



# Evaluation of Fisheries and Oceans Canada's Activities in Support of Aquatic Species at Risk



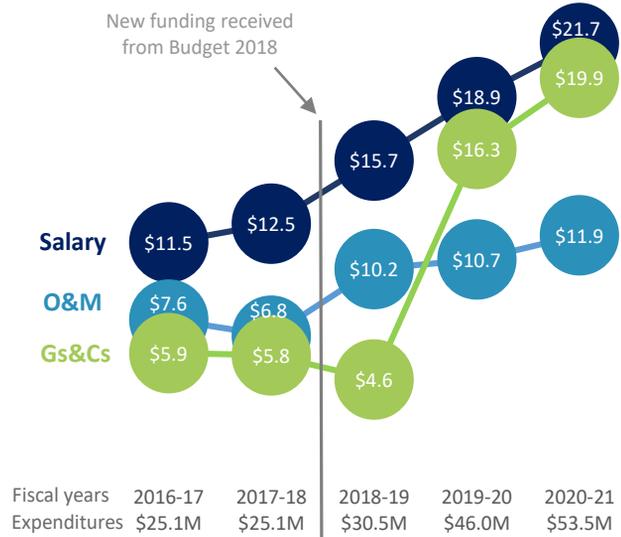
## ABOUT THE PROGRAM

The Species at Risk Program (SARP) is responsible for delivering on DFO's *Species at Risk Act* (SARA) requirements, the complexity of which requires a holistic and collaborative approach with internal partners across the department to achieve results. SARP provides funding to support aquatic species at risk activities undertaken by internal partners. More than 50% of SARP actual expenditures were spent by partner sectors to support aquatic species at risk activities, with Ecosystems and Oceans Science Sector being the largest recipient of funds (35% of SARP actual expenditures).

There are three core grants and contributions (Gs&Cs) programs that contribute to supporting the protection and recovery of aquatic species at risk: Habitat Stewardship Program for Aquatic Species at Risk (HSP); Canada Nature Fund for Aquatic Species at Risk (CNFASAR); and Aboriginal Fund for Species at Risk (AFSAR).

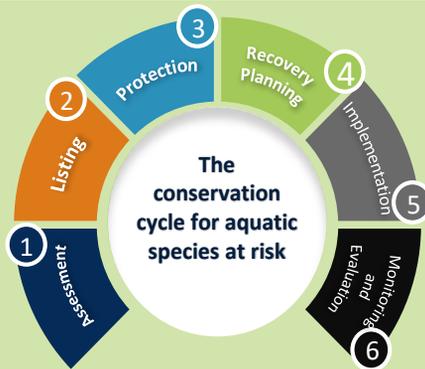
Environment and Climate Change Canada (ECCC), Parks Canada Agency (PCA) and Fisheries and Oceans Canada (DFO) share the responsibilities for implementing SARA. The Minister of ECCC has overall responsibility for the administration of SARA. The Minister of DFO and the Minister of ECCC share responsibilities if the species is found both inside and outside areas managed by PCA.

## SARP actual salary, operation and maintenance (O&M), and Gs&Cs programs expenditures have increased since 2016-17 (\$ in millions)



SARA exists to:

- Prevent wildlife species from being extirpated or becoming extinct.
- Provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity.
- Manage species of special concern to prevent them from becoming endangered or threatened.



The ultimate objective of SARP is the protection and recovery of aquatic species at risk. To reach this goal, a range of interconnected activities occur throughout the conservation cycle for aquatic species at risk. The conservation cycle has six stages: assessment, listing, protection, recovery planning, implementation, and monitoring and evaluation.

## ABOUT THE EVALUATION

The evaluation covers fiscal years 2016-17 to 2020-21, complies with the Treasury Board Policy on Results and meets the obligations of the *Financial Administration Act*. Lines of evidence include: document and file review, survey, interviews, administrative data review, and financial analysis. Findings from this evaluation will feed into the horizontal evaluation to be led by ECCC in 2022-23, therefore, the focus of this evaluation is exclusively on DFO's aquatic species at risk activities. It includes an assessment of governance, design and delivery, as well as the three grants and contributions programs.

## SUMMARY OF KEY FINDINGS

Overall, SARP is working toward the protection and recovery of aquatic species at risk, but not without challenges. The complexity of delivering SARA, as well as the number and diversity of partners across the department needed to deliver this uniquely decentralized program, make for a complex and challenging operating environment. SARP has worked extensively with internal and external partners to contribute to the protection and recovery of aquatic species at risk.



## KEY FINDINGS

### THERE IS A NEED TO IMPROVE DFO'S GOVERNANCE AND ACCOUNTABILITIES AND CLARIFY ROLES AND RESPONSIBILITIES FOR ALL LEVELS OF MANAGEMENT RELATED TO AQUATIC SPECIES AT RISK

DFO's internal fora facilitate species at risk collaboration and information-sharing at the operational level. However, existing fora do not include all of the programs that can provide relevant input for species at risk decision-making and activities. Thus, there is a need for a more holistic decision-making forum at the executive level to effectively manage the complexity of delivering aquatic species at risk activities. There is also a need to define roles and responsibilities for all levels of management within National Headquarters and in the regions related to species at risk activities.

A large portion (52%) of SARP funding is distributed to other DFO sectors. The current internal funding distribution mechanisms in place in most regions make it difficult to validate that this funding is actually used solely for aquatic species at risk work. This leaves the program with limited ability to influence the prioritization of species at risk activities.

### THE LISTING PROCESS HAS THE POTENTIAL TO BE MORE EFFICIENT

The listing stage of the conservation cycle is time- and resource-intensive and requires extensive work by the program and internal partners to meet prescriptive requirements. Inefficiencies in this process may be contributing to difficulties in meeting SARA timelines.

### CONSERVATION AND PROTECTION FISHERY OFFICERS ARE KEY INTERNAL PARTNERS IN PROTECTING SPECIES AT RISK

Conservation and protection officers ensure Canadians are compliant with SARA. They have implemented innovative practices and technology to increase the efficiency and effectiveness of their species at risk-related work.

### RECOVERY DOCUMENTS COULD BETTER SUPPORT IMPLEMENTATION BY BEING MORE SPECIFIC

- Recovery strategies identify what needs to be done to stop or reverse the decline of a species listed as threatened, endangered or extirpated.
- Action plans identify measures to take to implement the recovery strategy.
- Management plans identify objectives and measures for the conservation of species of 'special concern'.

Recovery documents provide useful information on aquatic species at risk. However, there is a need for greater precision regarding the elements that guide the implementation of recovery actions so that recovery documents can be more effective tools in protecting and recovering species at risk.

Moreover, there is a lack of direction and guidance around the implementation of recovery work and how this work should be carried out, as well as a need to clarify and communicate SARP's role in implementation.

### DFO'S Gs&Cs PROGRAMS ARE CONTRIBUTING TO THE PROTECTION AND RECOVERY OF AQUATIC SPECIES AT RISK

DFO has significantly increased its Gs&Cs funding, particularly in 2019-20 and 2020-21.

Without this funding, many projects may not have taken place, or would have needed to be scaled back, with potential negative impacts on some species. In addition, projects funded through these programs are contributing to their expected results.

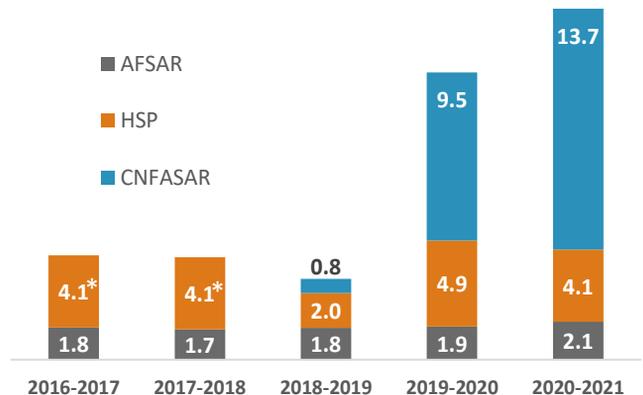
- 75%** Conserve and protect Canada's wildlife
- 73%** Recover Canadian species
- 33%** Engage Indigenous people in conservation

Ninety-three percent of recipients who responded to the survey indicated that Gs&Cs programs contribute to protecting aquatic species at risk to a moderate or great extent.



**93%**

Disbursement of expenditures for aquatic species at risk for the three Gs&Cs programs from 2016-17 to 2020-21, in millions



\* These numbers represent ECCC expenditures for HSP's aquatic component



## ALTERNATIVE LEGISLATIVE TOOLS TO MODERNIZE SARA DELIVERY

In some cases, outcomes for aquatic species at risk could be more effectively and efficiently facilitated through the use of legislative tools other than SARA.

In particular, the *Fisheries Act* provides flexibility to minimize socio-economic impacts and to exempt low-risk activities.

### Most applicable sections of the *Fisheries Act*:

- **Section 6:** Fish stocks (particularly stock rebuilding provisions)
- **Section 34 to 36:** Fish and Fish Habitat Protection and Pollution Prevention
- **Section 35 (2):** Ecologically Significant Areas

In some situations, SARA remains the most appropriate legislative tool, particularly when corrective action is urgently needed. In these situations, there are SARA tools that could be further or better utilized.

#### Section 11 Conservation Agreements

Conservation agreements are useful in formalizing roles and responsibilities and commitments of partners to conserving at risk species, and in increasing the transparency of DFO's work and that of its partners.

#### Section 32 Killing, Harming, etc. Listed Wildlife Species

This provision can provide more flexible options to protect aquatic species than the similar provision in the *Fisheries Act*, which only prevents death. Section 32 of SARA can protect against levels of harm and harassment which can have consequential effects on species that are not necessarily related to death.

#### Sections 73, 74 and 83 Permits, Exemptions and Exceptions

Increased usage of permits, exemptions and exceptions could enable increased use of SARA listings to protect species that are implicated in fisheries, which currently tend to be avoided due to the socio-economic consequences of halting fishery and other activities.

## RECOMMENDATIONS

Overall, DFO allocates a significant amount of time and resources to protecting and recovering aquatic species at risk. However, there are opportunities to improve effectiveness and efficiency through greater delineation of roles and responsibilities, strengthening governance and accountability for species at risk activities, increasing the specificity of recovery documents and exploring alternative approaches. Four recommendations are being made:

**RECOMMENDATION 1.** It is recommended that the Assistant Deputy Minister, Aquatic Ecosystems, with the Senior Assistant Deputy Minister Fisheries and Harbours Management, the Assistant Deputy Minister Ecosystems and Oceans Science, the Senior Assistant Deputy Minister Strategic Policy and Regional Directors General in each region conduct a review of current governance structures for aquatic species at risk activities; identify a new or existing executive-level forum for holistic and targeted species at risk-related discussions and decision-making; and clearly define roles and responsibilities for all levels of management responsible for the delivery of aquatic species at risk activities.

**RECOMMENDATION 2.** It is recommended that the Assistant Deputy Minister, Aquatic Ecosystems, provide more specific guidance for the structure and contents of recovery documents, and for the associated reporting on results, to more effectively support the implementation of recovery actions and assessment of progress.

**RECOMMENDATION 3.** It is recommended that the Assistant Deputy Minister, Aquatic Ecosystems, with the Senior Assistant Deputy Minister Fisheries and Harbours Management, the Assistant Deputy Minister Ecosystems and Oceans Science, the Senior Assistant Deputy Minister Strategic Policy, the Chief Financial Officer and Regional Directors General in each region reassess how accountability for species at risk funding to partner sectors is documented, with a view to ensuring a greater level of accountability for this funding and associated deliverables, for example, through standardized, consistent use of Service Level Agreements or the regional delegation feature in the iResults system.

**RECOMMENDATION 4.** It is recommended that the Assistant Deputy Minister, Aquatic Ecosystems, with the Senior Assistant Deputy Minister Fisheries and Harbours Management, the Senior Assistant Deputy Minister Strategic Policy and Regional Directors General in each region as appropriate, explore options for leveraging alternative legislative tools, such as the *Fisheries Act* and *Oceans Act*, to protect and recover species at risk; and begin to implement, as appropriate, feasible options.