



**Environment and Climate Change Canada
Management Action Plan**
For the recommendations of report 3: [Discretionary Powers to Protect Species at Risk](#)
Spring 2023 Report of the Commissioner of the Environment and Sustainable Development

Date: February 2023

Paragraph number in report	CESD Recommendation	Departmental Response	Description of Final Expected Outcome/Result	Expected Final Completion Date	Action Plan and Key Milestones (Description/Dates)	Responsible Organization/ Contact Person (Division/ Directorate, Branch)
29	<p>In support of generating advice on the use of safety net and emergency order provisions under the <i>Species at Risk Act</i>, and in recognition of provincial and territorial responsibilities, along with the important role of all Canadians in preventing wildlife species from going extinct, ECCC should build on-established processes to:</p> <ul style="list-style-type: none"> systematically gather information from Indigenous groups and other stakeholders external to the federal government (e.g., non-governmental organizations, and Canadian citizens) on existing protections for and potential threats to wildlife species and their habitats. make information accessible to the public on how they can submit information on existing protections for wildlife species and their habitats and on potential threats to wildlife species. develop internal guidance on how submissions from the public are incorporated into the advice on the use of safety net and emergency 	<p>Environment and Climate Change Canada's response. Agreed</p> <p>Environment and Climate Change Canada recognizes provincial/territorial authority on provincial/territorial lands. ECCC commits to establishing a process that first identifies the contribution of provincial/territorial measures to inform the application of the safety net and emergency order provisions.</p> <p>Environment and Climate Change Canada notes the value in accessing information on protections and potential threats in order to support the Minister's discretionary authorities of the safety net and emergency provisions.</p> <p>Environment and Climate Change Canada will continue to regularly solicit information, and will gather additional information, from provincial and territorial governments, stakeholders and partners in order to complement information on existing protections and potential threats to wildlife species to provide advice for the Minister of the Environment (MOE) on the</p>	<p>Internal guidance on process for engaging provinces, gathering information and informing stakeholders and partners to provide advice for the MOE on the use of discretionary provisions under the <i>Species at Risk Act</i> (SARA) is developed.</p>	November 2024	<p>ECCC will summarize the current processes used to gather information on existing protections and potential threats (including s63 reporting and threat assessment processes), which are possible inputs to generating advice to MOE on the discretionary provisions under SARA. (July 2023)</p> <p>ECCC will engage via existing fora (such as Recovery of Nationally Endangered Wildlife [RENEW] for provinces and territories, and National Aboriginal Council on Species at Risk [NACOSAR] for Indigenous organizations) to solicit feedback on ways to strengthen the information gathering processes that could be used for generating this advice. (November 2023)</p> <p>ECCC develop and finalize internal guidance that details the types and criteria of information to be used in generating advice, the method and frequency for gathering the information, and the method of analysis of the information to result in advice for MOE. (November 2024)</p>	<p>Lead: Species at Risk Implementation Division, Wildlife Management Directorate (WMD), Canadian Wildlife Service (CWS)</p> <p>Support: Species at Risk Act Policy Division, WMD, CWS</p>



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	order provisions along with the consideration of other tools available under the Act.	<p>use of discretionary provisions under the <i>Species at Risk Act</i>.</p> <p>The Department will work to develop accessible guidance on the information needs to provide advice to the Minister on the use of SARA's emergency order provisions.</p> <p>Implementation date: November 2024</p>				
32	ECCC, in collaboration with provinces and territories, and with input from Fisheries and Oceans Canada and Parks Canada as appropriate, should establish a transparent approach to providing advice on the protection of wildlife species and critical habitat to allow for timely and informed recommendations on the use of safety net and emergency order provisions. This approach should be predictable and include timelines for developing the advice based on the context of the situation (e.g., the size of the geographic area being considered and the extent of consultations). The Department should make available to the public the expected timelines for different scenarios (such as more local versus more national in scope and more complex).	<p>Environment and Climate Change Canada's response. Agreed</p> <p>Environment and Climate Change Canada recognizes the importance of conservation measures and contributions by partners and accessing the best-available information. ECCC, with input from Fisheries and Oceans Canada and Parks Canada as appropriate, will establish an approach to support timely, transparent, and informed decisions related to the use of SARA's emergency order or safety net provisions to protect wildlife species on non-federal lands.</p> <p>Implementation date: November 2024</p>	Internal guidance on process for advising and gathering information solicited from stakeholders and partners to provide advice for the MOE on the use of discretionary provisions under SARA is developed.	November 2024	ECCC will finalize internal guidance that details general expected timelines, the types and criteria of information to be used in generating advice, the method and frequency for gathering the information, and the method of analysis of the information to result in advice for MOE, in support of the implementation of the <i>Policy on Assessing Imminent Threat under Sections 29 and 80 of the Species at Risk Act</i> and the <i>Policy on Critical Habitat Protection on Non-Federal Lands</i> . (November 2024)	<p>Lead: Species at Risk Implementation Division, WMD, CWS</p> <p>Support: Species at Risk Act Policy Division, WMD, CWS</p>
37	ECCC should provide more complete information in progress reports under section 63 of the <i>Species at Risk Act</i> by ensuring comprehensive reporting on	<p>Environment and Climate Change Canada's response. Agreed</p> <p>Environment and Climate Change Canada</p>	A critical habitat national data layer is published and maintained/updated.	March 2025	ECCC will publish its first critical habitat national data layer on the Open Science and Data Platform so that it can be used to as part of the process of critical habitat protection assessments, to	<p>Lead: Species at Risk Implementation Division, WMD,</p>



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	<p>protection steps for species under each jurisdiction. The reports should identify</p> <ul style="list-style-type: none"> species with critical habitat on non-federal land that are not protected the amount of critical habitat where no steps have been taken to protect that critical habitat <p>The department should also use knowledge generated through the progress reports and other habitat information to support its assessments and the responsibilities of the Minister of Environment and Climate Change with respect to the safety net provisions under section 61 of the Act</p>	<p>will continue to improve the information reported on steps taken by provinces and territories to protect critical habitat, including determining how to identify the species, and amount of their critical habitat, where there have been no steps taken toward the protection of its critical habitat.</p> <p>ECCC will examine and refine approaches to information gathering and sharing with provinces and territories about critical habitat and threats, and its subsequent analysis, in order to support advice and ministerial decision-making.</p> <p>Implementation date: March 2025</p>	<p>Reporting on steps taken for critical habitat protection by provinces and territories is strengthened and aligns to openly-available critical habitat information, and finalized policy and guidance.</p>		<p>support timely and informed recommendations to the Minister. (December 2023)</p> <p>ECCC will continue to report bi-annually on existing protections and potential threats to species through section 63 progress reports (Publication of reports in June 2023, December 2023, June 2024)</p> <p>In the preparation of the June and December 2023 reports, ECCC will work with PTs to evaluate the process used to gather information used in the section 63 reports, to strengthen both the information gathered and the way it is reported. (December 2023)</p> <p>ECCC's December 2024 report will align with the internal guidance finalized in support of the <i>Policy on Critical Habitat Protection on Non-Federal Lands</i> (December 2024)</p> <p>ECCC will develop a process for determining and communicating the amount of critical habitat with protection steps that are underway for species, and the amount where there are no steps underway. (March 2025)</p>	<p>CWS</p> <p>Support: Species at Risk Act Policy Division, WMD, CWS</p>



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45	ECCC should work with its partners to strengthen conservation agreements to include milestones, measurable targets, clear accountability measures, and sufficient information to track and assess meaningful progress and results to generate conservation agreements that can be used as mechanisms to protect critical habitat.	<p>Environment and Climate Change Canada's response. Agreed</p> <p>Environment and Climate Change Canada will work toward strengthening forthcoming and renewed conservation agreements for boreal and southern mountain caribou.</p> <p>This will be informed through the development and implementation of a Conservation Agreement Assessment Framework and associated tool to assess conservation agreement implementation and identify areas for improvement.</p> <p>Implementation date: November 2023</p>	<p>Strengthened new and renewed conservation agreements for boreal and southern mountain caribou via application of framework and tool.</p> <p>Finalization of Conservation Agreement Assessment Framework (CAAF) and Conservation Agreement Assessment Tool (CAAT).</p>	November 2023	<p>CAAF & CAAT:</p> <p>March 2023: Draft of the Conservation Agreement Assessment Framework and Conservation Agreement Assessment Tool</p> <p>April 2023 – June 2023: Stakeholder and PT Engagement</p> <p>July 2023– October 2023: Approval from Governance Structure</p> <p>November 2023: Finalization and implementation of the Conservation Agreement Assessment Framework and Conservation Agreement Assessment Tool</p> <p>Strengthening agreements:</p> <p>January 2023: For agreements expiring in 2023, ECCC will start leveraging recommendations from the OAG to add in required components and strengthen agreements utilizing the draft Conservation Agreement Assessment Framework and Conservation Agreement Assessment Tool.</p>	Priority Species Division, Strategic Priorities Directorate (SPD), CWS
49	ECCC should gather, consolidate, and use information on conservation agreements to ensure they contribute to the recovery objectives of the species and to support decisions for protecting species and habitats, including through the use of the safety net provision under Section 61 of the <i>Species at Risk Act</i> .	<p>Environment and Climate Change Canada's response. Agreed</p> <p>Environment and Climate Change Canada will work toward supporting decisions on protecting boreal and southern mountain caribou and their habitat by providing an internal annual report on the implementation of conservation agreements to the Minister. ECCC will use the section 61 policy, once drafted, to inform these annual reports.</p>	<p>Annual internal Ministerial report on status and achievements of conservation for boreal and southern mountain caribou to support decisions to protecting caribou and their habitats.</p> <p>Assessment of incoming range plans or other landscape-level planning</p>	October 2023 and as range plans are submitted (ongoing)	<p>October 2023: First internal annual Ministerial conservation agreement implementation report; continuing reporting annually.</p> <p>October 2023: Assess range plans or other landscape-level planning against requirements of the recovery strategies and Range Plan Guidance; continue assessment of plans as they come in.</p>	Priority Species Division, SPD, CWS



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		<p>To support the internal annual report, Environment and Climate Change Canada will assess incoming provincial and territorial range plans or other landscape-level planning, committed to under conservation agreements, against the requirements of the recovery strategies and/or Range Plan Guidance. These plans are intended to be a mechanism for jurisdictions to outline how critical habitat will be managed and protected.</p> <p>Implementation date: October 2023.</p>	<p>against requirements of the recovery strategies and Range Plan Guidance.</p>			
56	<p>ECCC, in collaboration with Fisheries and Oceans Canada and Parks Canada as appropriate, should complete its guidance for developing and updating <i>Species at Risk Act</i> policies. The guidance document should include elements such as a consistent approach for policy development and a process for the regular review of policies.</p>	<p>Environment and Climate Change Canada's response. Agreed</p> <p>Environment and Climate Change Canada recognizes the importance of having coherent, up-to-date policies and associated guidance to ensure consistency and transparency in the interpretation and administration of the <i>Species at Risk Act</i>, and to support the development of advice to the minister that is timely and based on the best-available information.</p> <p>Environment and Climate Change Canada, in collaboration with Parks Canada and the Fisheries and Oceans Canada, as appropriate, will finalize an internal guidance document for developing and updating <i>Species at Risk Act</i> policies to ensure a consistent approach to policy development.</p> <p>Implementation date: September 2023.</p>	<p>ECCC's Guidance for Developing and Updating Species at Risk Act Policies is finalized, and supports the renewal and completion of policies under the <i>Species at Risk Act</i>.</p>	September 2023	<p>ECCC will finalize the Guidance for Developing and Updating Species at Risk Act Policies document. (September 2023)</p>	<p>Lead: Species at Risk Policy Division, Wildlife Management Directorate (WMD), CWS</p>



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59	<p>ECCC, in collaboration with Fisheries and Oceans Canada and Parks Canada as appropriate, should renew and complete its relevant policies on the use of provisions of the <i>Species at Risk Act</i> for sections 11, 61 and 80 and should develop policies on the use of the provisions of the act for sections 34 and 35. In doing so, ECCC should address areas such as gaps and inconsistencies in its policies and actively engage Indigenous groups and other stakeholders external to the federal government (e.g. other levels of government, non-governmental organizations and Canadian citizens) and take their input into consideration.</p>	<p>Environment and Climate Change Canada's response. Agreed</p> <p>Environment and Climate Change Canada recognizes that the protection and conservation of species at risk in Canada is a collaborative effort between jurisdictions, partners and stakeholders, particularly given provinces and territories have primary responsibility for terrestrial species at risk on non-federal land.</p> <p>Environment and Climate Change Canada will update or develop its policies to support the exercise of the minister's discretionary authorities outlined in this audit. (sections 11, 34, 35, 61 and 80).</p> <p>Environment and Climate Change Canada will also engage partners and stakeholders to gather their input and to ensure that their perspectives are considered in the finalization of the policies.</p> <p>Implementation date: January 2025</p>	<p>The Policy on Assessing Imminent Threat under Sections 29 and 80 of the Species at Risk Act – which supports the provisions of advice to the Ministers in relation to the Act's emergency order and emergency listing provisions – is finalized and published on the Species at Risk Public Registry.</p> <p>The Policy on Critical Habitat Protection on Non-Federal Lands – which supports the provisions of advice to the Ministers in relation to the Act's safety net provision – is finalized and published on the Species at Risk Public Registry.</p> <p>Partner and stakeholder engagement to solicit feedback and input on the on the following draft policies related to <i>Species at Risk Act</i> is completed:</p> <ul style="list-style-type: none"> • <i>Policy on Assessing Imminent Threat under Sections 29 and 80 of the Species at Risk Act</i> • <i>Policy on Critical Habitat Protection on Non-Federal Lands</i> 	January 2025	<p>ECCC will publish the draft "Policy on Assessing Imminent Threat under Sections 29 and 80 of the <i>Species at Risk Act</i>" on the Species at Risk Public Registry for a 60-day public comment period. (April 2023)</p> <p>ECCC will review comments received during the public engagement period and take them into account when finalizing the Policy on Assessing Imminent Threat under Sections 29 and 80 of the <i>Species at Risk Act</i> (September 2023)</p> <p>ECCC will publish the final Policy on Assessing Imminent Threat under Sections 29 and 80 of the Species at Risk Act on the Species at Risk Public Registry. (October 2023)</p> <p>ECCC will undertake consultations on a Discussion paper related to the policy on Critical Habitat Protection on Non-Federal Lands. (September 2023)</p> <p>ECCC will publish a draft of the Policy on Critical Habitat Protection on Non-Federal Lands on the Species at Risk Public Registry for a 60-day public comment period. (March 2024)</p> <p>ECCC will review comments received during the public engagement period and take them into account when finalizing the Policy on Critical Habitat Protection on Non-Federal Lands. (September 2024)</p> <p>ECCC will publish the final Policy on Critical Habitat Protection on Non-Federal Lands on the Species at Risk Public Registry. (January 2025)</p>	<p>Lead: Species at Risk Policy Division, WMD, CWS</p>



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Note:

- ECC's Audit and Evaluation Branch will refer to this MAP in its periodical follow-up with each Branch Head and in its report to the Deputy Minister on the progress made in implementing the OAG or CESD recommendations.