of priority actions.

Recommendation 2: Critical Habitat

The identification of Critical Habitat was highlighted in the evaluation as an area where the competent departments are facing challenges, including but not limited to legal action taken by third parties. One key factor identified in the evaluation was a lack of clear policy guidance to help improve the identification and protection of critical habitat in the field.

It is recommended that: the three competent departments should finalize SARA policy related to the *identification* of critical habitat. This policy may be either horizontal or by individual department. This policy should be communicated to key stakeholders and Aboriginal groups.

Recommendation 3: Measuring, tracking and reporting on performance

The competent departments were able to provide performance data for outputs that were associated with clear legislated timelines and reporting requirements (e.g., recovery strategies, management plans). The evaluation found that the competent departments have not been as successful, however, in measuring, tracking and reporting performance data for other important indicators. The two main gaps in performance information that arose in the context of this evaluation were in the following areas: the requirements to identify critical habitat or recommend a schedule of studies to identify critical habitat; and, the requirement to specify in recovery strategies when action plans are due, and to follow-up on these timelines to ensure their timely delivery. Further, while the evaluation team found evidence of some implementation of priority actions through annual reports, financial information and the funding programs, there is evidence to indicate that the departments are not adequately communicating their overall efforts in these areas.

It is recommended that the three competent departments articulate how they will measure, track and report on the key indicators such as: identifying critical habitat; timelines for and the delivery of action plans; and, the implementation of priority actions.

Recommendation 4: Consultations

As in the formative evaluation, there was evidence of continuing challenges associated with meeting the consultation requirements of the Act. Consultations are an essential component of the implementation of SARA, given the need to coordinate between various levels of government, industry, private land owners and Aboriginal peoples. The extent of consultations at present, however, is highlighted in the evaluation as being time consuming and costly, particularly given that consultations are required at many stages of the conservation cycle. For example, concern was raised by interviewees that the need to consult the same groups at both the listing and recovery stages is time consuming and resource intensive.

It is recommended that each competent department identify key areas for improvement, and feasible ways to implement respective efficiencies to address the overall consultation requirements of the Act. These measures could include building upon consultations already occurring within various stages of the conservation cycle. Where appropriate, these improvements should be done in coordination with the other departments/Agency.

7.0 MANAGEMENT RESPONSE

Recommendation 1: It is recommended that the three competent departments develop a clear and actionable strategy to address the current backlog of Recovery Strategies, Action Plans and Management Plans and advance their work into those areas of the conservation cycle that have minimal activity at present: the implementation, monitoring and evaluation of priority actions.

Response: Management Agrees: As part of a renewed approach to the SARA program, departments will each set priorities and focus on implementation. The three competent departments will each develop a strategy that will:

- By March 2013, set priorities for recovery planning and implementation actions, based on what is feasible within current resource levels.
 - Focus on priority species, threats, and areas and move forward on implementation and protection, including conservation actions identified in action plans.
 - Include ecosystem or other regional or multi-species approaches where appropriate
 - Encourage stewardship by partners.

This will be done in transparent manner and a joint posting plan that will be published and updated as required on the SARA registry by March 2013 in order to outline the species and recovery documents that will be posted and consulted on for a given fiscal year. Despite this prioritization, it will not be possible for departments to clear the backlog of overdue recovery documents in the short term within current resources.

Recommendation 2: It is recommended that: the three competent departments should finalize SARA policy related to the *identification* of critical habitat. This policy may be either horizontal or by individual department. This policy should be communicated to key stakeholders and Aboriginal groups.

Response: Management Agrees. At present, the competent departments have each developed draft guidance and will work together to ensure a consistent approach to identification of critical habitat across regions and departments. More specifically, the departments will:

- Continue to implement internal departmental guidance on the identification of critical habitat and amend it as necessary;

- Finalize SARA policy/guidance related to the identification of critical habitat in recovery strategies and action plans and communicate to key stakeholders and Aboriginal groups through the SARA Registry by September 2013.
- In addition, the joint posting plan to be published by March 2013, will allow provinces, territories, Aboriginal groups and other key stakeholders to see the status and priority of recovery documents, and therefore, the related critical habitat identification. The plan will be posted on the SARA Registry.

Recommendation 3: It is recommended that the three competent departments articulate how they will measure, track and report on the key indicators such as: identifying critical habitat; timelines for and the delivery of action plans; and, the implementation of priority actions.

Response: Management Agrees. The departments will report on the identification of critical habitat, progress in action planning, and priority actions, as part of ongoing program reporting which includes SARA annual reports, 5 year implementation reports for recovery strategies and action plans, and performance measurement frameworks.

- Departments will continue to report on the number of species for which critical habitat has been identified in SARA annual reports. Annual reports are tabled in the fall of each year. The 2011 report is currently in progress to be tabled in the fall of 2012.
- 5 year implementation reports for recovery strategies and action plans will include information on the implementation of priority actions, with a focus on actions by the federal government. Implementation reports will be posted on the public registry as they are due (5 years after final approval of recovery strategy or action plan). Departments are not in a position to track actions by all partners on all species within current program resources.

Recommendation 4: It is recommended that each competent department identify key areas for improvement, and feasible ways to implement respective efficiencies to address the overall consultation requirements of the Act. These measures could include building upon consultations already occurring within various stages of the conservation cycle. Where appropriate, these improvements should be done in coordination with the other departments/Agency.

Response: Management Agrees. Departments will work to identify the key consultation improvements and best practices, including: consulting on multiple species in one event where appropriate, and partnering across departments or with provincial or territorial partners where possible. Departments will also identify the implications of these improvements, as there can be tradeoffs between more comprehensive and coordinated consultations and the adherence to SARA timelines for listing or recovery planning.

- PCA will continue to integrate SARA consultations within existing park planning and consultation processes to avoid duplication of efforts and to provide stakeholders and partners with a complete picture of conservation and land use plans within PCA heritage places and greater park ecosystems.
- It is important for DFO to ensure that it undertakes meaningful consultations given the potential impact of SARA related decisions on provinces/territories, wildlife management boards, aboriginal organisations, stakeholders and various industries. To ensure that consultations are undertaken as efficiently as possible, DFO has been using a tool for analysing the level of consultation effort appropriate for any particular species. This allows staff to take a consistent approach in determining the appropriate level and mechanism for consultation, ensuring that the department explores opportunities for best practices relevant to each of the aquatic species in the SARA cycle. The tool has been in use for approximately one year.
- EC will implement several measures to improve consultations, including a new data and tracking tool, and policy work on the scale and scope of consultations. Consultation on multiples species within an area will also occur, through EC's four multi-species recovery strategies, and 8 multi-species action plans. These measures will be developed and implemented by March 2013.