



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



Final Report – September 16, 2021

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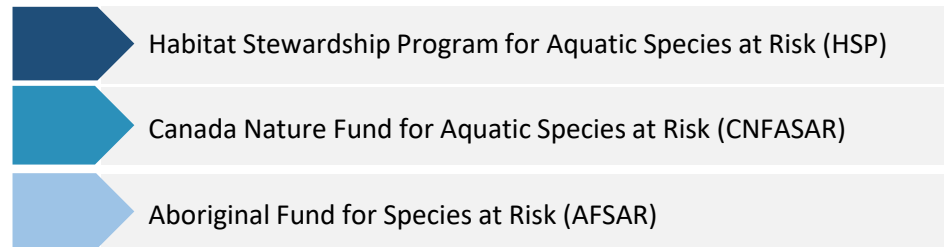
The evaluation was conducted by the Evaluation Division and includes all DFO regions: Newfoundland and Labrador, Maritimes, Gulf, Quebec, Ontario and Prairie, Pacific, Arctic, and National Headquarters. This evaluation focuses solely on DFO's activities in support of aquatic species at risk, including activities delivered both by Species at Risk Program and by other internal groups that receive funding from SARP. Activities of the other competent departments, Environment and Climate Change Canada (ECCC) and Parks Canada Agency (PCA), were not assessed. Findings from this evaluation will feed into the horizontal evaluation to be led by ECCC in 2022-23.

Evaluation Context, Objectives and Scope

The evaluation was intended to provide support to Fisheries and Oceans Canada (DFO) senior management in making evidence-based decisions and to identify challenges and opportunities for the management and delivery of activities in support of aquatic species at risk. The evaluation focused on activities that are funded by the Species at Risk Program (SARP).

The complexity of delivering the *Species at Risk Act* (SARA) requires a wide range of knowledge and expertise from across DFO as well as from external partners. SARP is responsible for delivering on DFO's legislative requirements and aquatic species at risk-related priorities, but requires a holistic and collaborative approach with internal partners across the department to achieve results. Internal partners are involved extensively in various processes and SARP provides funding to support species at risk activities undertaken by these partners. Through three Grants and Contributions (Gs&Cs) programs, external partners also play an important role in implementing protection and recovery actions for aquatic species at risk.

The evaluation covers fiscal years 2016-17 to 2020-21 (not including Budget 2021), complies with the Treasury Board Policy on Results and meets the obligations of the *Financial Administration Act*. It includes an assessment of governance, design and delivery, as well as three G&C programs that provide funding to external partners for activities in support of aquatic species at risk.



Evaluation Context *(continued)*



The evaluation was designed as an implementation evaluation to help determine whether activities are being implemented as intended and to provide evidence on what is working well and if any adjustments are required. Activities in support of aquatic species at risk are delivered by SARP itself, but also by a large number of internal partners that receive funding from SARP and by external partners funded through Gs&Cs programs.

Evaluation Questions

Seven (7) questions guided the evaluation

Governance	Design and Delivery	Gs&Cs programs
<ol style="list-style-type: none"> 1. Are the governance and financial management of DFO's activities in support of aquatic species at risk effective? 2. Do SARP-funded activities delivered by internal partners align with SARP priorities? 	<ol style="list-style-type: none"> 3. Are there legislative/policy tools that could be further explored to support the protection and recovery of aquatic species at risk? 4. Are SARP and its processes supporting the protection and recovery of aquatic species at risk? 5. What improvements could be made to enhance the SARP design and delivery? 	<ol style="list-style-type: none"> 6. Do the Gs&Cs programs support the protection and recovery of aquatic species at risk? 7. Are the Gs&Cs programs accessible and inclusive?

Evaluation Methodology

To answer the evaluation questions, the following lines of evidence were used:

For full details on evaluation methodology, including limitations, please see Annex A.



Document and File Review



Survey



Interviews



Administrative data review



Financial analysis



Species at Risk Act (SARA)

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



Three federal departments have primary responsibilities for implementing SARA

1. **Parks Canada Agency (PCA):** manages species found in or on federal lands it administers
2. **Fisheries and Oceans Canada (DFO):** manages aquatic species other than for those individual-species found in Parks Canada managed waters
3. **Environment and Climate Change Canada (ECCC):** manages all other species, including migratory birds

The **Minister of ECCC** has overall responsibility for administration of the *Act*. The **Minister of DFO** and the **Minister of ECCC** share responsibilities if the species is found both inside and outside areas managed by PCA.

The federal government is responsible for “sea coast and inland fisheries”, however, overlap with provincial jurisdiction necessitates involvement from **both levels** of government (e.g. water use, forestry).

Program Context (continued)



Species at Risk Program

Within DFO, SARP is managed by the Biodiversity Management Directorate within the Aquatic Ecosystems Sector, and is funded through A-base and B-base funding.

Figure 1: SARP actual salary, operation and maintenance (O&M), and Gs&Cs programs¹ expenditures have increased since 2016-17 (\$ in millions)

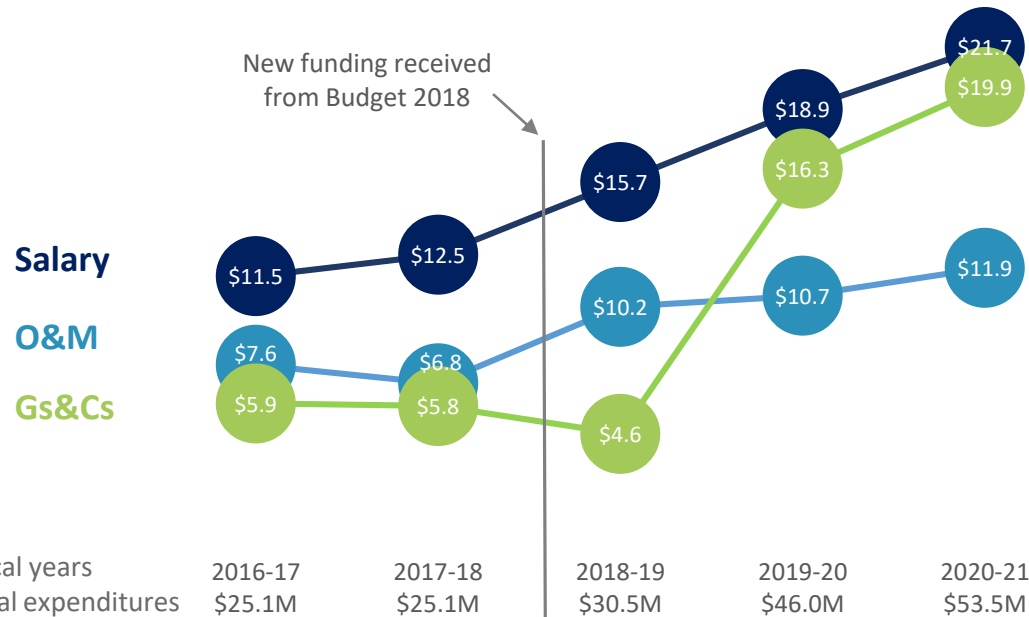
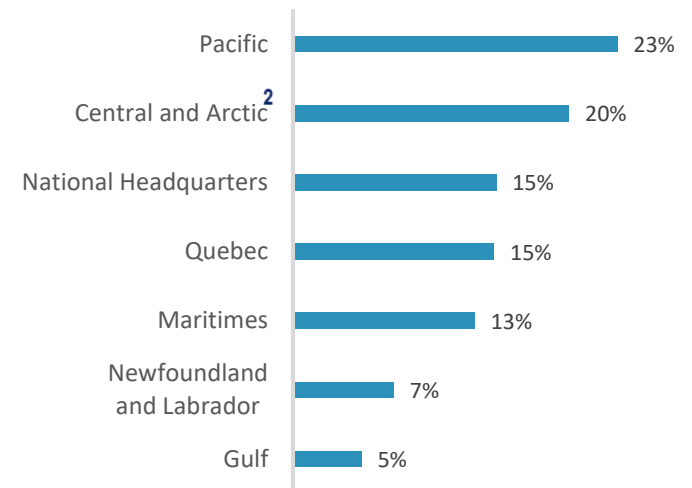


Figure 2: SARP expenditures by region, excluding Gs&Cs programs, 2016-17 to 2020-21



² The creation of Arctic Region was announced in October 2018. However, for the evaluation, references to Central and Arctic include both the Arctic and the Ontario and Prairie Regions.

¹ Gs&Cs programs include Canada Nature Fund for Species at Risk, Habitat Stewardship Program for Aquatic Species at Risk, and Aboriginal Fund for Aquatic Species at Risk. In 2016-17 and 2017-18, ECCC expenditures under the Habitat Stewardship Program's aquatic component were added to DFO's numbers as the two departments shared administrative responsibilities for transfers of Gs&Cs funds to recipients. Further details about these Programs can be found on page 26 (Gs&Cs evaluation findings section).

Program Context (continued)



Working towards the recovery of aquatic species

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.

Figure 3: Conservation cycle for aquatic species at risk



- 1. Assessment:** The Committee on the Status of Endangered Wildlife in Canada (COSEWIC – arms-length scientific assessment body) assesses species as extinct, extirpated, endangered, threatened or of special concern (or find it to be data deficient, or not at risk).
- 2. Listing:** DFO develops advice on whether to list or not list an at-risk species, or refer the species back to COSEWIC for further information or consideration. The advice is provided to the Minister of DFO who then advises the Minister of ECCC on the aquatic species listing recommendations to the Governor-in-Council for decision.
- 3. Protection:** Species protection under SARA begins when the Governor in Council adds a species to the List of Wildlife Species at Risk under SARA³. This can take multiple forms, including s.32 prohibitions under SARA.
- 4. Recovery Planning:** Once a species is added to the List of Wildlife Species at Risk, SARA requires that a recovery strategy and associated action plan(s) or a management plan is completed to identify actions for recovering at risk species.
- 5. Implementation:** Recovery actions are implemented by DFO and by partners and stakeholders from across Canada. Actions to conserve and recover aquatic species at risk are also supported through three primary G&C programs: Canada Nature Fund for Species at Risk, Habitat Stewardship Program for Aquatic Species at Risk, and Aboriginal Fund for Species at Risk.
- 6. Monitoring and Evaluation:** Protection and recovery measures are examined to determine whether they have contributed to abating threats and improving the species status in order to identify where further action may be needed. The program is required to post progress reports on the status of implementation for recovery strategies and action plans.

³ List of Wildlife Species at Risk under SARA:
<https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/species-list.html>

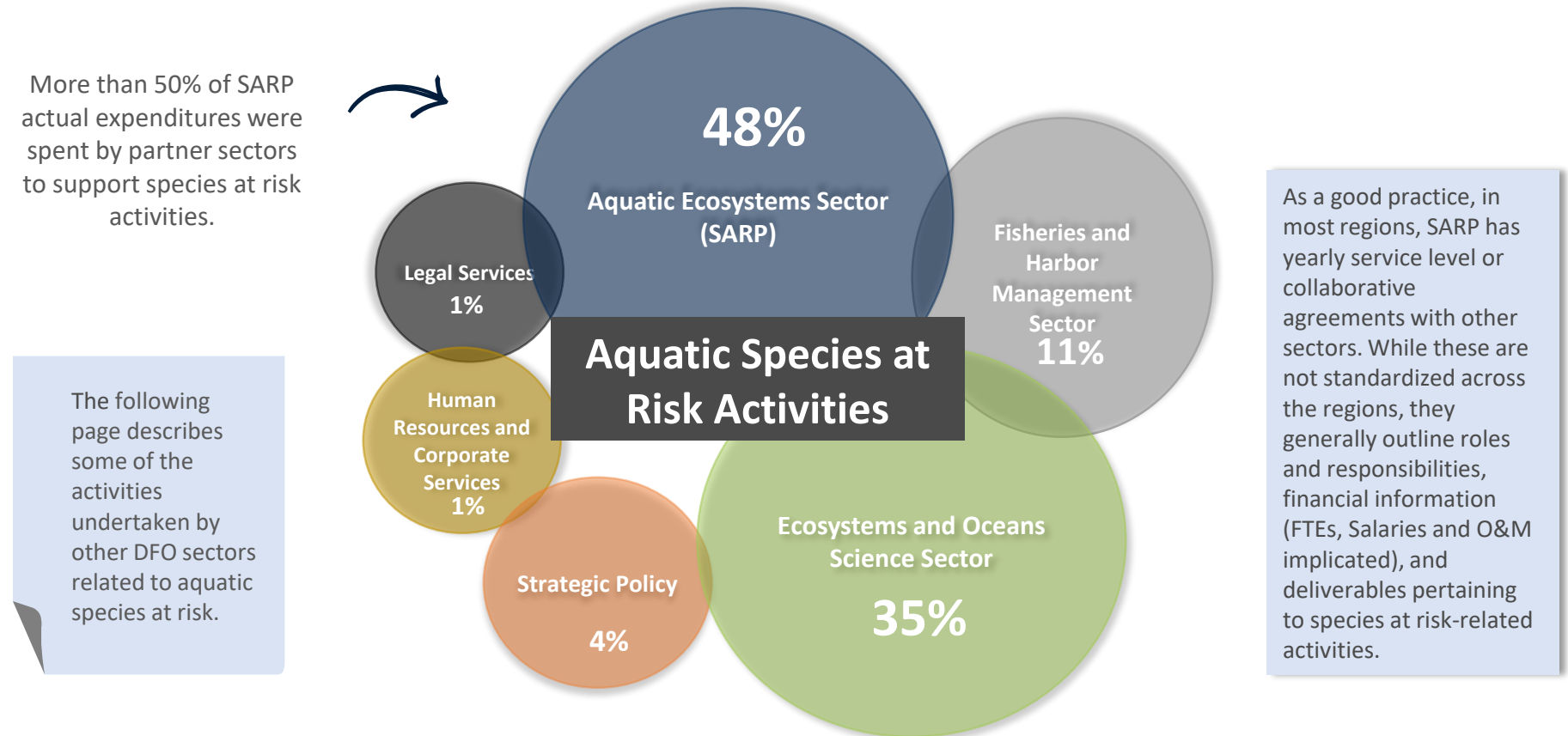
Program Context (continued)



DFO Partners in Delivering Aquatic Species at Risk Activities

The complexity of delivering SARA requires a wide range of knowledge and expertise from across DFO at all stages of the conservation cycle. SARP is responsible for delivering on DFO's legislative requirements and species at risk-related priorities, but requires a holistic and collaborative approach with internal partners across the department to achieve results. Some partners are involved extensively in multiple stages of the conservation cycle for aquatic species at risk and SARP provides funding to support the species at risk activities undertaken by these partners.

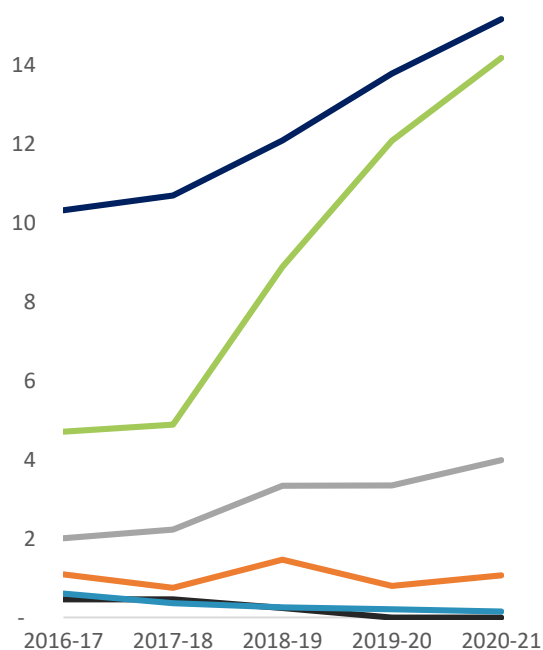
Figure 4: Allocation of SARP expenditures by DFO sector in %, 2016-17 to 2020-21.



Program Context *(continued)*



Figure 5: SARP total expenditures have significantly increased in the past 5 years, especially in the Ecosystems and Oceans Science Sector (300%) and the Aquatic Ecosystems Sector (147%). This is mainly due to the introduction of Nature Legacy and the related funding. (Graph in millions \$)



⁴ Although some activities that support aquatic species at risk are not directly funded by SARP, this graph includes only SARP expenditures.

Figure 6: SARP five-year annual average expenditures in millions (\$) and SARP funded full-time employees (👤) by Sector ⁴

	\$	👤
Aquatic Ecosystems SARP leads on DFO's SARA requirements and delivers two of the Gs&Cs programs (HSP and CNFASAR).	12.4	100
Ecosystems and Oceans Science Provides scientific advice and peer-reviewed scientific information, gather information and conducts research as required for each stage of the conservation cycle.	9.0	48
Fisheries and Harbor Management Enforces SARA after listing stage is complete, conducts engagement activities throughout the conservation cycle, and participates in recovery planning and implementation. Administers the AFSAR Gs&Cs program.	3.0	22
Strategic Policy Provides socio-economic analyses and cost-benefit analyses to inform listing and recovery planning and implementation decisions.	1.0	9
Legal Services Provides legal advice throughout the conservation cycle to support the administration of SARA and ensure all legal requirements are met.	0.2	0
Other internal and corporate services Provides communication, corporate, human resources, financial, IT and other internal support services throughout the conservation cycle.	0.3	2

Detailed activities by Sector and conservation cycle stages are outlined in Annex B.

Program Context (*continued*)



SAR Transformation

In response to new listed species being continuously added as COSEWIC continues its assessments and a need to prioritize efforts and investments, SARP has been engaging groups across the department on ways to modernize DFO's approach to SARA delivery in order to improve the protection of aquatic species at risk through more holistic approaches.



Atlantic Whitefish

Photo credit: Ian Manning

This process is focused on exploring alternative approaches to SARA delivery, including multi-species, threats-based, and ecosystem-based approaches, as well as tools available in other legislation such as the *Oceans Act* and the *Fisheries Act*.

For DFO to transform the approach to implementing SARA, it is vital that all implicated sectors and partners are engaged and support the proposed approaches. SARP recognizes the need for buy-in and engagement of other sectors, and, in an effort towards meeting this goal, developed a shared vision in collaboration with all implicated sectors and regions. The shared vision was endorsed by senior management.



Evaluation Findings

Governance: Roles and Responsibilities



Finding: There is a need to define roles and responsibilities for all levels of management.

Roles and Responsibilities are not clearly defined

- Efforts to improve the governance of species at risk activities have been made. For example, the creation of a Biodiversity Management Director General position responsible for the Species at Risk and Aquatic Invasive Species programs and the splitting of SARP responsibilities between two directors at NHQ (Species at Risk Governance, Listing and Emerging Priorities, and Species at Risk Operations). However, there is a need to define roles and responsibilities for all levels of management within NHQ and in the regions related to species at risk activities.
- Most interviewees identified the lack of clarity on roles and responsibilities as one of the program's main weaknesses. An area where there appears to be a significant level of confusion around roles and responsibilities is with the recently created director-level positions in most regions. Directors have responsibility for SARP but also for other programs. The role and responsibilities of the directors do not seem to be clear or consistent across regions which leads to confusion at the operational level, and impacts the delivery of SARP. Moreover, there are challenges with prioritizing SARP activities which compete with other programs' priorities under the responsibility of these directors.



Governance: Roles and Responsibilities (continued)



Roles and Responsibilities in National Headquarters

Many interviewees support a stronger and more well-defined role for SARP National Headquarters. NHQ can take more of a leadership role by continuing to set priorities, but also by providing more guidance to effectively manage the complexity of species at risk activities and the extensive collaboration required with partner sectors. Key areas where a need for increased guidance was identified include:

- Details of roles, responsibilities and pathways of accountability for reporting.
- Requirements (versus good practices or optional pieces) for the various steps in the listing process, for example, requirements as per SARA.
- Managing regional differences of opinion regarding listing recommendations.
- Consulting with Indigenous groups in a way that supports broader efforts around reconciliation.



St. Lawrence Estuary Beluga

Photo credit: DFO

Other Challenges

- SARP NHQ does not communicate consistently with the regions and is not always responsive to requests for status updates, particularly with regards to slow-moving files for which decisions need to be made at the NHQ level for work to continue. This has created a perceived lack of transparency from NHQ, and has resulted in confusion on the part of staff and partner sectors, which sometimes leads to inefficiencies and duplication of work.
- Communication between regional SARP directors and NHQ is inconsistent and does not always follow a formal, standardized process. For example, sometimes information flows through the Regional Director, but often information is received more informally through operational employees or from other regions who have received information from NHQ. Directors in the regions felt they do not always have a decision-making or leadership role in regard to SARP.
- In the Pacific Region, a director-level position was not created. The complex reporting structure in place has led to inefficiencies and difficulties with accountability for SARP deliverables, due to oversight of employees who work on SARP activities being split between different groups.

Governance: Working with Partners



Finding: The horizontal nature of aquatic species at risk activities requires a holistic and collaborative approach with internal partners across DFO, as well as collaboration with external partners. Working relationships between SARP staff and their colleagues in other regions and sectors are viewed as positive and effective in advancing species at risk activities, but there are competing priorities.

Working with partners within DFO

- In general, working relationships amongst regions and sectors are viewed positively. Views on communication within regions were generally positive, with meetings and discussions occurring regularly.
- In most regions, SARP has yearly service level or collaborative agreements with other sectors. While these are not standardized across the regions, they generally outline roles and responsibilities, financial information, and deliverables. This is seen as a good practice; however, these agreements do not guarantee that the work will be completed in a timely manner due to competing priorities in other sectors.
- In many cases, species' habitats span across multiple regions, requiring many regions to work together. In these cases, one region becomes the lead and assumes a coordination role. Meetings across regions take place in order to share knowledge and advance files. However, the advancement of shared files can be slower due to competing priorities in different regions. Also, when there is a fundamental disagreement between regions on listing recommendations it can be difficult to resolve due to a lack of guidance and resolution process.

Working with external partners

- Due to different jurisdictional authorities related to species at risk, SARP often works with Provincial/Territorial (P/T) partners and other federal departments. Relationships with P/Ts are complex due to challenges related to the division of responsibilities, expertise and information, and different priorities and authorities.
- Collaboration with other federal departments/agencies was seen as helpful, however a more focused effort to work with them on integrating species at risk considerations into their activities at an early stage would benefit protection and recovery efforts. This could be particularly valuable in working with Departments:
 - whose activities can impact species at risk
 - that authorize activities that can impact species at risk
 - other competent departments regarding the intersection of aquatic and terrestrial ecosystems to support ecosystem-based approaches
- In some cases, collaborative efforts are formalized through formal agreements. For example, SARP entered into Conservation Agreements with external partners, under section 11 of SARA, to formalize responsibilities and commitments for the protection and recovery of species at risk.

The Conservation Agreement to Support the Recovery of the Southern Resident Killer Whale (SRKW) formalized the participation of the marine industry and government to work collaboratively towards the development, implementation, monitoring, assessment and adaptation of voluntary measures to reduce the contribution of large commercial vessels to threats to SRKW.

Governance: Accountability for SARP Funding to Partners



Finding: Accountability related to SARP funding for partner sectors is challenging since this funding is not currently tied to deliverables.

- The complexity of SARA requires a holistic and collaborative approach in which multiple partner sectors deliver species at risk activities and provide expertise and advice throughout each stage of the conservation cycle.
- In 2020-21, SARP distributed nearly \$20M to partner sectors. Some of this funding is for FTEs (salaries), and it is not always clear to what extent the staff in those funded positions are working on species at risk activities. It is difficult to validate that the SARP-funded work carried out by other sectors is being completed as planned, as SARP has to compete with the priorities of those sectors.
- An analysis of SARP financial data showed that while the financial coding system is extremely detailed, it does not mitigate the risk that funds earmarked for SARP activities are used towards other sectors' priorities, and it remains difficult to track SARP funds. Once SARP funds are transferred to other sectors, SARP no longer has authority over their use. While the program is accountable for all legal deliverables under SARA, many of those deliverables are dependent on work, advice and approvals from internal partners, which can affect the program's ability to meet legislated timelines under SARA.
- From the perspective of partner sectors the current funding arrangements between their sector and SARP is working well and generally, priorities related to species at risk are understood.
- In most cases, SARP funding flows from NHQ to partner sectors in the regions, bypassing regional executives (Ontario and Prairie Region is an exception to this structure). While some regions use work plans and/or service level agreements to ensure other sectors understand their roles and responsibilities with regard to species at risk activities, there is no mechanism through which partner sectors can be held accountable for their agreed-upon species at risk-related work.

A different approach is being used in Ontario and Prairie Region (previously Central and Arctic Region)

Funding for species at risk activities in this region is received from NHQ and flows through regional SARP first, and then is allocated to each regional sector. The allocation occurs at the end of the fiscal year, based on the completion of deliverables as outlined in work plans.

Regional interviewees indicated that they are able to manage the funding to other sectors and adjust as necessary based on deliverables. Interviewees indicated that this allows the Ontario and Prairie Region to maintain accountability for species at risk deliverables and increases the level of oversight when they are dependent on other sectors to undertake activities related to these deliverables.

Governance: Accountability for SARP Funding to Partners (*continued*)



Improving Accountability with Internal Partners

- Key informants indicated that accountability for SARP funds could be improved by tying funding directly to SARP deliverables. It would be more effective if SARP management in the regions were able to exercise some control over the funds distributed to partners.
 - For example, while SLAs and work plans with other sectors in the regions are currently seen as useful for providing clarity on roles, responsibilities and deliverables with partners, in order to be an effective tool to support accountability they need to be tied to funding. This would allow SARP to manage priorities and reach formal agreement on the desired outcomes, and would give the program the ability to ensure only species at risk deliverables are generated with SARP resources. If the sectors are unable to complete the agreed-upon work, the program could reallocate the funds and use this leverage to work with sectors to improve their ability to meet SARP's needs.
- Key informants also suggested that accountability for species at risk deliverables should be a component of Performance Agreements for partners involved in species at risk activities, up to the Regional Director General/Assistant Deputy Minister level, in order to strengthen accountabilities for those deliverables.
- Designating a national, senior-level species at risk champion, or creating a species at risk Secretariat, with the role of elevating the profile of species at risk activities in the department were amongst the suggestions provided by interviewees. This would help to create buy-in amongst internal partners, thus establishing species at risk activities as a priority for the whole department and improving accountability for species at risk deliverables.



Southern Resident Killer Whale

Photo credit: DFO

Governance: Internal Fora dedicated to Aquatic Species at Risk is needed



Finding: DFO's internal fora facilitate collaboration on species at risk and information-sharing at the operational level. However, there is a need for a species at risk-focused forum at the executive level where decision-making can occur.

- Many operational-level (i.e., manager level and below) interviewees indicated that the various existing working groups for species at risk are effective in helping them advance their SARA activities as they promote collaboration with other regions and sectors by providing an opportunity to share information and confirm priorities. Some of the working groups specifically identified were the Listing Working Group, Aquatic Pan-Canadian Approach Working Group, and Management Scenario Listing Group.
- The Biodiversity & Ecosystems Management Oversight Committee (BEMOC) is the national, executive-level committee for discussions and decisions on SARP, but it is also the forum for other programs, e.g., Fish and Fish Habitat Protection Program (FFHPP) and Aquatic Invasive Species. Discussions are mostly related to FFHPP and, therefore, aquatic species at risk is generally not a focus of committee meetings. Additionally, for species at risk, BEMOC tends to be more of an information-sharing forum and generally does not focus on making high-level decisions or providing the guidance that is needed to address many complex issues related to the delivery of activities related to aquatic species at risk.
- The Species at Risk National Advisory Committee (SARNAC) was identified as an effective forum for managers across the country to collaborate with each other and to share information received from NHQ. Some interviewees suggested that SARNAC be expanded to include regional SARP directors which would allow them to be aware of information shared by NHQ in a consistent and timely manner.
- There was some support among key informants in terms of creating a national, executive-level forum focused solely on aquatic species at risk (in contrast to BEMOC which often does not allow for in-depth species at risk discussions), with decision-making capacity from across partner sectors. This type of forum could help improve consistency and clarity in roles and responsibilities, as well as priority setting to facilitate accountability of partner sectors, which will be particularly important in the context of SARP's transformation efforts.



Design and Delivery: Listing of Aquatic Species at Risk



Finding: The listing stage of the conservation cycle is time- and resource-intensive and requires extensive work by the program and internal partners to meet the prescriptive requirements of SARA and other government-wide policies, priorities and obligations. Inefficiencies in DFO's internal processes may be contributing to difficulties in meeting SARA timelines for listing decisions and implementing the protection and recovery (or management) actions that follow these decisions.



Aspects of the listing process make it difficult to meet SARA timelines

- Interviewees indicated that working through the various pieces of the listing process, while also respecting other Government of Canada priorities and obligations (for example, the reconciliation agenda), makes it very difficult to advance decisions within targeted timeframes and to meet the timelines prescribed by SARA. For example, staff find it challenging that thorough consultations with Indigenous groups, as well as internal and external reviews and approvals, can quickly exhaust these timeframes. This challenge is exacerbated by the fact that several aspects of the listing process implicate parties external to the department, over whom the program may have limited influence.
- Internal approval processes are lengthy and at times convoluted, with documents required to go through several levels of input, review and approval within regions and at NHQ, and both within and outside the program. In some instances, these documents have received approval from other sectors at the regional level, but face challenges from the same sectors at the NHQ level. These challenges suggest issues with communication between the regions and NHQ, as well as a need for clear guidelines on responsibilities related to approval processes. Interviewees felt that streamlining internal approval processes is an important area to examine for potential efficiencies.
- Ecosystems and Oceans Science (EOS) Sector is a major partner in the listing process, as they contribute peer-reviewed science data that informs listing advice. While the data provided is seen as very useful to SARP, there are some aspects that impede EOS' ability to meet SARP requests. For example, interviewees from within SARP and EOS expressed that SARP's requests for science data can be large, complex, and unclear which can impede EOS' ability to effectively fulfill these requests. Improvements to the prioritization and clarity of SARP requests to EOS could assist the latter in managing and addressing these in a more efficient manner.



Banded Killifish

Photo credit: DFO

The Evaluation of DFO's Canadian Science Advisory Secretariat (CSAS)⁵ (2018-2019) supports this finding, noting that there was a growing gap between the number of requests submitted to EOS by SARP and the number of requests fulfilled. Among the factors identified as challenging EOS' ability to address SARP requests was complexity of the requests, as well as the formulation of the research questions (too broad, too complex, unclear, or beyond the scope of the CSAS).

⁵ <https://waves-vagues.dfo-mpo.gc.ca/Library/40909062.pdf>

Design and Delivery: Listing of Aquatic Species at Risk *(continued)*



Socioeconomic considerations can slow down or halt processes

- Many interviewees, including both SARP staff and internal partners, indicated that a significant amount of work and time goes into listing processes for species that they believe are highly unlikely to be listed due to known socioeconomic considerations. This is generally something that program staff are aware of at the start of the process, and thus it is not seen as an efficient use of resources to go through a full listing process for these species.
- Long timelines for decisions regarding the listing of species result in advice and consultations becoming outdated, necessitating additional advice and/or consultations, which in turn results in further delays to listing decisions. Interviewees provided the example of Atlantic Cod, which has been awaiting a listing decision for several years.
 - An additional concern is that species awaiting a listing decision are not afforded the protections of SARA, but may also not be receiving the necessary focus and attention to prevent their decline under other legislative tools because they are caught up in the SARA listing process.
- Although the program is continuously trying to improve these processes, opportunities to streamline the listing process are limited by legislative and legal requirements, as well as Treasury Board policies and directives.



Design and Delivery: Protection of Aquatic Species at Risk



Finding: Conservation & Protection (C&P) fishery officers are key internal partners in protecting species at risk by ensuring that Canadians are compliant with SARA. This is one of the many roles of C&P officers who also contribute to other DFO priorities, and they have implemented innovative practices and technology to increase the efficiency and effectiveness of their species at risk-related work.



Conservation and Protection

- C&P is integral to protecting aquatic species at risk. There are approximately 650 C&P fishery officers across Canada who have been trained and designated as enforcement officers under SARA. Their SARA enforcement duties are undertaken alongside their duties under the *Fisheries Act* and other federal statutes and regulations.
- Throughout the evaluation period, C&P fishery officers' efforts to protect species at risk through the enforcement of SARA have been increasing as demonstrated through an increasing number of hours spent on species at risk activities.

- Over the evaluation period, C&P fishery officers discovered 176 SARA violations. Pacific Region is where a large majority (108 out of 176) of these violations occurred.

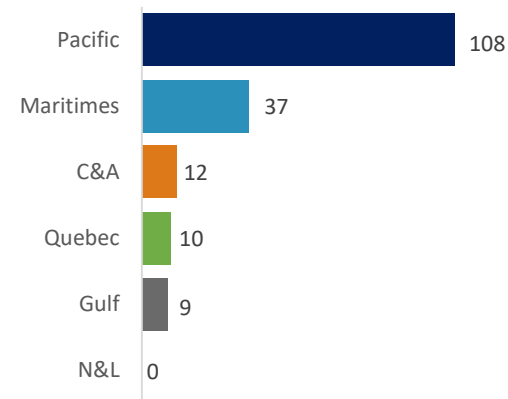
Figure 7: Number of hours C&P fishery officers spent on species at risk-related activities by region, 2016-17 to 2020-21

REGION	2016-17	2017-18	2018-19	2019-20	2020-21	TOTAL
C&A	1,698	663	2,215	2,581	2,205	9,362
Gulf	709	2,202	4,290	3,353	1,846	12,399
NHQ	847	608	496	100	7	2,057
Maritimes	1,379	4,519	5,116	4,610	3,976	19,600
N&L	1,788	2,236	3,149	3,413	2,082	12,668
Pacific	2,306	1,307	2,459	5,814	6,818	18,704
Quebec	2,697	3,984	3,308	5,209	3,900	19,098
TOTAL	11,423	15,518	21,034	25,081	20,834⁶	93,889

Source: Conservation & Protection data. Not all hours are funded through SARP.

⁶ In 2020-21, the number of hours fishery officers were in the field was lower due to the COVID-19 pandemic.

Figure 8: Number of SARA violations by region, 2016-17 to 2020-21



- Survey respondents indicated that the enforcement of SARA provisions and regulations is a significant factor contributing to the protection and recovery of aquatic species at risk.

Design and Delivery: Protection of Aquatic Species at Risk (*continued*)



Innovation and Technology in Practice

The demands placed on C&P's time from within the department are continuously increasing. In the absence of corresponding increases to C&P's resources, these demands must be managed by balancing risks. Funding received through the Nature Legacy Initiative was helpful in expanding upon some compliance and enforcement for SARA-related activities in freshwater ecosystems from Ontario to British Columbia and in re-establishing the dive team in the Pacific Region.

One possibility in regards to improving the reach of conservation and protection work for species at risk is by training and deploying SARP staff as fishery guardians. This could ease the burden on C&P fishery officers while maintaining or even exceeding the current level of enforcement for species at risk.



C&P has implemented innovative practices and the use of technology to improve efficiency and effectiveness in verifying compliance with and enforcement of SARA. Examples from two regions are provided.

Newfoundland and Labrador Region

Time lapse cameras

- Time lapse cameras are being deployed in the Region to monitor the capture of SARA-listed species on fishing vessels less than 65'. These cameras record which species are brought aboard and ensure that fishers are accurately reporting their catch. In the event of capturing a listed species, fishers are expected to return that species to the water in an efficient and safe manner.
- For example, where fishers are permitted to capture only one tuna at a time, C&P cameras prevent fishers from catching and then releasing an under-sized tuna with the hope of catching a larger one.

Pacific Region

Dive team

- There is a dive team of six fishery officers managed under Pacific Region's Nature Legacy Program who assist with enforcement-related diving needs. This team regularly collects evidence, performs underwater inspections, and retrieves ghost fishing gear. Verifying compliance from under the water is especially useful for the purpose of SARA enforcement as it greatly increases C&P's ability to detect violations that would go unseen above water.
- For example, the dive team discovered an active illegal Northern Abalone harvest when the concurrent vessel inspection showed nothing of concern.

Swabbing for DNA

- During the course of an inspection, swabs of vessels and gear are routinely taken by C&P officers and then analyzed against the DNA of any listed species. This information serves primarily as intelligence to improve efficiency and to direct officers in the field.

Design and Delivery: Recovery Planning for Aquatic Species at Risk



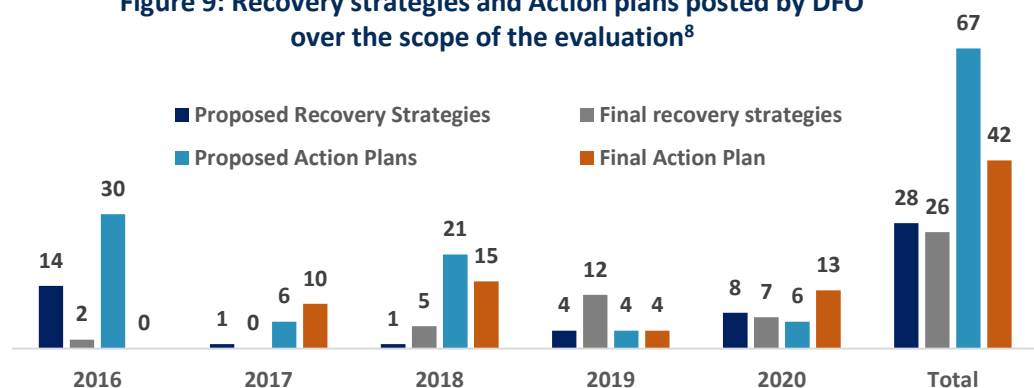
Finding: Recovery documents (recovery strategies, action plans, and management plans) are the means to identify recovery actions for species that have been listed as being at risk. They provide useful information to partners and stakeholders, however they often lack the specificity required to make them actionable, thereby limiting their effectiveness in supporting the implementation of recovery activities.



- **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 the measures to take to implement the recovery strategy for species listed as threatened, endangered or extirpated.
- **Management plans** identify objectives for maintaining sustainable population levels and identify measures for the conservation of species of ‘special concern’.

Between 2016 and 2019, DFO posted a total of 20 proposed recovery strategies, 19 final recovery strategies, 61 proposed action plans, and 29 final action plans on the Species at risk public registry⁷. While SARA requires that final versions of the recovery documents be available on the registry within 90 days of posting the proposed documents, SARP faces challenges meeting those timelines. Some delays are due to the extent of collaboration required with partners and the many layers of approval both within SARP and in partner sectors.

Figure 9: Recovery strategies and Action plans posted by DFO over the scope of the evaluation⁸



A total of 93% (26/28) of recovery strategies were finalized during the evaluation time period, while 63% (42/67) of action plans have gone from proposed to final. In terms of the completion of Reports on Progress of Implementation, 62% (29/47) of eligible recovery strategies had an update, 58% (11/19) of eligible management plans had an update, and 0% (0/2) of the eligible action plans had an update.

⁷ Species at risk registry: <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>

⁸ Source: SARA Annual Reports (2016 to 2019) and data provided by the Program (2020).

Design and Delivery: Recovery Planning for Aquatic Species at Risk *(continued)*



- The usefulness of recovery documents for advancing recovery actions is limited by a lack of specificity. Due to many external factors, the ability to influence the implementation of recovery measures is often outside of SARP's or even DFO's control, however, the main tools that SARP currently uses to guide and advance recovery actions are the recovery documents required by SARA. While SARA does specify some content to be included in recovery documents, it does not require that recovery actions be clearly defined to the point of being fully implementable. For example, recovery documents often do not clearly identify parties responsible for recovery actions, either inside or outside of the department, which in some cases may limit accountability for their completion.
- A lack of knowledge regarding many species can prevent the implementation of more concrete recovery measures. Therefore, most identified recovery measures are focused on gathering much needed knowledge rather than recovering the species. More tangible recovery measures are usually designated to unnamed (and often not yet identified) external partners.
- SARA requires a report on the progress of recovery document implementation within five years of posting. Sixty-two percent of eligible recovery strategies have a report on progress.

- It is difficult to truly account for results that have been achieved through the implementation of recovery documents as performance measures and timelines are often not identified or sufficiently defined. Recovery actions also do not have defined targets or baseline data.
- There are also some inefficiencies in regard to the recovery planning process. One aspect of this process that was identified as particularly inefficient is that all materials related to species at risk are generally routed to the Minister's office for approval, even in cases where it may not be necessary. For example, final recovery documents where minimal changes have been made to the proposed version, or five-year progress updates.
- Overall, recovery strategies, action plans, and management plans provide useful information on species but lack precision when it comes to the elements that guide the implementation of recovery actions. In particular, the identification of parties responsible for recovery actions, timelines for these actions, and the performance measures and targets that will be used to measure success need to be clear and specific in order for recovery documents to be effective tools in protecting and recovering species at risk.



North Atlantic Right Whale

Photo credit: DFO



Design and Delivery: Recovery Planning for Aquatic Species at Risk *(continued)*



- Despite the gaps in recovery documents outlined earlier, survey results showed that these documents are accessed by and useful to recipients of the Gs&Cs programs.

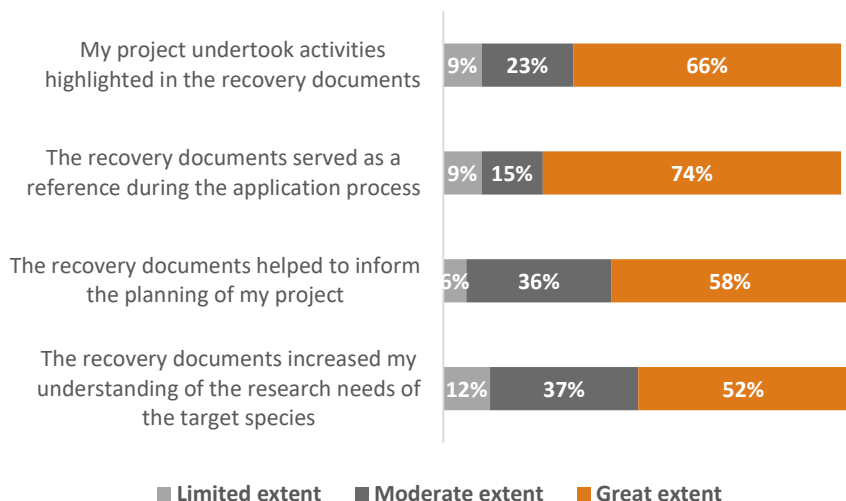
91%

of survey respondents were aware of recovery documents for their target species

“ Our program’s activities are specifically recommended in DFO’s Resident Killer Whale, Transient Killer Whale, and Humpback Whale recovery strategies. ”

-Survey respondent

Figure 10: The majority of recipients found recovery documents useful for their projects to a great extent



- All three types of recovery documents (recovery strategies, action plans and management plans) were useful to Gs&Cs recipients, with a majority of those surveyed having used each type. It is worth noting that other resources made available by the federal government were also utilized by recipients, such as scientific information and aquatic species at risk maps.



Figure 11: Gs&Cs recipients are making use of resources developed by the federal government to support their projects

Scientific information / reports	71%
Recovery strategies	69%
Action plans	64%
Aquatic Species at Risk Maps	57%
Management Plans	52%
Regulatory information	52%

- While these documents have been useful to many recipients, there is a perceived lack of clarity regarding responsibility for recovery actions. The majority of recipients indicated that while recovery documents identify a clear plan for the recovery of aquatic species at risk ‘to a moderate or great extent’, recovery documents only identify who is responsible for activities to a limited or moderate extent. Interviewees confirmed that this lack of clarity limits accountability for recovery actions and thus, progress of recovery measures.

Design and Delivery: Implementation of Recovery Actions



Finding: There are efficiencies that can likely be gained in the implementation of recovery actions through the provision of direction on roles and responsibilities and additional guidance materials.



A need for direction on SARP's role in implementation

There is a clear divergence of understanding and opinions on what SARP's role is, and/or should be, when it comes to implementing recovery actions for aquatic species at risk. Unlike the other stages of the conservation cycle, SARA is not prescriptive in terms of the timing of or responsibility for implementing recovery actions. SARP's ability to influence recovery measures is further complicated by factors that are outside the program's (or even DFO's) control, such as issues around jurisdictional authorities, pre-existing infrastructure, and the need to influence external parties to prompt action.

- There is a perception that SARP should take a greater hands-on role related to implementation of recovery actions, since staff within SARP have subject matter expertise that would be valuable for implementation.
- Some interviewees indicated that implementation is the role of other groups, both within and outside the department, while others stated that they simply do not understand SARP's role.
- Many interviewees mentioned that more time and effort should be spent on implementing protection and recovery activities. DFO dedicates a large amount of time and effort to the listing process which is where most of the legal requirements of SARA are focused. In turn, this limits time and resources spent on protection and recovery activities.
- Recovery documents do not clearly delineate roles and responsibilities for implementation activities, which does not promote ownership for these activities. There is room for a greater leadership and coordination role for the program in the implementation of recovery actions.

Existing templates and guidance materials are useful, but guidance is still needed in a few key areas

There are many templates and guidance materials to assist with work on species at risk, and key informants generally indicated that these materials are useful.

The program has made a concerted effort to address gaps in guidance materials, including through an internal SARP working group that is dedicated to this work.

There are still a few key areas where additional guidance is needed:

- With Indigenous engagement being a high priority for the Government of Canada, there is a need for guidance on how this priority relates to SARP, and how it should practically be included in SARP processes.
- There is a lack of direction and guidance around the implementation of recovery actions and how this work should be carried out.
- Through their transformation efforts, SARP is moving away from looking at species in isolation and towards multi-species approaches that take into consideration common threats or ecosystems. While this work continues to evolve, it is worth noting that some interviewees indicated they require more guidance on multi-species approaches.

Clarifying and communicating SARP's role in the implementation of recovery actions would alleviate confusion and reconcile divergent opinions within and outside the program in this regard.

Gs&Cs Programs: Nature of External Investments



In an effort to improve outcomes for aquatic species at risk, DFO invests in external activities that contribute to the protection and recovery of aquatic species at risk. For example, the department invests in these activities through three Gs&Cs programs – Canada Nature Fund for Aquatic Species at Risk, Habitat Stewardship Program for Aquatic Species at Risk, and Aboriginal Fund for Species at Risk.

1

Canada Nature Fund for Aquatic Species at Risk (CNFASAR)

Part of Canada's Nature Legacy Initiative, launched in May 2018, CNFASAR is funded to provide \$55 million over five years to support projects that help to recover aquatic species at risk. Its objective is to slow the decline of aquatic species at risk and enable a leap forward in species recovery through targeted funding for recovery activities for priority places, species and threats.

2

Habitat Stewardship Program for Aquatic Species at Risk (HSP)

HSP was established in 2000 as part of Canada's National Strategy for the Protection of Species at Risk. It was initially co-managed by ECCC and DFO, but was administered by ECCC. In 2018-19, DFO assumed responsibility for administering Gs&Cs funding for aquatic species and aquatic stewardship projects on a regional basis. HSP was created with the goal to contribute to the recovery of endangered, threatened, and other species at risk by engaging Canadians from all walks of life in conservation actions to benefit wildlife.

3

Aboriginal Fund for Species at Risk (AFSAR)

Established in 2004, AFSAR supports the development of Indigenous capacity to participate actively in the implementation of the *Species at Risk Act*. The program's objectives are to conserve and recover species at risk and their habitats, and to support Indigenous organizations and communities as they continue developing the capacity to lead in the stewardship of species at risk.

Each of these Gs&Cs programs are distinct, however, program objectives overlap among all three, and in some cases expected results are exactly the same. Broadly speaking, the Gs&Cs programs are expected to contribute to ensuring that:

- Canada's wildlife and habitat is conserved and protected
- Canada's species at risk are recovered
- Indigenous Peoples are engaged in conservation efforts

Gs&Cs Programs: Nature of External Investments *(continued)*



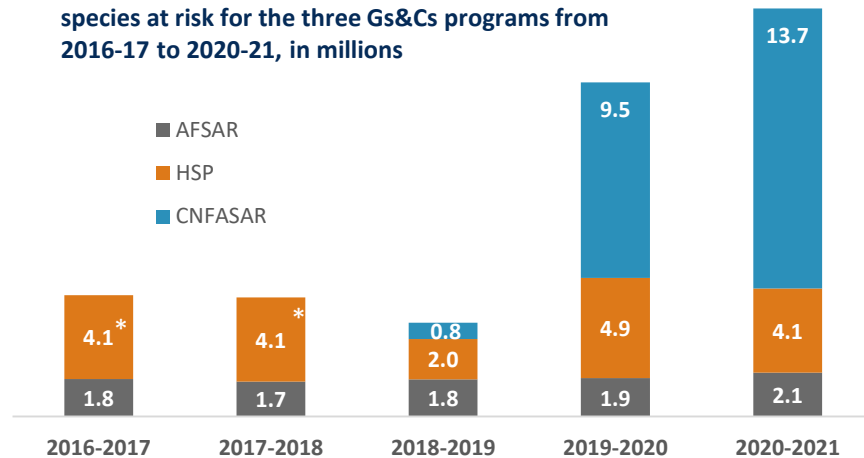
Finding: DFO supports external projects related to aquatic species at risk through three Gs&Cs programs which contribute to supporting the protection and recovery of aquatic species at risk. DFO has significantly increased its Gs&Cs funding, particularly in 2019-20 and 2020-21, to improve outcomes for species at risk.

Over the past five years, the use of Gs&Cs programs within DFO to achieve SAR objectives for aquatic species at risk has increased exponentially from \$1.8 million in 2016-17 to \$19.9 million in 2020-21. Since 2018-19, DFO assumed responsibility from ECCC for the aquatic component of HSP, as well as the \$55M over five years to administer the CNFASAR as part of Canada’s Nature Legacy.

As shown in Figure 12, AFSAR funding has remained consistent throughout the evaluation period – approximately \$2M is budgeted each year. Due to CNFASAR, DFO’s Gs&Cs expenditures have increased since 2018-19.

As of March 2021, 350 contribution agreements to support the protection and recovery of aquatic species at risk had been put in place under all three Gs&Cs programs, totaling \$44.3 million over the evaluation period.

Figure 12: 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. For the first two years, ECCC and DFO shared administrative responsibilities for transfers of Gs&Cs funds to recipients under the HSP.

Figure 13: Number of projects and status (active, completed, cancelled, application received) for Gs&Cs programs for aquatic species at risk

Aboriginal Fund for Species at Risk					Habitat Stewardship Program				Canada Nature Fund for Aquatic Species at Risk	
# of projects between 2016-17 & 2020-21:					# of projects between 2018-19 & 2020-21:				# of projects between 2018-19 & 2020-21:	
Total	Active	Completed	Cancelled	App rec'd	Total	Active	Cancelled	App rec'd	Total	Active
177	98	63	7	9	124	103	1	20	57	57

Source: Information provided by the Program.

Gs&Cs Programs: Nature of External Investments (continued)



Survey data show that Gs&Cs projects contributed to the expected results of the three programs:

75% Conserve and protect Canada’s wildlife

73% Recover Canadian species

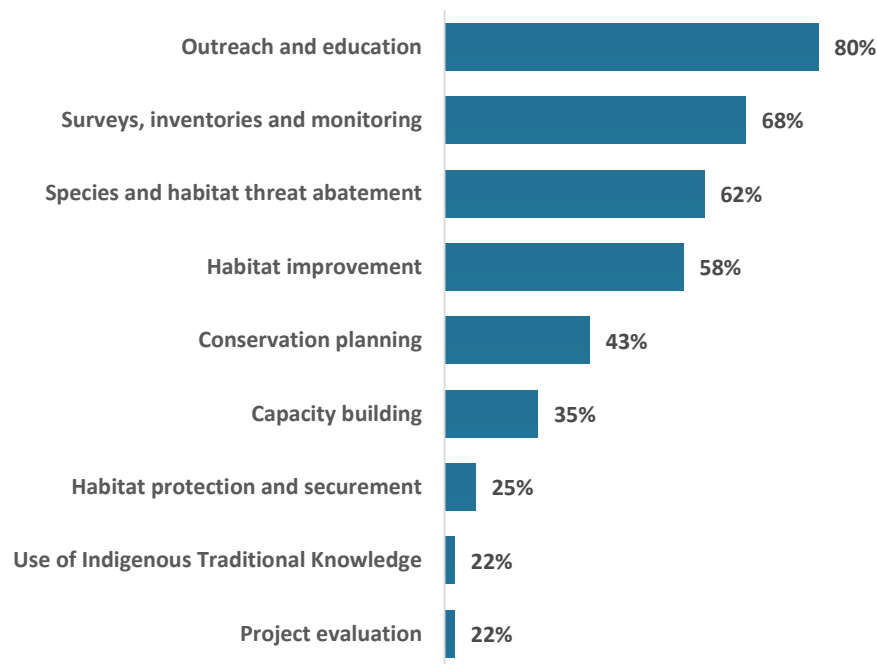
33% Engage Indigenous people in conservation⁹

Although not a direct objective for aquatic species at risk, interviewees indicated that the Gs&Cs programs also contribute a great deal to capacity building among recipient organizations as shown in Figure 14. In addition, the majority of survey respondents partnered with at least one other group or organization throughout the course of their project. This Gs&Cs funding goes beyond simply providing funding for a specific project, and also provides opportunities to increase collaboration more broadly.

For more detailed information on the Gs&Cs projects and their recipients, please see Annex C.

Survey data show that funded projects contribute to all eligible activities. The majority of funded projects involve outreach and education; surveys, inventories, and monitoring; species and habitat threat abatement; and habitat improvement.

Figure 14: Gs&Cs projects contribute to all eligible activities



⁹ The number of projects contributing to this expected result seems significantly lower than the others likely due to the fact that there were fewer AFSAR respondents to the survey, see Annex A for more information.

Gs&Cs Programs: Contribution to the Protection and Recovery of Species at Risk



Finding: Gs&Cs programs are contributing to the protection and recovery of species at risk. However, individual projects are limited in their ability to have immediate and substantial impacts on a given species.

Gs&Cs programs achieve results for aquatic species at risk

Some highlights of the work being undertaken for aquatic species at risk over the evaluation period, as identified through a review of SARA Annual Reports,¹⁰ include:

- Efforts by Dalhousie University to raise larval Atlantic Whitefish (a species in danger of extinction) and captive-breed them.
- Outreach (including presentations, tours, customized conservation manuals, provision of seeds for cover crops) with farmers on conserving species at risk fish populations by reducing erosion and improving water quality.
- Strengthening of salmon governance for the Eastern Cape Breton Atlantic Salmon population through the work of the Unama'ki Institute of Natural Resources – monitoring activities, outreach and education activities.
- Creation of a children's activity booklet about Great Lakes species at risk.

“ In our most recent project we have reached over 45,000 Canadians with aquatic SAR awareness messaging. ”

-Survey Respondent

“ The collected information and gained knowledge will help conserve the species in the future. ”

-Survey Respondent

Survey respondents indicated that they believe their project is making/or will make a difference for aquatic species at risk to a moderate to great extent.

Interviewees indicated a similar rating (closer to a moderate extent) in the achievement of results for species at risk.

Recipients indicated that **Gs&Cs programs** contribute to protecting aquatic species at risk to a moderate or great extent.



93%

Recipients indicated that their **projects** made a difference for aquatic species at risk to a moderate or great extent.



92%

¹⁰ www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html

Gs&Cs Programs: Contribution to the Protection and Recovery of Species at Risk *(continued)*



The majority of survey respondents (82%) indicated that they expect their project(s) will achieve its intended outcomes to a great extent, however not without challenges.

Sixty-seven percent of respondents indicated that the COVID-19 pandemic is a hindering factor to the success of recent and current projects, while 26% identified a lack of human resources and 23% identified a lack of financial resources as hindering factors.

Figure 15: Factors that hindered recipients' ability to achieve project outcomes

COVID-19	67%
Lack of human resources	26%
Lack of financial resources	23%
Lack of interest from partners	21%
Technological challenges	12%
Geographic location	7%
Weather conditions	7%

When recipients were asked to what extent the COVID-19 pandemic impacted their projects, it was mostly to a limited or moderate extent.

Figure 16: Impact of COVID-19 on project delivery

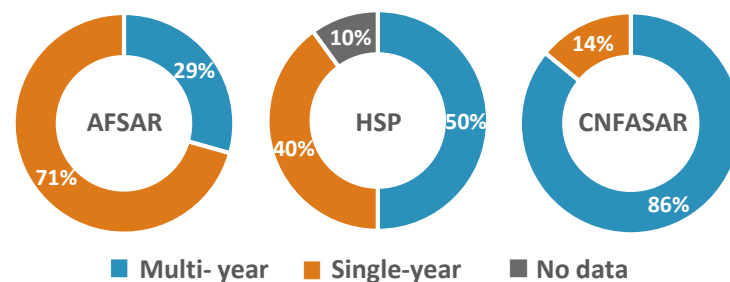


Interviewees suggested that the Gs&Cs programs are limited in their ability to achieve results (particularly for AFSAR, but also HSP) by the availability of funding – not only by the amount of funding that is available to be dispersed, but also by the uncertainty of the availability of funding over time.

The nature of species at risk protection and recovery is that it takes many years for noticeable changes to be made for a species given the complexity of the work. Having sustained funding available, such as Gs&Cs multi-year agreements, may be an important aspect to the work being done for aquatic species at risk. While CNFASAR projects are signed as multi-year projects* given that they are often large scale projects, this is the case for only half of HSP projects and 29% of AFSAR projects.

*Except for the first year of funding, which is single year.

Figure 17: Type of contribution agreement in place for each Gs&Cs program, 2016-17 to 2020-21



Source: Administrative data

As SARP moves towards new approaches, such as multi-species and eco-systems-based approaches, the availability of sustained, multi-year funding may help support recipients to undertake more complex projects.

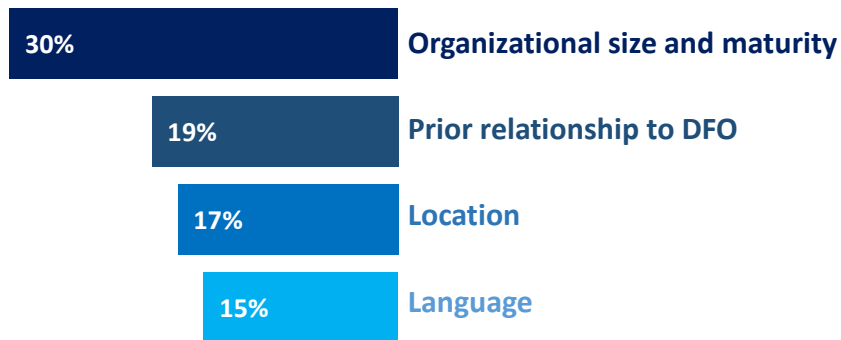
Gs&Cs Programs: Barriers to Program Participation



GBA+: Inclusivity and Accessibility

DFO may be missing out on opportunities to fund certain projects due to barriers faced by potential applicants. Based on survey data, recipients indicated some barriers to access Gs&Cs programs.

Figure 18: Barriers to accessing Gs&Cs funding



The majority of survey respondents identified themselves as scientists or researchers, in mid-late career, with English as their first official language.

When considering organizational size and maturity, survey respondents indicated that smaller organizations may not have the capacity to engage in the detailed, rigorous application (and then reporting) process, nor the resources to undertake larger-scale projects. These Gs&Cs programs were not designed for only large, high capacity organizations to receive funding, however organizational capacity would be an asset in order to apply. Interviewees supported this finding, noting that the application process is onerous for smaller organizations who are requesting less funding, particularly if they are unsuccessful during the application phase.

Other issues identified through the interviews and/or survey include:



A need for tools and templates to support organizations in completing strong applications.



Support and guidance for costing out projects.



The majority of respondents (79%) had been informed of the funding opportunity by way of an official notification from DFO, however a large number (64%) had found out through word-of-mouth.¹¹ This creates a potential barrier to accessing funding opportunities for organizations that have not previously received funding from DFO, and suggests room for improvement in terms dissemination of information on these programs.

¹¹ Responses do not add to 100% since survey respondents could choose from more than one category of how they heard about the funding opportunity.

Gs&Cs Programs: Level of Satisfaction of Recipients



Figure 19: Survey responses regarding Gs&Cs program processes

	Not at all	Limited extent	Moderate extent	Great extent
It is easy to find information on these Gs&Cs program(s)			76%	
Information provided on these Gs&Cs program(s) is clear			77%	
There was sufficient time between becoming aware of the funding opportunity and the application deadline			71%	
The application process is easy to follow			64%	
Overall, I received helpful feedback from DFO			88%	
I received clear information regarding eligible activities and expenses			94% ¹²	
The templates provided were easy to use (e.g., reporting templates)			61%	
The reporting requirements were reasonable			71%	

¹² 'Clear information regarding eligible activities' (93%) and 'Clear information regarding eligible expenses' (95%) were combined into one measure with the average of the two responses equaling 94%.

The administration of the Gs&Cs programs and support provided by DFO staff were generally perceived quite positively by survey respondents. Recipients were especially pleased with the information they received regarding eligible activities and expenses (94%) and thought that DFO provided helpful feedback to them (88%).

“ I have been incredibly grateful for the tremendous support we have had from our partners in both ECCC (previous years) and DFO. ”
-Survey Respondent

“ The reporting requirements are quite onerous for smaller organizations. It is substantially more time and effort than with any other funding provider. ”
-Survey Respondent

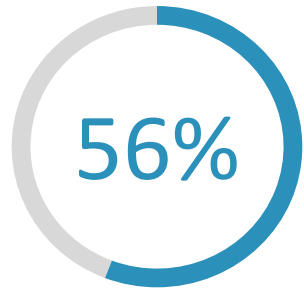
As DFO has only been administering HSP and CNFASAR for a few years, there are a few areas where improvements could be made. Recipients encountered some challenges in their interactions with DFO related to:

- delays in DFO’s review and approval of contribution agreements (81%);
- timely transfer of funds from DFO (57%); and
- requirements for reporting were seen as onerous (29%), particularly for smaller organizations.

Gs&Cs Programs: Relevance of Funding



Finding: DFO's Gs&Cs programs play a significant role in improving outcomes for aquatic species at risk. Without this funding, many projects may not have taken place, or would need to be scaled back, with potential negative impacts on some species.



More than half of the projects would not have taken place without DFO funding

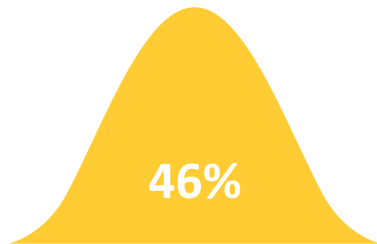
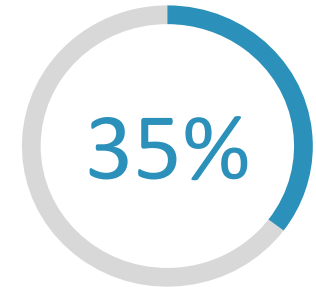
Fifty-six percent of survey respondents indicated that their projects would not have taken place in the absence of this funding.

- The same respondents emphasized that their projects were dependent on funding received from DFO.

One third of the projects would have taken place but to a lesser extent

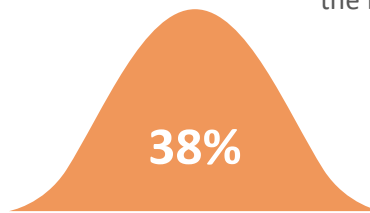
Thirty-five percent of survey respondents indicated their projects would have taken place, but to a lesser extent:

- 85% indicated that funding allowed for expanded and fulsome projects;
- 23% indicated that funding allowed them to work with more partners; and,
- 23% indicated that they accomplished more habitat restoration because of the funding.



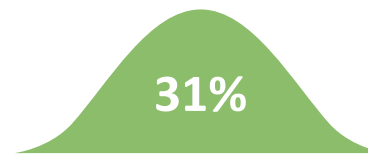
Other funding sources are dependent on DFO funding

Funding from other sources is only provided as “matched dollars”, once support from DFO has been received.



Other funding sources are limited

There are other funding sources, but they tend to be limited and less accessible due to the large number of applicants.



Other funding sources are less flexible

Alternative sources of funding may be time sensitive and not cover certain activities (e.g., monitoring, staff pay).

“ AFSAR is a foundational program. ”
-DFO Staff

“ CNFASAR funding has been critical to advancing our project and building local capacity. ”
-Survey Respondent

Alternative Legislative Tools to Modernize SARA Delivery



- There are multiple pieces of legislation that lay out the department’s authorities and responsibilities when it comes to Canada’s fisheries and oceans – namely the *Fisheries Act*, the *Oceans Act*, and the *Species at Risk Act*.
- While the legislative tools available within SARA are the strongest in terms of providing protections to species at risk, there is a common view among interviewees that there are some limitations to this Act, which can sometimes discourage its use for certain species.
 - SARA is considered by some to be too restrictive – it is “all or nothing” and does not allow for nuance in conserving species, which makes it a tool of last resort due to the implications of listing species.
 - SARA is extremely prescriptive and complex in its requirements and timelines, and these requirements can be difficult to meet. Interviewees expressed that more flexibility in the Act would be positive.
- Some interviewees expressed that revisions to SARA may be necessary to optimize its usefulness and bring it into alignment with other government priorities (for example, Indigenous reconciliation). It is worth noting that the Mandate Letter for the Minister of ECCC, requires that the Minister “continue to work to protect biodiversity and species at risk, while engaging with provinces, territories, Indigenous communities, scientists, industry and other stakeholders to evaluate the effectiveness of the existing SARA and assess the need for modernization.”

Key Legislative Tools that Could be Used More Frequently, or More Effectively, to Protect and Recover Aquatic Species at Risk

Species at Risk Act

Section 11 –
Conservation Agreements

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

Sections 73, 74 & 83 –
Permits, Exemptions, and
Exceptions

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

Oceans Act

Section 35 –
Designation of Marine
Protected Areas

Alternative Legislative Tools to Modernize SARA Delivery *(continued)*



Finding: 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.

- As part of its efforts to modernize the delivery of SARA, SARP has been exploring alternative approaches, including increased use of tools available in other legislation, such as those in the *Fisheries Act* and the *Oceans Act*, in order to protect and recover species at risk. Interviewees agreed that these tools are viable potential options to work around the limitations of SARA in some circumstances. In particular, the *Fisheries Act* provides flexibility to minimize socio-economic impacts and to exempt low-risk activities.
- A number of useful provisions from other legislation and supporting policy tools were suggested by interviewees for the conservation of species at risk. The list of options and their descriptions is included in Annex D. Options identified as having the most potential include:
 - Under 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
 - Under the *Oceans Act*
 - Section 35 – Designation of Marine Protected Areas

Steelhead trout



Photo credit: Michael Blouin

Steelhead Trout

- Steelhead trout have been in significant decline. The Thompson and Chilcotin Steelhead runs in particular have reached critically low levels.
- It was determined that an emergency listing would produce suboptimal ecological, social and economic outcomes relative to a comprehensive, long-term collaborative action plan with the province of British Columbia (BC).
- In the absence of listing under SARA, Steelhead will continue to be managed for conservation under the *Fisheries Act*, as well as under provincial legislation.
- DFO and the province of BC released a Steelhead Action Plan outlining measures to protect these populations, including closing the recreational fisheries in the Thompson and Chilcotin watersheds and putting in place rolling closures for commercial salmon fisheries, as well as improving freshwater conditions through improved watershed management and investments in habitat protection and restoration.

Alternative Legislative Tools to Modernize SARA Delivery *(continued)*



Considerations for using tools under other legislation:

- Key informants indicated that there is a lack of strategic direction/guidance on the use of other legislative tools and the ways in which the different acts intersect and overlap. Specific areas mentioned for which increased guidance is needed include:
 - When it is appropriate to use other legislation in place of SARA
 - How to create buy-in for using tools under the *Fisheries Act*, as they can affect the income of fishers and businesses (already identified as a challenge when using the *Fisheries Act*)
 - How to align COSEWIC's approach to assessing the level of risk with related assessments for the use of other legislative tools (e.g., the limit reference point for determining whether a fish stock is healthy may not align with COSEWIC's criteria to determine whether a population is at risk).
 - When to use Ecologically Significant Areas in the *Fisheries Act* vs Marine Protected Areas in the *Oceans Act*
- Authorities for using different provisions are complex and spread across programs in the department. For example, the responsibility for ensuring safe fishing rests with Fisheries Management, but responsibility for habitat rests with Fish and Fish Habitat Protection Program. There is a need for better integration between programs with responsibilities for at-risk species and clear guidance on the use of other tools to protect species to help manage the increased complexity of using alternative legislative tools.
- SARP's current efforts to collaborate across the department to modernize the delivery of SARA present a timely opportunity to work with partners on the clarification of roles and responsibilities, and on the development of guidance regarding the use of alternative legislative tools as they pertain to species at risk and their intersection with SARA.

Utilization of Tools within SARA



Finding: In some situations, SARA remains the most appropriate legislative tool, particularly when corrective action is urgently needed to prevent a dire situation from deteriorating further. In these situations, there are SARA tools that could be further or better utilized.

- Interviewees indicated that there are situations in which SARA is a more appropriate option, particularly for species that are not high profile and for species in dire situations that require immediate action, as provisions from other legislation take more time to start making a difference. The provisions in the *Fisheries Act* are more preventative, whereas those in SARA are more corrective.
- Interviewees indicated that there are tools within SARA that could be used more frequently or more effectively than they currently are to improve conservation efforts. However, increased guidance on their use is needed and, in some cases, potential issues related to jurisdictional authorities would need to be addressed.

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 encompassing options to protect aquatic species than the similar provision in the *Fisheries Act*, which only prohibits death of fish. Section 32 of SARA can prohibit 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.



Conclusions and Recommendations

Conclusions and Recommendations



Conclusions

Overall, SARP is working toward the protection and recovery of aquatic species at risk, but not without challenges. The complexity of SARA, the number and diversity of partners across the department needed to deliver this uniquely decentralized program, make for a complex and challenging operating environment. To achieve results, SARP has worked extensively with multiple partners, both internally and externally, to undertake cross-cutting activities that contribute to the protection and recovery of aquatic species at risk. Nevertheless, there are opportunities to improve effectiveness and efficiency through greater delineation of roles and responsibilities within the department, and increased governance and accountability for species at risk activities. These improvements will be even more important as the program continues to move towards the increased use of ecosystem-based approaches and potentially greater reliance on alternative legislative tools, recognizing that there are limitations with all legislative tools.



Photo credit: DFO

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.

Rationale: There is a need for a more holistic decision-making forum to effectively manage the complexity of delivering aquatic species at risk activities. While several species at risk-related committees and working groups are currently in place, existing fora do not include the full range of programs that can provide relevant input for species at risk decision-making and activities. The current governance structures do not provide adequate direction and oversight on the complex delivery of aquatic species at risk activities, and there is a need to define roles and responsibilities for all levels of management responsible for the delivery of aquatic species at risk activities.

Conclusions and Recommendations *(continued)*



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.

Rationale: The Program produces recovery documents (Recovery Strategies, Action Plans, and Management Plans) that provide large amounts of 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 and reporting on results and progress. Where feasible, clear and specific identification of parties responsible for recovery actions, timelines for these actions, and performance measures and targets to measure success could improve the effectiveness of recovery documents as a key tool.

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.

Rationale: 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. Accountability for species at risk deliverables resides with SARP, however the program has limited ability to exert influence over the prioritization of species at risk activities which compete with other priorities in partner sectors.

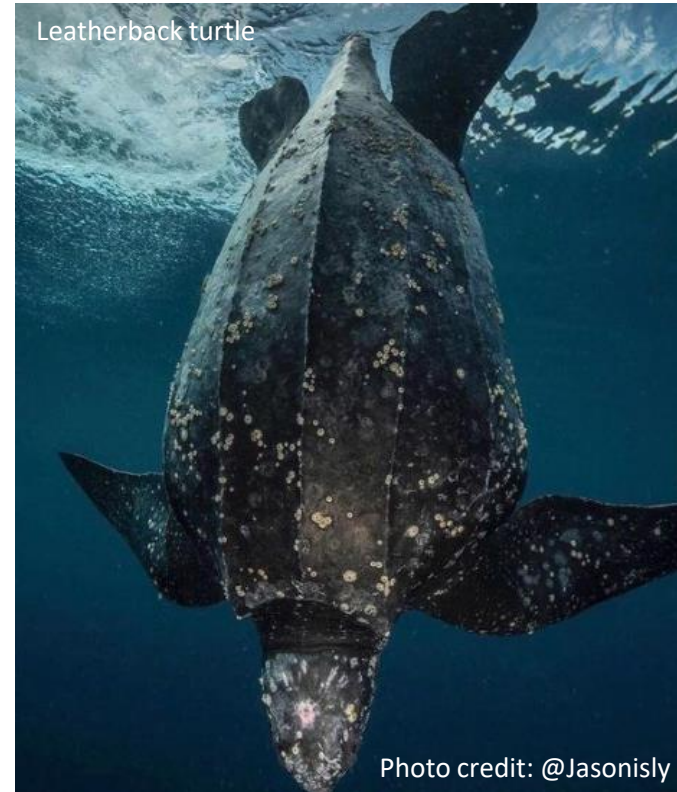
Conclusions and Recommendations (*continued*)



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.

Rationale: There are some instances, particularly when urgent intervention is required, where SARA's strong provisions are the best tool for protecting and recovering aquatic species at risk. However, in other cases, other legislative tools at the department's disposal may provide more flexible or effective options for the protection and conservation of species. For example, the classification of ecologically significant areas under the *Fisheries Act* can be used to protect and recover aquatic species at risk and provides more flexibility to mitigate potential socio-economic consequences when compared to SARA.





Annexes

Annex A: Evaluation Methodology



Methodological limitations were mitigated, where possible, through the use of multiple lines of evidence and the triangulation of data. This approach was taken to establish the reliability and validity of the findings and to ensure that conclusions and recommendations were based on objective and documented evidence.

Document review

- SARP and Gs&Cs programming documents were reviewed. These documents included: performance information, planning documents, proposals, recovery documents, action plans, service level agreements, meeting minutes, contribution agreements, tools and templates, etc.

Survey of recipients

- A survey of Gs&Cs funding recipients was administered. Sixty-four funding recipients answered the survey – some answered for multiple projects under multiple Gs&Cs programs.
- The breakdown of respondents by Gs&Cs program is as follows:
 - 47 HSP;
 - 36 CNFASAR; and
 - 6 AFSAR

Interviews

- Interviews were conducted with 39 SARP and AFSAR program staff as well as internal partners during the scoping and conduct phases. Seven (7) follow-up interviews were conducted to further investigate alternative tools.

Limitations

- It was not possible to draw conclusions from the survey data for AFSAR given the low number of responses.
- Originally, the survey was sent to 122 individual Gs&Cs recipients, however it was not possible to calculate a specific response rate for the survey since access was through a link and recipients were invited to send the link to other participants in their projects.
- Due to the pandemic, all interviews were conducted virtually through Microsoft Teams.



Annex A: Evaluation Methodology (continued)



Limitations

Administrative data review

- Administrative data was extracted from the Aboriginal Programs and Governance Information System (APGIS), which is the application used by the three Gs&Cs programs to track and manage information related to contribution agreements.

Financial analysis

- Financial information was extracted from DFO's IBM Cognos Cube based on transactions coded in Abacus under Species at Risk Core Responsibilities 360, 36B, 820 and 82B. The financial figures were validated by the Chief Financial Officer Sector.
- Detailed financial information on Gs&Cs program recipients was taken from the Public Accounts (Volume III, Section 6 on Transfer payments) and Proactive disclosure of Gs&Cs information published on DFO's website.

- APGIS information for all three programs is not captured consistently. To mitigate this, APGIS data was triangulated with other sources of evidence from interviews, financial analysis and the recipient survey.
- Given the complexity of SARP financial coding, the financial information presented in this report may include coding errors.
- 2020-21 SARP actual expenditures were extracted from the financial system on April 19, 2021 after 2020-21 year-end entries were completed and obligations adjusted, assuming no exceptional significant corrections will be required until the date of completion of DFO's financial statements.



Annex B: Species at Risk Roles and Activities of Key Internal Partners



The complexity of delivering on SARA and the horizontal nature of this program requires a wide range of knowledge and expertise from across DFO at all steps of the conservation cycle for aquatic species at risk. This includes not only multiple sectors, but also multiple groups within each sector.



- **Biodiversity Management** (Species at Risk Program, Aquatic Invasive Species)
- **Ecosystems Management** (Fish and Fish Habitat Protection Program)
- **Marine Planning and Conservation** (Marine Spatial Planning Program, Marine Conservation Program)

- **Freshwater, Marine and other programs** Provision of peer-reviewed scientific information outlining status and what is necessary to recover species, etc.

- **Fisheries Resource Management** (Fisheries management and engagement, etc.)
- **Fisheries and License Policy** (Sustainability policies, rebuilding plans, etc.)
- **Conservation and Protection** (Enforcement, monitoring, etc.)
- **Indigenous Affairs Directorate** (Support for Partnerships, reconciliation, etc.)

- **Strategic Policy and Priorities** (Support for administration of the Act, etc.)
- **Economics, Statistics, and Data Governance** (Socio-economic analysis, cost-benefit analysis, etc.)

- **Communications** (Community outreach, etc.)
- **Legal Services Unit** (Provide support for all legal aspects)

Annex B: Species at Risk Roles and Activities of Key Internal Partners *(continued)*



The table below presents examples of the roles and activities of DFO's key partner sectors at each stage of the conservation cycle:

	Ecosystem and Oceans Science Sector	Fisheries and Harbor Management Sector	Strategic Policy
Assessment	Review COSEWIC status reports; provide scientific opinions on endangered species	Review COSEWIC status reports; participate in pre-COSEWIC meetings	
Listing	Input to Recovery Potential Assessments and listing recommendations; media spokesperson for scientific aspects	Provide fisheries information related to species at risk such as directed fishery, incidental catch, geographical distribution; contribute to regional listing advice	Conduct socio-economic and cost-benefit analyses; support for listing consultations; input to Regulatory Impact Analysis Statement
Protection	Conduct compliance assessments of permits, reports and recovery initiatives under SARA (section 73)	Enforce and promote protection measures; media spokesperson for enforcement matters	
Recovery planning	Provide scientific advice and research on critical habitat and recovery strategies; present to clients	Inform Management Scenarios and recovery documents; issue SARA-compliant fishing licenses	Conduct cost-benefit analysis of recovery actions; support partnerships and reconciliation objectives (Indigenous Affairs)
Implementation	Provide scientific advice on implementation of action plans and implements some of the actions (e.g., research)	Support implementation of action plans	
Monitoring and Evaluation	Provide scientific expertise to assess implementation effectiveness; review of 5-year monitoring reports	5 year alternative work-plan for Do Not List advice for species linked to fisheries (e.g. commercial species, by-catch species)	Support evaluation of socio-economic activities undertaken

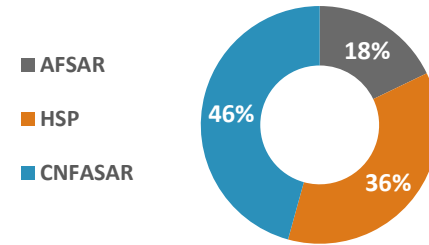
Annex C: Further Information on Gs&Cs projects



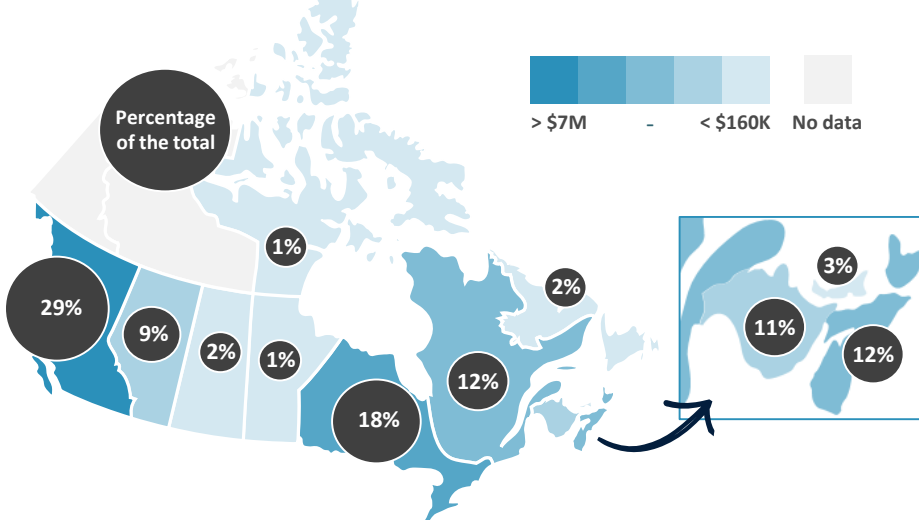
Funding distribution by location, allocation of total Gs&Cs funding and type of recipient

The distribution of Gs&Cs program funds when broken down by province is primarily to recipients in British Columbia and Ontario, with recipients in these two provinces receiving nearly 50% of all total funding. However, when all four Atlantic provinces (Nova Scotia, New Brunswick, Newfoundland & Labrador and Prince Edward Island) are considered as one, the total funding distribution is 28% for that region. This makes up a more sizeable portion of total Gs&Cs expenditures and is proportionate to the needs of species at risk in that region.

Allocation of funding for the Gs&Cs programs from 2016-17 to 2020-21 as a percentage of the total

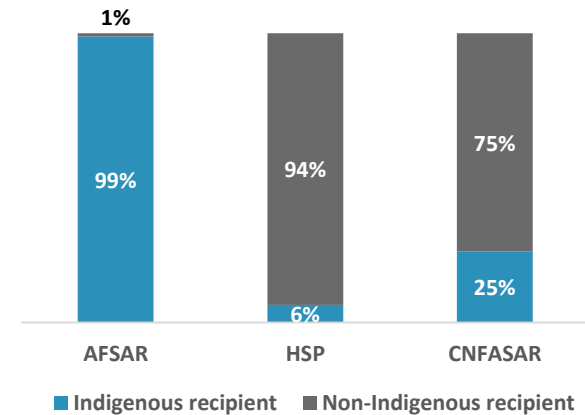


Distribution of Gs&Cs funding for aquatic species at risk by province, 2016-17 to 2019-20



The percentage of recipients who identify as being from Indigenous organizations varies by Gs&Cs program.

Percentage of recipients who identify as Indigenous by Gs&Cs program, 2016-17 to 2020-21



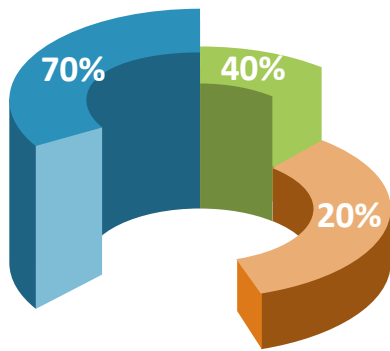
Source: Public Accounts of Canada, Volume III, Section 6: Transfer Payments
<https://www.tpsgc-pwgsc.gc.ca/recgen/cpc-pac/2020/vol3/ds6/index-eng.html>

Source: Administrative data

Annex C: Further Information on Gs&Cs projects (continued)

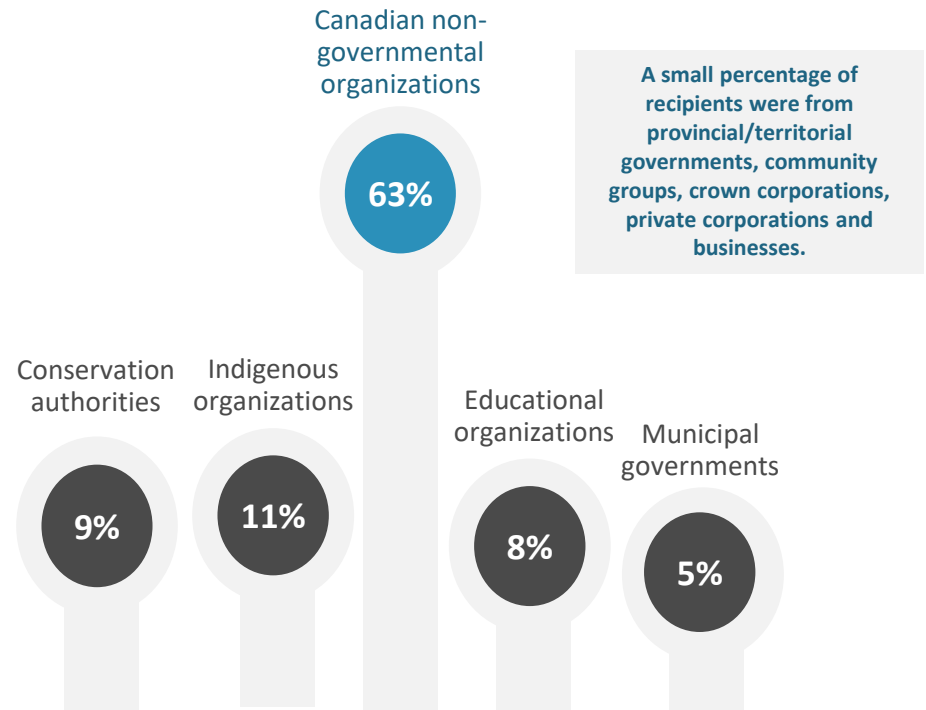


Survey data shows that recipients are working with Freshwater, Marine, and Anadromous species.



Some recipients work with more than one type of species

Survey respondents covered all eligible recipient groups, but mostly from Canadian non-governmental organizations.



Annex C: Further Information on Gs&Cs projects *(continued)*



Extensive collaboration in projects funded by Gs&Cs programs

The impact of Gs&Cs funding goes beyond simply providing money to a specific project. When projects are funded by the Gs&Cs programs, it provides great opportunities to increase collaboration between different groups/organizations. Almost all survey respondents had partners participating in their projects.

57 of 59 survey respondents had partners from one of the following organizations in their project(s). These partners took part in a variety of activities.

		Provided data	Collected data	Analyzed / interpreted data	Provided resources	Provided ITK*	Provided advice	Habitat restoration activities	Outreach and education
69%	Non-governmental organizations	✓	✓	✓	✓	✓	✓	✓	✓
60%	Provincial/territorial governments	✓	✓	✓	✓	✓	✓	✓	✓
56%	Educational institutions	✓	✓	✓	✓	✓	✓	✓	✓
54%	Indigenous organizations	✓	✓	✓	✓	✓	✓	✓	✓
52%	Businesses and industry	✓	✓	✓	✓	✓	✓	✓	✓
50%	Municipal governments	✓	✓	✓	✓	✓	✓	✓	✓
50%	Community groups	✓	✓	✓	✓	✓	✓	✓	✓

* Indigenous traditional knowledge (ITK)

Annex D: Alternative Tools under the *Fisheries Act**



Section 5

Fisheries Officers and Fishery Guardians

Designation

5 (1) The Minister may designate any persons or classes of persons as fishery officers or fishery guardians for the purposes of this Act and may limit in any manner the Minister considers appropriate the powers that a fishery officer or fishery guardian may exercise under this Act or any other Act of Parliament.

Certificate of designation

(2) Each fishery officer and fishery guardian shall be provided with a certificate in a form the Minister considers appropriate certifying their designation as such and, where the powers of a fishery officer or fishery guardian are limited pursuant to subsection (1), specifying the powers that the officer or guardian may exercise under this Act or any other Act of Parliament.

Presentation of certificate

(3) On entering any place under this Act or any other Act of Parliament, a fishery officer or fishery guardian shall, on request, show the certificate of designation to the person in charge of the place.

Laws of certain First Nations

(4) The powers and protections that a fishery officer or fishery guardian has under this or any other Act of Parliament, including the powers and protections of a peace officer under the *Criminal Code*, apply to a fishery officer or fishery guardian enforcing:

(a) Nisga'a laws made under the Fisheries Chapter of the Nisga'a Final Agreement given effect by the *Nisga'a Final Agreement Act*;

(a.1) Tla'amin Laws, as defined in subsection 2(2) of the *Tla'amin Final Agreement Act*, made under Chapter 9 of the Agreement, as defined in subsection 2(1) of that Act, given effect by that Act;

(b) Tsawwassen Laws, within the meaning of subsection 2(2) of the *Tsawwassen First Nation Final Agreement Act*, made under chapter 9 of the Agreement, as defined in subsection 2(1) of that Act, given effect by that Act; or

(c) Maanulth Laws, within the meaning of subsection 2(2) of the *Maanulth First Nations Final Agreement Act*, made under chapter 10 of the Agreement, as defined in subsection 2(1) of that Act, given effect by that Act.

Exercise of powers

5.1 Every power that may be exercised in Canada by a fishery officer or fishery guardian under this Act may be exercised anywhere this Act applies.

* <https://laws-lois.justice.gc.ca/eng/acts/f-14/>

Annex D: Alternative Tools under the *Fisheries Act* (continued)



Section 6 Fish Stocks

Measures to maintain fish stocks

6.1 (1) In the management of fisheries, the Minister shall implement measures to maintain major fish stocks at or above the level necessary to promote the sustainability of the stock, taking into account the biology of the fish and the environmental conditions affecting the stock.

Limit reference point

(2) If the Minister is of the opinion that it is not feasible or appropriate, for cultural reasons or because of adverse socio-economic impacts, to implement the measures referred to in subsection (1), the Minister shall set a limit reference point and implement measures to maintain the fish stock above that point, taking into account the biology of the fish and the environmental conditions affecting the stock.

Plan to rebuild

6.2 (1) If a major fish stock has declined to or below its limit reference point, the Minister shall develop a plan to rebuild the stock above that point in the affected area, taking into account the biology of the fish and the environmental conditions affecting the stock, and implement it within the period provided for in the plan.

Restoration measures

(5) In the management of fisheries, if the Minister is of the opinion that the loss or degradation of the stock's fish habitat has contributed to the stock's decline, he or she shall take into account whether there are measures in place aimed at restoring that fish habitat.

Annex D: Alternative Tools under the *Fisheries Act* (continued)



Section 34

Fish and Fish Habitat Protection and Pollution Prevention

34.2 (1) The Minister may establish standards and codes of practice for

- (a) the avoidance of death to fish and harmful alteration, disruption or destruction of fish habitat;
- (b) the conservation and protection of fish or fish habitat; and
- (c) the prevention of pollution.

(2) The standards and codes of practice may specify procedures, practices or standards in relation to works, undertakings and activities during any phase of their construction, operation, modification, decommissioning or abandonment.

Section 35

Harmful Alteration, Disruption or destruction of fish habitat

Ecologically significant area

35.2 (1) No person shall carry on a work, undertaking or activity prescribed under paragraph (10)(a) or that belongs to a prescribed class under that paragraph, in an ecologically significant area except in accordance with an authorization issued under subsection (7).

Designation – ecologically significant area

(2) The Governor in Council may, on the recommendation of the Minister, make regulations designating ecologically significant areas.

Section 36

Throwing overboard of certain substances prohibited

36 (1) No one shall

- (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbour or roadstead, or in any water where fishing is carried on;
- (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or
- (c) leave decayed or decaying fish in any net or other fishing apparatus.

Annex D: Alternative Tools supporting Provisions under the *Fisheries Act*



Sustainable Fisheries Framework*

The Sustainable Fisheries Framework Work Plan was developed as a response to an October 2016 Report by the Commissioner of the Environment and Sustainable Development. The report recommended that Fisheries and Oceans Canada (DFO) should:

1. set out priorities, targets, and timelines for putting in place Integrated Fisheries Management Plans for all major fish stocks;
2. set out priorities and timelines for establishing the reference points at which the major stocks it manages can be considered healthy, in the cautious zone, or in the critical zone; and
3. set out priorities and timelines for identifying the measures to be taken if a major stock falls below a certain level, where this has not yet been done, so that sustainable fishing limits can be determined with greater certainty.

Integrated Fisheries Management Plans are the primary resource management tool through which the Framework's policies are applied. Fisheries managers, through engagement with industry and other interested parties, will begin by determining which fisheries require the most attention. Priorities may be determined based on a number of factors such as the identification of a common gap across similar fisheries, requirements for fishery eco-certification, domestic and international commitments, personnel or funding capacity at the Department, and industry readiness.

Once the priorities are set, management actions for a fishery will be determined in collaboration with stakeholders using the Integrated Fisheries Management Plan template, which incorporates the following:

1. An overview of the fishery.
2. The stock assessment and status, including ecosystem interactions, available information on precautionary approach references, and stock trends.
3. Economics of the fishery, including the socio-economic profile and market trends.
4. Management issues, including depleted species concerns, oceans and habitat considerations, and gear impacts.
5. Access and allocation elements, including any sharing arrangements.
6. Short- and long-term sustainable fisheries objectives for stock conservation, the ecosystem, shared stewardship and collaboration, socio-economic factors, and compliance.
7. Management measures for the duration of the plan, including total allowable catch, fishing seasons and areas, control and monitoring of the harvest, decision rules, licensing, requirements of the Species at Risk Act, and habitat protection measures.
8. The compliance plan.
9. A performance review of management objectives.

When a significant change in the management regime is being considered, a socio-economic analysis may be undertaken to understand the full implications of the change, such as when an area is being considered for closure to a fishery to protect a sensitive sea-floor feature.

* <https://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/overview-cadre-eng.htm>
<https://www.dfo-mpo.gc.ca/about-notre-sujet/publications/work-plan-travail/index-eng.html>
<https://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/ifmp-pgip-back-fiche-eng.htm>

Annex D: Alternative Tools supporting Provisions under the *Fisheries Act (continued)*



Policy on Managing Bycatch*

This policy has two objectives:

1. to ensure that Canadian fisheries are managed in a manner that supports the sustainable harvesting of aquatic species and that minimizes the risk of fisheries causing serious or irreversible harm to bycatch species; and
2. to account for total catch, including retained and non-retained bycatch. For the purpose of this policy, sustainable harvesting can be understood to mean that the cumulative fishing mortality from all fishing activities does not exceed sustainable levels, whether the fishery is a retention fishery or a catch-and-release fishery.

Strategies for Achieving the Policy Objectives:

- 3.1 Develop data collection and monitoring systems that will support timely, reliable, and aggregated reporting on retained and non-retained bycatch species.
- 3.2 Evaluate the impact of fishing on bycatch species, whether they are retained or returned to the water.
- 3.3 Minimize the capture of bycatch species and specimens that will not be retained, to the extent practicable.
- 3.4 Where capture of bycatch species and specimens that will not be retained is unavoidable, maximize the potential for live release and post-release survival.
- 3.5 Manage the catch of retained bycatch so as not to exceed established harvest levels for the species.
- 3.6 Develop appropriate measures to manage bycatch and regularly evaluate their effectiveness.

Toolbox of Bycatch Management Measures:

- Input and output controls, including limits and/or quotas on bycatch
- Improvement of the design and use of fishing gear and bycatch mitigation devices
- Spatial and temporal measures
- “Individual Accountability”
- At-sea monitoring
- Allow landing of non-directed catch
- Bans on returning catch to the water, where applicable, providing that the catch cannot be returned alive
- Catch-quota balancing measures
- Education, awareness and communication
- Incentives for harvesters to comply with measures to manage bycatch

* https://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/bycatch-policy-prise-access-eng.htm#toc_4
<https://www.dfo-mpo.gc.ca/reports-rapports/regs/sff-cpd/bycatch-guide-prise-access-eng.htm>



Section 35

Designation of Marine Protected Areas

35 (1) A marine protected area is an area of the sea that forms part of the internal waters of Canada, the territorial sea of Canada or the exclusive economic zone of Canada and has been designated under this section or section 35.1 for special protection for one or more of the following reasons:

- (a) the conservation and protection of commercial and non-commercial fishery resources, including marine mammals, and their habitats;
- (b) the conservation and protection of endangered or threatened marine species, and their habitats;
- (c) the conservation and protection of unique habitats;
- (d) the conservation and protection of marine areas of high biodiversity or biological productivity;
- (e) the conservation and protection of any other marine resource or habitat as is necessary to fulfil the mandate of the Minister; and
- (f) the conservation and protection of marine areas for the purpose of maintaining ecological integrity.

(3) The Governor in Council, on the recommendation of the Minister, may make regulations:

- (a) designating marine protected areas;
- (b) delineating zones within marine protected areas;
- (c) prohibiting classes of activities within marine protected areas; and
- (d) respecting any other matter consistent with the purpose of the designation.

Designation of marine protected area — Minister's order

35.1(2) The Minister may, by order, designate a marine protected area in any area of the sea that is not designated as a marine protected area under paragraph 35(3)(a), in a manner that is not inconsistent with a land claims agreement that has been given effect and has been ratified or approved by an Act of Parliament and, in that order, the Minister.

* <https://laws-lois.justice.gc.ca/eng/acts/o-2.4/>

Annex D: Alternative Tools supporting Provisions under the *Oceans Act*



Marine Spatial Planning*

Marine Spatial Planning is a collaborative and transparent approach to managing ocean spaces that helps to balance the increased demand for human activities with the need to protect marine ecosystems. It takes into consideration all activities and partners in an area to help make informed decisions about the management of our oceans in a more open and practical way.

Marine Spatial Planning is internationally recognized as an effective tool for transparent, inclusive and sustainable oceans planning and management. Approximately 65 countries are currently using this approach.

Marine Spatial Plans are tailored to each unique area to help manage human activities and their impacts on our oceans. Depending on the area, these plans may include areas for potential resource development and areas that require special protection.

Marine Spatial Planning in Canada's Pacific North Coast (Northern Shelf Bioregion)

Marine Spatial Planning in the Pacific North Coast will bring together federal, provincial, and Indigenous partners to share knowledge and to work together to better manage activities in this area. The Pacific North Coast covers approximately two-thirds of the coast of British Columbia, extending from the top of Vancouver Island, including Quadra Island and Bute Inlet, to the Canada–United States border at Alaska; an area that is also known as the Northern Shelf bioregion.

The Marine Spatial Planning process will build on existing initiatives including the Pacific North Coast Integrated Management Area (PNCIMA) planning process, the Marine Plan Partnership (MaPP), development of a marine protected area network for the Northern Shelf bioregion, as well as Canada's Oceans Protection Plan.

The Oceans Protection Plan is the largest investment ever made to ensure our oceans are clean, safe and healthy today and for future generations. The Plan has wide ranging initiatives to ensure the preservation of ecosystems, safer marine shipping and increased scientific research in partnership with communities and Indigenous Peoples.

In February 2017, a plan for PNCIMA was endorsed by the Minister of Fisheries, Oceans and Canadian Coast Guard; the Coastal First Nations-Great Bear initiative; the North Coast-Skeena First Nations Stewardship Society; and the Province of British Columbia. It commits partners to work together to ensure that healthy and functioning ecosystems and coastal communities are maintained in this significant and unique marine area of Canada. The signing of the *Reconciliation Framework Agreement for Bioregional Oceans Management and Protection* represents an important step in implementing PNCIMA.

* <https://www.dfo-mpo.gc.ca/oceans/publications/backgroundunder-fiche/marinespatialplanning-planificationespacemarin/index-eng.html>

Annex E: Management Action Plan (MAP)



Evaluation of DFO's activities in support of Aquatic Species at Risk (Project # 96521)
Performance Measurement and Evaluation Committee (PMEC) Date: December 2, 2021
MAP Completion Target Date: December 2023
Lead ADM/DC: Alexandra Dostal, Assistant Deputy Minister, Aquatic Ecosystems

Recommendation 1: FEBRUARY 2023

Recommendation: It is recommended that the Assistant Deputy Minister, Aquatic Ecosystems, with the Senior Assistant Deputy Minister, Fisheries and Harbour 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.

Rationale: There is a need for a more holistic decision-making forum to effectively manage the complexity of delivering aquatic species at risk activities. While several species at risk-related committees and working groups are currently in place, existing fora do not include the full range of programs that can provide relevant input for species at risk decision making and activities. The current governance structures do not provide adequate direction and oversight on the complex delivery of aquatic species at risk activities, and there is a need to define roles and responsibilities for all levels of management responsible for the delivery of aquatic species at risk activities.

Management Response

The Species at Risk (SAR) Program has overall departmental lead responsibility for delivering on Fisheries and Oceans Canada's (DFO) legislative requirements under the Species at Risk Act (SARA), and related priorities regarding aquatic species at risk. However, delivering on those requirements and priorities necessitates a wide range of knowledge and expertise, as well as leadership from departmental sectors and programs reflecting different areas of the Department's mandate. As such, the SAR Program works collaboratively with partners across all regions of the Department and with multiple sectors, including Fisheries and Harbour Management, Ecosystems and Oceans Science, and Strategic Policy.

Annex E: Management Action Plan (MAP)



Management Response (continued)

While the SAR Program participates in many governance structures in DFO, it recognizes that no single committee in which it currently participates fulfills the governance needs, as set out in Recommendation 1, for holistic and targeted aquatic species at risk-related discussions and decision making involving the spectrum of contributing sectors and programs, across headquarters and regions.

The Assistant Deputy Minister (ADM) of Aquatic Ecosystems (AE) accepts the recommendation made in the Evaluation Report, and the SAR Program commits to a review of existing departmental governance structures to determine whether any are appropriate venues to address issues related to departmental alignment on, and delivery of functions and responsibilities for, aquatic species at risk. Discussions are underway with other sectors and regions in an effort to transform the program, including one on the need for appropriate governance structures. The governance review will be conducted in light of the cross-sectoral and cross-regional nature of species at risk and species at risk habitat conservation and protection with the aim of better understanding the type of governance structures and discussion fora that could be implemented to support best possible decision making, cross-departmental integration, and benefits for aquatic species at risk that take advantage of new or ongoing initiatives. Once a review of governance structures has taken place, the SAR Program will propose an appropriate governance structure to ADMs and Regional Director Generals (RDGs), either existing or proposed, to function as a venue for species at risk-related discussions and Executive-level decision making. The SAR Program, following discussion with other sectors, will also make recommendations on roles and responsibilities to be assumed by the various sectors and regions that deliver on SARA implementation and aquatic species at risk priorities.

Link to larger program or departmental results (if applicable)

Annex E: Management Action Plan (MAP)



MAP Results Statement <i>Result to be achieved in response to the recommendation</i>	MAP Milestones <i>Critical accomplishments to ensure achievement of result for PMEC's approval</i>	Completion Date <i>Month, Year</i>	Director General Responsible
<p>1. A governance structure is implemented that allows for more holistic and targeted decision making, with clearly identified roles and responsibilities for the Species at Risk Program, as well as other DFO programs, sectors and regions implicated in the delivery of the Department's species at risk activities.</p>	<p>1.1 In order to determine if any of the existing governance bodies in DFO can be leveraged more fully, the Species at Risk Program will, in collaboration with Strategic Policy sector and with the participation of other implicated programs, sectors, and regions, complete an analysis of existing governance bodies in DFO to identify whether they can be used, improved, or optimized to support the governance of Species at Risk. This analysis will include:</p> <ul style="list-style-type: none"> a) Identification of the changes, if any, that would be required to modify existing governance bodies to meet the needs identified for the goals set out in the Recommendation; or, b) If no existing governance body will meet those needs, identification of the necessary design elements of a governance structure that would most appropriately support shared and holistic decision-making and discussion regarding delivery on species at risk requirements, priorities and objectives, including clearly identifying associated roles and responsibilities. Should a new governance body be required, this process will produce an analysis document containing a proposed structure determined most appropriate by implicated programs, sectors and regions, on a consensus basis if possible, or alternatively reflecting a majority view. 	<p>June 2022</p>	<p>Biodiversity Management (LEAD) Strategic Policy & Priorities Fisheries Resource Management Conservation and Protection Marine Planning and Conservation Ecosystems Management Ecosystem Science Science Programs Economic, Statistics and Data Governance Legislative and Regulatory Affairs Communications Departmental Legal Services All RDGs</p>

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	<p>1.2 If necessary approvals are received to proceed, the Species at Risk Program, in collaboration with DFO programs, sectors and regions who are implicated in the delivery of species at risk activities, will jointly establish a new governance body, or ensure that the Terms of Reference is updated to the extent required, should an existing governance body be identified.</p>	<p>December 2022</p>	<p>Biodiversity Management (LEAD) Strategic Policy & Priorities Fisheries Resource Management Conservation and Protection Marine Planning and Conservation Ecosystems Management Ecosystem Science Science Programs Economic, Statistics and Data Governance Legislative and Regulatory Affairs Communications Departmental Legal Services All RDGs</p>

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Recommendation 2: DECEMBER 2023

Recommendation: 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.

Rationale: The Species at Risk Program produces recovery documents (Recovery Strategies, Action Plans, and Management Plans) that provide large amounts of 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 and reporting on results and progress. Where feasible, clear and specific identification of parties responsible for recovery actions, timelines for these actions, and performance measures and targets to measure success could improve the effectiveness of recovery documents as a key tool.

Management Response

The ADM of Aquatic Ecosystems recognizes that both additional and clarified guidance for the development and implementation of recovery documents would be beneficial. The development of recovery documents has been the subject of guidance for many years; some improvements may be called for to clarify processes as well as document content, the intent and function of recovery documents, and to maximize opportunities for recovery and conservation. A series of working groups, some implicating other sectors within DFO, has been established to actively identify and work on improvements. New guidance is needed on the process of development, review and approval of SARA recovery documents, including how internal programs, sectors and regions collaborate to support and advance this work. Further, there is a need to explore identified gaps in current guidance regarding tracking and implementation of recovery actions and possible areas for improvement.

The SAR Program is already leading discussions on how to transform the way the Department protects and recovers aquatic species at risk as part of its Nature Legacy (NL) Initiative. This includes identifying priorities for advancing protection and recovery through recovery actions and reporting. This transformation is currently under development as a whole-of-Department process, with a focus on the implementation of multispecies, place, and threat-based approaches, where possible, to the delivery of SARA. To contribute to improved conservation outcomes, SAR Program is developing a Departmental internal change strategy, having extensively engaged in 2019 and 2020 with programs, sectors, and regions across the Department, to identify internal challenges to delivering on the SARA. This recommendation can link to ongoing efforts under SARA transformation to maximize planning and implementation opportunities.

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Management Response (continued)

While the ADM of AE accepts the recommendation and has already identified a need for transforming how DFO, at least, approaches the development of guidance and the implementation of recovery actions, it is recognized there are also challenges associated with supporting the implementation of recovery actions and the assessment of progress. Other government departments as well as provinces and territories, sometimes other countries, and in some circumstances, Indigenous groups, maintain jurisdiction and responsibility in some areas that pertain to aquatic species at risk and aquatic species at risk habitat management, and which are identified for action in recovery and management planning documents. DFO will strive to identify potential solutions that recognize this fact, and which acknowledge that in many cases, effectiveness will be subject to the willingness, ability and sphere of influence over partners. Any approach put forward as a solution will also recognize the prescriptive requirements of SARA regarding the creation of recovery documents (e.g., collaboration and consultation requirements), which often results in heavy investment of time and resources, and difficulties in meeting legislated recovery document timelines.

In consultation with other programs, sectors and regions, the SAR Program, under the direction of the ADM of AE, will work to update existing guidance and create new guidance where necessary that will focus on providing new approaches to recovery document development to support the implementation of recovery actions that benefit aquatic species at risk and the assessment of progress. To do this, the SAR Program will further explore gaps and will identify priorities in collaboration with other programs, sectors, and regions. In doing so, the SAR Program will also work to establish new processes to support the development, review, and approval of recovery documents, to enhance efficiencies and to establish national coherence. This will involve further exploring gaps, identifying priorities, and drafting guidance that will focus on enhancing current processes and improved clarity on recovery implementation and reporting on progress. The draft guidance will then be tabled for approval and implemented if accepted.

Link to larger program or departmental results (if applicable)

- Conservation of Biodiversity Targets (Department Sustainable Development Strategy)
- Departmental Plan 2021-2022 Departmental Result: Negative impacts on Canada's oceans and other aquatic ecosystems are minimized or avoided

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MAP Results Statement <i>Result to be achieved in response to the recommendation</i>	MAP Milestones <i>Critical accomplishments to ensure achievement of result for PMEC's approval</i>	Completion Date <i>Month, Year</i>	Director General Responsible
<p>2. The Species at Risk Program has improved guidance for the development of recovery documents and supporting review processes, and has developed interim guidance related to the implementation of recovery actions with the objective of more effectively supporting the carrying out of recovery actions and the assessment of progress.</p>	<p>2.1 The Species at Risk Program will, in collaboration with implicated programs, sectors and regions:</p> <ul style="list-style-type: none"> a) Identify and prioritize improvements for existing guidance related to standardization of recovery document content, intent, function, and processes, and identify new related guidance needs, if any, and; b) Update existing guidance to reflect improvements, and develop a work plan to initiate development of any new guidance documents. 	<p>December 2022</p>	<p>Biodiversity Management (LEAD) Ecosystem Science Economics, Statistics and Data Governance Fisheries Resource Management All RDGs</p>
	<p>2.2 The Species at Risk Program will, in collaboration with implicated programs, sectors and regions:</p> <ul style="list-style-type: none"> a) Further explore the gaps that have already been identified as part of the program evaluation relating to how to facilitate implementation of recovery actions and the assessment of progress, and; b) Identify the two top priorities for areas for improvement. 	<p>July 2022</p>	<p>Biodiversity Management (LEAD) Ecosystems Management Ecosystem Science Fisheries Resource Management Conservation and Protection All RDGs</p>

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MAP Results Statement <i>Result to be achieved in response to the recommendation</i>	MAP Milestones <i>Critical accomplishments to ensure achievement of result for PMEC's approval</i>	Completion Date <i>Month, Year</i>	Director General Responsible
	2.3 The Species at Risk Program will draft guidance to address the top two priorities identified in 2.2, in collaboration with other sectors and regions. A timeline to address other areas for improvement will also be established.	July 2023	Biodiversity Management (LEAD) Ecosystems Management Ecosystem Science Fisheries Resource Management Economics, Statistics and Data Governance Departmental Legal Services All RDGs
	2.4 The Species at Risk Program will seek approvals of the new guidance, in collaboration with other sectors and regions.	December 2023	Biodiversity Management (LEAD) Ecosystem Science Fisheries Resource Management Economics, Statistics and Data Governance Departmental Legal Services All RDGs

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Recommendation 3: DECEMBER 2023

Recommendation: It is recommended that the Assistant Deputy Minister, Aquatic Ecosystems, with the Senior Assistant Deputy Minister, Fisheries and Harbour 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.

Rationale: A large portion (52 per cent) of SAR Program 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. Accountability for species at risk deliverables resides with the SAR Program, however the program has limited ability to exert influence over the prioritization of species at risk activities which compete with other priorities in partner sectors.

Management Response

The ADMs, Chief Financial Officer (CFO) and RDGs accept the recommendation made in the Evaluation Report to reassess how accountabilities for species at risk funding are documented with the aim of ensuring greater accountabilities, and, through the SAR Program, commit to conducting a review and analysis of existing financial and accountabilities mechanisms for aquatic species at risk across DFO.

As detailed in the Evaluation Report, current internal funding distribution mechanisms are primarily outside of the control of the SAR Program due to how the Department is organized; as such, SARA funding distributed to other DFO sectors can be difficult to track and validate by the SAR Program itself.

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Management Response (continued)
<p>The SAR Program commits to working with the CFO as well as with partners in species at risk delivery, including the Fisheries and Harbour Management, Ecosystems and Oceans Science, and Strategic Policy sectors and all regions to review existing processes for distribution of species at risk funds and to analyze existing accountabilities and practices within the parameters of the Department’s organizational model as well as the extent of influence of the SAR Program on utilization of distributed resources. The SAR Program commits to working with other programs, sectors, and regions to identify the requirements across the Department that would be necessary to make improvements to the current accountabilities and deliverables, and commits, in light of those identified requirements, to identify possible alternate financial and accountabilities arrangements that could help to improve on identified weaknesses in existing financial and accountabilities arrangements and structures. The determination of possible alternate arrangements will take into consideration relevant factors including capacity of programs, sectors, and regions to meet requirements for an arrangement to be successful.</p> <p>The SAR Program’s ability to determine the use of financial and accountabilities processes and mechanisms, and choices amongst them, does not extend to those of other sectors or regions, and its financial management and accountabilities approaches must fall within the parameters of existing departmental and Treasury Board of Canada Secretariat policies. Therefore, the SAR Program, in consultation with other sectors, programs, and regions, will propose for adoption by the Department suggested roles and responsibilities to be assumed by various organizations and positions who deliver on SARA implementation.</p>
Link to larger program or departmental results (if applicable)

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MAP Results Statement <i>Result to be achieved in response to the recommendation</i>	MAP Milestones <i>Critical accomplishments to ensure achievement of result for PMEC's approval</i>	Completion Date <i>Month, Year</i>	Director General Responsible
<p>3. Subject to concurrence and commitment of all implicated programs, sectors and regions, financial and accountability processes and mechanisms are implemented to support greater accountability for use of Species at Risk Program resources and delivery on requirements.</p>	<p>3.1 The Species at Risk Program will, in partnership with the CFO sector, form a Working Group to be comprised of representatives in the Species at Risk Program and CFO, as well as the Program's co-delivering and supporting sectors, programs, and regions, and will develop objectives and a scope for the Working Group.</p>	<p>June 2022</p>	<p>Biodiversity Management (LEAD) Economics, Statistics and Data Governance Budget Planning and Financial Management (CFO) Planning, Results and Evaluation (CFO)</p>
	<p>3.2 The Species at Risk Program with the support, of the Chief Financial Officer and the input and advice of the Working Group, will:</p> <ul style="list-style-type: none"> a) Complete an environmental scan of roles and responsibilities across various management levels and across the Department's organizations as they pertain to supporting activities required under the Species at Risk Act and/or to advance priorities for species at risk, and using species at risk funding. b) Formulate proposals for changes to roles and responsibilities as well as recommendations regarding the formalization of those roles and responsibilities, as needed. 	<p>September 2023</p>	<p>Biodiversity Management (LEAD) Economics, Statistics and Data Governance Budget Planning and Financial Management (CFO) Planning, Results and Evaluation (CFO) All RDGs</p>

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	c) Present findings, proposed roles and responsibilities, options for improvements to existing processes to strengthen financial and other accountabilities, and recommended approaches to DFO senior management for endorsement.		
	3.3 The Species at Risk Program and the CFO, with the agreement of other DFO programs, sectors and regions, will implement improvements to existing processes to strengthen financial and other accountabilities.	December 2023	Biodiversity Management (LEAD) Chief Financial Officer Economics, Statistics and Data Governance Strategic Policy & Priorities Fisheries Resource Management Conservation and Protection Marine Planning and Conservation Ecosystems Management Ecosystem Sciences Economic Analysis and Statistics Legislative and Regulatory Affairs Communications Departmental Legal Services All RDGs

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Recommendation 4: DECEMBER 2023

Recommendation: It is recommended that the Assistant Deputy Minister, Aquatic Ecosystems, with the Senior Assistant Deputy Minister, Fisheries and Harbour 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.

Rationale: There are some instances, particularly when urgent intervention is required, where SARA's strong provisions are the best tool for protecting and recovering aquatic species at risk. However, in other cases, other legislative tools at the Department's disposal may provide more flexible or effective options for the protection and conservation of species. For example, the establishment of ecologically significant areas under the Fisheries Act can be used to protect and recover aquatic species at risk and provides more flexibility to mitigate potential socio-economic consequences when compared to SARA.

Management Response

The ADMs and RDGs accept the recommendation made in the Evaluation Report and, through the SAR Program, commit to a review of alternate legislative tools other than under SARA, such as the Fisheries Act and the Oceans Act, to determine if they can be leveraged in the protection and recovery of species at risk as an alternative to SARA.

It is acknowledged that this review may also disclose non-legislative tools; however, exploration of how these might be used as alternative tools to SARA would be outside the scope of this Management Response. There is already acknowledgement within the Department, including by the SAR Program, of the potential value of leveraging other tools to support species at risk protection and recovery. Development of DFO's Pan Canadian Approach to Aquatic Species at Risk is underway; a key objective is to conduct a thorough analysis of the use of other tools when it is strategic to do so. In addition, the use of alternative tools is being explored in an ad hoc way, in some specific scenarios.

Due to the complexity of this line of enquiry, the SAR Program acknowledges that this will evolve best through a longer-term, phased approach, starting with an analysis phase, including the identification of the tools and when they are appropriate, and any required policy changes so that specific tools may be optimized to support species at risk objectives. Subsequent phases could include implementation of one or more alternative tools in accordance with identified opportunities. This process will necessitate collaboration across the Department and potentially with other government departments.

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Link to larger program or departmental results (if applicable)			
MAP Results Statement <i>Result to be achieved in response to the recommendation</i>	MAP Milestones <i>Critical accomplishments to ensure achievement of result for PMEC's approval</i>	Completion Date <i>Month, Year</i>	Director General Responsible
4. Options for leveraging legislative tools outside of the Species at Risk Act have been explored with the intention of implementing when, and in, circumstances where leveraging these tools is feasible.	4.1 The Species at Risk Program will lead (and other programs, sectors and regions will participate in) a review of legislative tools for potential use in species at risk protection and recovery as alternatives to tools under the Species at Risk Act, including an inventory of all federal legislative tools available to DFO and a strengths and weaknesses analysis. This will include identification of necessary policy changes to facilitate use of alternative tools to their full potential. Collaboration on this analysis will be supported by ongoing engagement, including under DFO's Pan Canadian Approach to Aquatic Species at Risk. A document will be developed setting out the conclusions.	March 2023	Biodiversity Management (LEAD) Fisheries Resource Management Fisheries Policy Marine Planning and Conservation Ecosystems Management Departmental Legal Services Blue Economy Policy Conservation and Protection All RDGs

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	4.2 The Species at Risk Program and other implicated programs, sectors and regions will, as part of the processes described above, explore possible existing opportunities to test the use of alternative tools, and prioritize the opportunities if more than one. Such possibilities would be presented for discussion and approval.	September 2023	Biodiversity Management (LEAD) Fisheries Resource Management Conservation and Protection Marine Planning and Conservation Ecosystems Management Departmental Legal Services All RDGs
	4.3 If one or more priority opportunities to use alternative tool(s) are to be implemented, the Species at Risk Program, along with the implicated programs, sectors and regions, will prepare one or more work plans for implementation.	December 2023	Biodiversity Management (LEAD) Fisheries Resource Management Marine Planning and Conservation Ecosystems Management Departmental Legal Services All RDGs