

# DECISION SUPPORT TOOL



For Assessing Areas Against Pan-Canadian Standards for Protected Areas and Other Effective Area-based Conservation Measures (OECMS) for Terrestrial and Inland Waters



Cape Jourimain, New Brunswick. Photo: Garry Donaldson

**PATHWAY TO CANADA TARGET 1**



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## Introduction

In 2015, in order to meet its international commitments to the conservation of biodiversity, federal, provincial and territorial governments developed 19 biodiversity targets for Canada. The first target, Target 1 states that *“By 2020, at least 17% of terrestrial areas and inland water, and 10% of marine areas, are conserved through networks of protected areas and other effective area-based conservation measures<sup>1</sup>.”*

A Pathway to Canada Target 1 accounting process following guidance in the 2019 pan-Canadian *One with Nature* report will support jurisdictions in assessing and reporting protected and conserved areas. The *One with Nature* report interprets internationally agreed to definitions for protected areas<sup>2</sup> and other conserved areas<sup>3</sup> in a way that is supportive of international guidance for these definitions within the Canadian context. The *One with Nature* report also recognizes Indigenous Protected and Conserved Areas<sup>4</sup> (IPCAs) as an important part of Canada’s conservation network.

Recognizing that different contexts exist among the provinces and territories, the decision support tool is designed to promote consistency and transparency in the identification and reporting of contributing areas for terrestrial and inland waters. The Pathway to Canada Target 1 decision-support tool and associated guidance is based on a tool originally developed and published by the Canadian Council on Ecological Areas (CCEA). The original CCEA tool has been collaboratively revised by Pathway jurisdictions, and members of the CCEA and Nature Conservancy of Canada to support jurisdictions in assessing if an area contributes to Target 1. IPCAs can be counted towards target 1 if they have the attributes of a protected or other conserved area, and if the participating Indigenous people want them to count. Jurisdictions will evaluate candidate areas against the criteria in the decision support tool, taking local factors into account. Areas that meet the criteria will can be reported to the Canadian Protected and Conserved Areas Database (CPCAD), which in turn supports reporting at the national and international levels.

The overriding purpose of a network of protected areas is to increase the effectiveness of in situ biodiversity conservation. Individual protected areas can aim to conserve biodiversity as a whole or can have conservation objectives targeting single species or habitats, impose seasonal restrictions in order to achieve protection objectives (management category IV), or allow non-

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<sup>1</sup> For the rest of this document other effective area-based conservation measures will be referred to as either other conserved areas or OECMs

<sup>2</sup> A protected area is “a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.”

<sup>3</sup> Other conserved area or OECM is a geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity, with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values” (CBD 2018)

<sup>4</sup> Indigenous protected and conserved areas (IPCAs) are lands and waters where Indigenous Peoples have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems.



industrial sustainable activities to occur in a portion of the protected area (management category VI), provided that these activities do not negatively affect the overall conservation of nature. These areas may qualify as protected areas provided they are governed and managed with conservation as their primary goal, in ways that protect broader ecosystem components and processes year-round.

OECMs are expected to contribute to the conservation of biodiversity as a whole. However, specific conservation measures for an area may target single species or subsets of biodiversity, or may impose seasonal restrictions, in order to achieve protection objectives. These areas may qualify as OECMs, provided they are governed and managed in ways that protect broader ecosystem components and processes year-round.

In keeping with the *One with Nature* report, reporting jurisdictions should work collaboratively with other governing authorities to determine if an area qualifies for reporting. The guiding text will be updated based on feedback received<sup>5</sup>, but the criteria and standards are expected to remain stable. This tool is appropriate to screen areas under any governance type, including Indigenous, federal, provincial, municipal and private.

## How to use the Decision Support Tool

Potential areas should be evaluated against all the criteria. For each criterion, the statement best aligned with the status of the potential area should be selected from the relevant row. For example, for “geographic space”, there are three options, in columns A, B, and C.

Table 1 addresses criteria where the standards are identical for protected areas and OECMs, while Table 2 addresses the remaining criteria where the standards for protected areas and OECMs differ.

- If a potential area screens to option A for all criteria in both tables, it meets the protected area standard and may be reported as a protected area.
- If an area meets column A for all criteria in Table 1 and either A or C in Table 2, it will likely be reported as an OECM.
- Areas that screen to option B in Table 1, or to options B and D in Table 2, require a more detailed assessment.

Each criterion has an “Intended Effect.” Different governance types may have different approaches, tools and mechanisms for meeting the intended effect of each criterion. Where evaluation concludes that an area meets the intended effect of the criterion, then the area meets the criterion. All criteria must be met for the area to be eligible for reporting. If only a portion of the area meets the criteria, it may be evaluated by zone. Only those zones that meet all of the criteria should be reported.

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<sup>5</sup> In particular, additional elaboration will address how best to assess the likelihood of future events, evaluate longevity of conservation mechanisms, understand what constitutes effective means of control, and include an illustrative list of conservation mechanisms that may qualify.



An area that does not meet standards for all of the criteria for protected areas or OECMs may nevertheless be contributing to the conservation of biodiversity and could be re-evaluated for reporting as a protected area or OECM once gaps have been addressed. Assessments may be completed on a case-by-case basis or in groups. However, to be assessed as a group, multiple areas should have similar objectives, conservation mechanisms, rule sets, management approaches, governance, and legal authorities.

Qualifying sites should only be reported with prior and informed consent of the governing authority. Where a separate authority is responsible for reporting, it should consult with the primary governing authority to make them fully aware of the implications of protected area or OECM recognition. For the area to be reported, the governing authority(ies) must be committed to maintaining the area's in-situ conservation outcomes and status as a protected area or OECM.

To support a community of practice and continued development of this tool, practitioners are invited to provide feedback to [ec.ERcataloguePW.ec@canada.ca](mailto:ec.ERcataloguePW.ec@canada.ca).

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## **FOCUS ON CANADA TARGET 1**

*There are 19 targets in the “2020 Biodiversity Goals and Targets for Canada” that collectively are designed to stem the loss of biodiversity. Area-based conservation measures may contribute to achieving one or more targets, depending on their objectives, characteristics, and outcomes. To be considered against Canada Target 1, sites are expected to result in the in-situ conservation of biodiversity in a manner consistent with Pathway guidance including this decision support tool.*

*Measures that contribute to Canada Target 1 may also contribute to other biodiversity targets. However, measures that focus primarily on sustainable use of the components of biodiversity at the expense of in-situ conservation of biodiversity, would not meet the standards for Canada Target 1. Such areas may contribute to other Targets such as 2 (species at risk), 6 (sustainable forestry), 7 (sustainable agriculture), and/or 9 (sustainable fisheries). They may contain within them areas that contribute to Canada Target 1, such as permanently set-aside areas of old-growth or primary forest if such areas meet all Canada Target 1 screening criteria.*

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**TABLE 1. STANDARDS COMMON TO PROTECTED AREAS and OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES**

Protected areas (PA) or OECMs should meet the standard for all criteria described in Column A. An area may also meet the standard for a protected area or OECM when it is better described by column B if further evaluation demonstrates the area is meeting the intended effect for that criterion. If not, or if the area is best described by column C, then the area does not meet the standard.

| Criteria                  | Intended Effect of Criterion  | Standards for Criteria  |   |   |
|---------------------------|---|---|---|---|
|                           |   | A. Clearly meets the standard for PA or OECM  | B. May meet the PA or OECM standard but requires further evaluation in order to make a decision   | C. Does not meet the standard for PA or OECM  |
| <b>Geographic Space</b>   | Demarcates the area to facilitate the in-situ conservation of biodiversity.   | The geographical space has clearly defined and agreed-upon borders.   | The geographical space is intended to be clearly defined but may not be easily or widely recognizable.  | The geographical space is not clearly defined.  |
| <b>Effective means -1</b> | Activities incompatible with the in-situ conservation of biodiversity do not occur and compatible activities are effectively managed. | The mechanism(s) provide(s) the ability to prevent incompatible activities and manage all other activities within the area, such that the in-situ conservation of biodiversity can be achieved. | The mechanism(s) provide(s) the ability to prevent, control and/or manage activities within the area such that the in-situ conservation of biodiversity can be achieved.                      | The mechanism(s) does/do not provide sufficient ability to prevent and/or manage activities within the area that are likely to have impacts on biodiversity.  |
| <b>Effective means -2</b> |   | The mechanism(s) compel(s) the authority(ies) to prohibit activities that are incompatible with the in-situ conservation of biodiversity.   | The mechanism(s) does/do not compel the authority(ies) to prohibit activities incompatible with the in-situ conservation of biodiversity but incompatible activities are not likely to occur. | The mechanism(s) does/do not compel the authority(ies) to prohibit activities incompatible with the in-situ conservation of biodiversity and/or incompatible activities are being allowed or are likely to occur. |
| <b>Long-term</b>          | The area is permanently protected or conserved and the mechanism is not easily reversed.  | The mechanism(s) is/are intended to be in effect for the long term and not easily reversed.   | The mechanism(s) is/are expected to be in effect for the long term and not easily reversed.   | The mechanism(s) is/are not intended or expected to be in effect for the long term or may be easily reversed.   |
| <b>Timing</b>             | Biodiversity is protected or conserved year-round.  | The mechanism(s) is/are in effect year-round.   | Seasonal mechanism(s) is/are combined with other mechanism(s) to result in the year-round in-situ conservation of biodiversity.   | The mechanism(s) is/are not in effect year-round.   |



**TABLE 2. STANDARDS THAT DIFFER BETWEEN PROTECTED AREAS AND OTHER EFFECTIVE AREA-BASED CONSERVATION MEASURES**

Protected areas (PA) should meet the standards for all criteria in Column A. If the area is best described by column B and further evaluation concludes that the area meets the intended effect of the criterion, then the area would also meet the standard for that criterion for protected areas. If not, or if the area is best described by column C, D, or E, then the area does not meet the standard for protected areas.

OECMs should meet the standards for all criteria in column C or any combination of columns A and C. If the area is best described by column B or D, *and* further evaluation concludes that the area meets the intended effect of the criterion, then the area would also meet the standard for that criterion for OECMs. If not, or if the area is best described by column E, then the area does not meet the standard for either protected areas or OECMs.

| Criteria                     | Intended Effect of Criterion  | Standards for Criteria  |  |  |  | E. Does not meet the standard for PA or OECM  |
|------------------------------|---|---|--|--|--|---|
|                              |   | A. Clearly meets the standard for PA  | B. May meet the PA standard but requires further evaluation in order to make a decision  | C. Clearly meets the standard for OECM   | D. May meet the OECM standard but requires further evaluation in order to make a decision  |   |
| <b>Primacy of Objectives</b> | Objectives are such that they result in the in-situ conservation of biodiversity.       | Conservation objectives are stated as primary and overriding of other objectives.   | Based on evident intent (e.g., management intent, stated or implied conservation objectives, allowable and prohibited activities), conservation objectives are primary and overriding, or are given priority when there is conflict among objectives | Primary and overriding objectives are clear and not in conflict with the in-situ conservation of biodiversity. | Based on evident intent (e.g., management intent, stated or implied objectives, allowable and prohibited activities), primary and overriding objectives are not expected to result in adverse impacts on the in-situ conservation of biodiversity. | Based on evident intent the in-situ conservation of biodiversity is likely to be compromised by conflicting objectives, or objectives do not exist. |
| <b>Scope of Objectives</b>   | Objectives have sufficient scope to result in the in-situ conservation of biodiversity. | The objectives are for the in-situ conservation of biodiversity as a whole, or for indigenous values accomplished through the in-situ | The objectives are for the in-situ conservation of a subset of biodiversity or indigenous values, such as particular species or habitats, accomplished through the in-situ   | The area has objectives consistent with, whether intentionally or otherwise, the in-situ                       | Even though biodiversity conservation is not necessarily a management objective, the area delivers in-situ conservation of biodiversity as a by-product of management.   | The objectives are neither for, nor consistent with, the in-situ conservation of biodiversity; or objectives do not exist.                          |



| Criteria                                  | Intended Effect of Criterion   | Standards for Criteria   |   |   |  | E. Does not meet the standard for PA or OECM   |
|---|--|--|---|---|--|--|
|   |  | A. Clearly meets the standard for PA   | B. May meet the PA standard but requires further evaluation in order to make a decision   | C. Clearly meets the standard for OECM  | D. May meet the OECM standard but requires further evaluation in order to make a decision  |  |
|   |  | conservation of biodiversity.  | conservation of biodiversity.   | conservation of biodiversity.   |  |  |
| <b>Governing Authorities</b>              | The in-situ conservation of biodiversity is not jeopardized by relevant governing authorities. | All relevant governing authorities acknowledge and abide by the conservation objectives of the area. | While not all relevant governing authorities are bound by the conservation objectives, the area is being managed in a manner likely to continue achieving in-situ conservation of biodiversity. | All relevant governing authorities acknowledge and abide by a management regime that delivers the in-situ conservation of biodiversity. | While not all relevant governing authorities are bound by a management regime that delivers the in-situ conservation of biodiversity, the area is being managed in a manner likely to continue achieving the in-situ conservation of biodiversity. | Not all relevant governing authorities acknowledge and abide by the conservation objectives of the area or by a management regime likely to result in the in-situ conservation of biodiversity. As a result, the area is not managed in a manner likely to deliver the in-situ conservation of biodiversity. |
| <b>Biodiversity Conservation Outcomes</b> | Biodiversity is conserved in-situ.   | The area is achieving the conservation objectives.   | The area is being managed with the intent of, and is likely achieving, the conservation objectives.   | The area is being managed in a way that delivers the in-situ conservation of biodiversity.  | The area is being managed in a way that is likely to deliver the in-situ conservation of biodiversity.   | The area is not being managed in a way that achieves the conservation objectives or is likely to deliver the in-situ conservation of biodiversity.   |



# INTERPRETATION GUIDE

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## Geographical Space

The intended effect of the criterion is to ensure the area is demarcated such that it can facilitate the in-situ conservation of biodiversity.

### *Rationale:*

“Clearly defined” implies the area is spatial and that boundaries are agreed-upon and effectively demarcated in some way, such as by signage, maps, survey markers or by physical features that correspond with the legal boundary. Note that the geographic space in question may also be a subset of a larger area or mechanism(s). While the boundary may not always be publicly available, it should be available to decision makers, governing and management authorities, and those who are undertaking activities with the potential to degrade the site.

Ensuring the area to which the conservation measure(s) apply is clearly geographically defined or understood supports the implementation of conservation measures, the process of accounting and reporting, enforcement, identifying relevant governing authorities, and/or raising public awareness of the area. A boundary should be sufficiently recognizable to ensure compliance with management objectives and allow action to be taken against violations.

Protected areas and OECMs are generally evaluated and reported on an areal basis - i.e., in two dimensions. However, the term “geographical space” is used by both IUCN and CBD in favour of “geographical area” to encourage evaluators to consider implications of the third dimension of geographical space - the vertical dimension - on an area’s ability to effectively conserve biodiversity.

## Effective Means-1

The intended effect of the criterion is that activities that are incompatible with in-situ conservation of biodiversity do not occur and compatible activities [and their effects] are effectively managed.

### *Rationale:*

Effective Means-1 considers the ability of the mechanism(s) to enable governing authorities to prevent, control and/or manage activities that might have a negative impact on the in-situ conservation of biodiversity. In contrast, Effective Means-2 (see below) considers whether the mechanism(s) compel(s) the governing authority(ies) to apply the mechanism(s) in ways that result in that outcome.

Many kinds of human activities may have a negative impact or impair biodiversity. To be effective, a mechanism by itself or with other tools, should be able to prevent negative impacts to biodiversity and the biotic zone. This may be accomplished by excluding incompatible activities, and by controlling or managing potentially compatible activities. The ability to



exclude or manage activities could be afforded to the governing authority(ies) via legal measures or other effective means, which could include customary laws, binding agreements, influence, information-sharing, policy instruments, negotiation, agreements, partnerships or contracts.

The nature and scale of an activity, as well as the objectives for the area and the governing authority's ability to manage activities, will determine whether the activity should be excluded, controlled, and/ or managed. Consistent with Pathway and IUCN guidance (WCC\_2016\_REC\_102), environmentally damaging industrial activities and infrastructure should be excluded from protected areas and OECMs. However, the existence of subsurface rights held by a third party, is not, in and of itself, reason to rule an area out from further screening as a potential PA or OECM, as long as effective means exist to ensure that incompatible activities do not and are not likely to occur.

The compatibility of activities should be considered in the context of conservation needs. For example, while low-intensity recreational activity will often be compatible in a public land context, in some cases human access to sites may need to be restricted to protect sensitive sites, such as trampling-sensitive plant communities or migratory bird nesting grounds. Tourism and harvest of wildlife and plants may or may not be compatible with the in-situ conservation of biodiversity, depending on the objectives for the area, the extent of use, and how the activities are managed. For example, limited, subsistence-level harvest of certain non-timber forest products may be a compatible activity whereas industrial-scale forestry clearly is not.

*NOTE: Placeholder pending feedback from Indigenous partners {An area managed to support protection of cultural values and customs of Indigenous Peoples in Canada consistent with rights enshrined in s.35 of the Constitution including subsistence uses, in ways that maintain or enhance ecological integrity, may also achieve the in-situ conservation of biodiversity as a whole.}*

## Effective Means -2

The intended effect of the criterion is that activities incompatible with the in-situ conservation of biodiversity do not occur and compatible activities [and their effects] are effectively managed.

### *Rationale:*

As noted under Effective Means-1, many kinds of human activities can impair biodiversity. Having the *ability* to prevent and manage activities so that in-situ conservation of biodiversity can be achieved (Effective Means-1) is not the same as *using this ability* to ensure that incompatible activities do not occur. Effective Means-2 considers whether the governing authorities are compelled to ensure incompatible activities are excluded and potentially compatible activities are effectively managed such that positive biodiversity outcomes are achieved. As noted under Effective Means-1, whether an activity should be excluded or effectively managed depends on the nature of that activity.



Areas with provisions that legally compel the managing authority(ies) to prevent incompatible activities from occurring and ensure that other compatible activities that may have an impact on biodiversity are managed effectively, would clearly meet the standard. Sites also meet the standard despite not having such provisions, if such activities are not occurring and are not likely to occur as a result of the use of the mechanisms noted in Effective Means-1, or where the management of the activity results in no or insignificant impact on conservation values. Conversely, a site would not meet the criteria if an incompatible activity could be reasonably expected to occur in the future and could not be prevented by legal or other effective means or cannot be managed or controlled to prevent negative impacts to the site's biodiversity.

## Long-term

The intended effect of the criterion is that the area is permanently protected or conserved.

### *Rationale:*

Although there are no guarantees that a protected area or OECM will be in place forever, the intention is for them to be in place for the long-term and not easily reversed. In this case, "long-term" means an intent of permanent protection/conservation which may be achieved in a variety of ways. "Not easily reversed" means that the conservation mechanism(s) are likely to endure over the long-term due to the difficulty involved in rescinding them. It is understood that there are instances where non-governmental entities may lack mechanisms for conservation in perpetuity; nevertheless, protected areas and OECMs should have clear provisions to distinguish them from areas that are either clearly intended to be temporary in nature, or for which there is no evident commitment to the long-term.

The primary difference between column A and B is one of *commitment versus probable outcome*. Often, the mechanism will clearly express an intention of permanence and contain safeguards (e.g., requirement for a legislative process with public involvement; conservation easements with 999-year timeframe; measures that survive changes in policy direction or land tenure) that make reversal or modification difficult. If permanence is not a stated intent upheld by all relevant governing authorities, there should be a well-rationalized expectation that the area will continue to be conserved indefinitely.

The degree of difficulty associated with reversing a mechanism can be assessed by considering such factors as the level of authority at which decisions are approved (e.g. Parliament or legislature = very high difficulty; Cabinet or board = high difficulty; Minister or chair = moderate difficulty; director or staff = low difficulty); requirements for public involvement (e.g., public approval = high difficulty; public consultation = moderate difficulty; no public involvement = low difficulty); need for agreement amongst multiple governing authorities (high difficulty) vs. a single authority (potentially lower difficulty); requirements for non-profit organizations to change by-laws or risk charitable status (high difficulty); requirements for for-profit companies to change policy or divest of land (low difficulty); requirements for individual landowners to be subject to binding agreements/contracts/designations which survive changes in ownership (high difficulty) vs. voluntary measures which require ongoing landowner consent and do not survive changes in ownership (low difficulty). Where they exist, track records of success or failure of mechanisms or classes of mechanisms should be used to assess long-term durability.



## Timing

The intended effect of the criterion is that biodiversity is protected or conserved year-round.

### *Rationale:*

The mechanisms for both protected areas and OECMs should be in effect year-round. Measures that only provide protection during a specific seasonal timeframe and potentially allow for environmental degradation the rest of the year do not, on their own, achieve in-situ conservation of biodiversity. In some cases, seasonal arrangements may contribute to a management regime that, in combination with other mechanisms, provides for the year-round in-situ conservation of biodiversity. Such areas may be considered as protected areas or OECMs. In such cases, the “mechanism” should be considered to be the full suite of mechanisms applying to the property which, in combination, lead to the year-round conservation of biodiversity.

## Primacy of Objectives

The intended effect of the criterion is that the area’s objectives are such that they result in the in-situ conservation of biodiversity. Overall, if the in-situ conservation of biodiversity is compromised by activities or uses undertaken in the service of other objectives, the area should generally not be considered a protected area or OECM.

### *Rationale:*

For an area to be considered a protected area, it must have nature conservation objectives, and these must be primary and overriding in cases of conflict with other objectives (IUCN 2008). For an area to be an OECM, it must have objectives which, regardless of their purpose, must not conflict with the in-situ conservation of biodiversity.

The primary distinction between protected areas and OECMs is that the former must have primary conservation objectives while the latter must deliver the effective in-situ conservation of biodiversity, regardless of their objectives. For example, an area in which intact natural forest cover is maintained in order to supply drinking water to a city may qualify as an OECM if it also effectively conserves biodiversity, despite not having conservation objectives. Areas that are simply ecologically intact for the time being, without objectives, governance, and management to ensure the long-term persistence of this outcome, would not meet the criteria for reporting as protected areas or OECMs.

In the simplest of cases, conservation objectives are clearly stated as primary and overriding for protected areas, or primary objectives are consistent with and clearly not in conflict with conservation outcomes for OECMs. However, which objectives have primacy and when, is not always clear. Evaluators of potential protected areas and OECMs should be alert for inconsistencies between stated objectives and the type and scale of activities allowed and their potential impacts. Not all objectives for an area may be stated in governing documents, and priorities among competing objectives may not be clear. Such inconsistencies can provide evidence of implied objectives whose primacy relative to nature conservation must be



determined. It may require careful scrutiny of the legal basis, policies, management documents, and operational practices to understand the 'evident intent' for an area. On this basis, an understanding can be developed of the degree to which either nature conservation objectives prevail for protected areas, or to which objectives are consistent with and do not conflict with nature conservation for OECMs.

For OECMs, where primacy is given to objectives that are not in conflict with nature conservation, the primacy of those objectives must be expected to endure. If it is likely that the means of achieving the intended primary management objectives, or if the primary objectives for an area are likely to change in ways that conflict with the in-situ conservation of biodiversity, the area should not be reported as an OECM.

## Scope of Objectives

The intended effect of the criterion is that the area's objectives have sufficient scope to result in the in-situ conservation of biodiversity.

### *Rationale:*

The in-situ conservation of biodiversity as defined by the CBD refers to the protection/conservation of ecosystems, natural habitats and/or species in their natural surroundings. For protected areas, there must be objectives for the conservation of biodiversity as a whole or for conservation of a subset of biodiversity or Indigenous values that is accomplished through the in-situ conservation of biodiversity. For OECMs, the area may or may not have objectives for the conservation of biodiversity, but objectives must exist, and they must be consistent, whether intentionally or otherwise, with the in-situ conservation of biodiversity.

In some instances, objectives may focus on a selected subset of biodiversity, such as an endangered species or a habitat type. Such areas may or may not meet criteria for protected areas or OECMs, depending on the circumstances. If the conservation approach to an area harbouring an endangered species is to protect both the species and the ecosystem of which it is a part, the site may be a protected area or OECM. However, if the approach is to protect only a small subset of biodiversity (e.g., burrowing owls and their burrows) while allowing other components of the ecosystem to be compromised, the site is not a protected area or an OECM.

*NOTE: Placeholder pending feedback from Indigenous partners* {In other cases, the objectives of the area may be to conserve Indigenous cultural practices and values that are not exclusively limited to biodiversity. Indigenous traditions and cultural practices, grounded in Indigenous knowledge systems, are interwoven with Indigenous approaches to managing ecosystems and reflect the reciprocal relationship between Indigenous Peoples and the environment. This means that protecting Indigenous cultural practices and values in Canada in many cases can only be achieved through the protection of biodiversity as a whole. In addition, Indigenous Peoples have inherent rights enshrined in the Canadian Constitution to lands and waters that must be



respected in all conservation areas. An area managed to conserve cultural practices and values of Indigenous Peoples, including use of species and ecosystem components, in ways that do not compromise ecological integrity, may also achieve the in-situ conservation of biodiversity as a whole. IUCN acknowledges this when speaking to natural and cultural landscapes/seascapes in that the “use of terms such as “natural” and “un-modified” does not seek to hide or deny the long-term stewardship of indigenous and traditional peoples where this exists; indeed many areas remain valuable to biodiversity precisely because of this form of management” (Dudley, 2008).}

## Governing Authorities

The intended effect of the criterion is that the in-situ conservation of biodiversity is not jeopardized by relevant governing authorities.

### *Rationale:*

The relevant governing authorities include all organizations, agencies, owners, and right-holders having responsibilities for activities that may impact biodiversity in an area. They have the responsibility for permitting, prohibiting, granting, or otherwise determining what activities may take place inside the area. Complexity stems from the differing rights and responsibilities apportioned among federal, provincial, territorial, Indigenous, and municipal governments, between departments within the same government, and between private land-owners, land or resource rights-holders, quasi-governmental agencies, and other actors. For clarity, private governance authorities may include non-governmental organizations, corporations, for-profit owners, research entities or religious entities.

In the simplest cases, administrative control over all activities that may impact biodiversity in an area may rest with one organization, such as a protected area or park agency.

In more complex cases, control may be apportioned among many relevant governance authorities (whether they see themselves as such or not). For example, a landowner, a conservation rights-holder (e.g., a land trust holding a conservation easement), a provincial or territorial resource agency (e.g., for subsurface resource rights), a provincial or territorial wildlife agency (e.g., for wildlife harvesting rights), and federal agencies with responsibility for particular species (e.g., migratory birds or anadromous fish) may all, in effect, be governing authorities with an influence on biodiversity outcomes for the area. This can lead to cases where a responsible authority delineates an area in which it places, to the extent of its authority, primacy on biodiversity conservation objectives and another authority, unrestricted by those boundaries and/or objectives, can authorize incompatible activities, such as resource extraction.

Where all relevant governing authorities abide by the conservation objectives of the area or by a management regime for the area that results in the in-situ conservation of biodiversity, the area clearly meets the criterion. An area may also meet the criterion where, at minimum, governing authorities act in a manner that is consistent with the conservation objectives or the management regime that results in the in-situ conservation of biodiversity.



## Biodiversity Conservation Outcomes

The intended effect of the criterion is that biodiversity is conserved in-situ.

### *Rationale:*

Effectiveness at achieving biodiversity outcomes helps define both protected areas and OECMs. By definition, protected areas must be “... *managed ... to achieve ... the long-term conservation of nature...*”. Similarly, Pathway, CBD and IUCN note that as OECMs have “effective” right in the name, they should deliver the effective in-situ conservation of biodiversity, regardless of management objectives.

As well, protected areas and OECMs should have important biodiversity values. Their recognition should include the identification of the range of biodiversity attributes for which the sites are considered important (e.g. communities of rare, threatened or endangered species, representative natural ecosystems, range restricted species, key biodiversity areas, areas providing critical ecosystem functions and services, areas for ecological connectivity, etc.).

How can we determine whether an area is effectively conserving biodiversity in situ? Areas should have direct evidence of biodiversity outcomes, including the condition of habitats and ecological processes, species abundances, impacts of invasive species, and effects of ecological isolation. Without robust monitoring data, other information should be used in the screening process. Conservation outcomes may be able to be inferred from species abundance information (e.g. surveys or harvesting reports), or discussions with site managers and knowledge holders, or management effectiveness assessments.

In some cases, conservation outcomes may also be inferred from current uses and their expected impacts, or, in the absence of current-use knowledge, from an understanding of allowed and prohibited uses. In some cases, such as for larger remote areas with little human use, remotely sensed information (e.g. satellite imagery) may help inform whether conservation outcomes are likely being achieved.

Understanding whether conservation outcomes are being or likely to be achieved implies that reference or desired conditions can be defined, or at least that, going forward, baselines can be established against which future conditions can be compared. IUCN asserts that protected areas should usually aim to maintain or, ideally, increase the degree of naturalness or ecological integrity of the ecosystem being protected (Dudley, 2008: 10).



## Glossary

**Biodiversity:** The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part: this includes diversity within the species, between species and of ecosystems (CBD Article 2).

**Evident intent:** When is it unclear whether an area meets a standard or not, further evaluation may have to rely on an assessment of the variety of tools and practices used in the management regime to infer intent. This may include an evaluation of the legal basis, policies, management documents, and operational practices of the area.

**Expected:** *to be developed*

**Governing Authorities:** An institution, individual, Indigenous government or organization, not-for profit organization, corporation, communal group, or other body acknowledged as having [some or all] authority and responsibility for decision making and management of an area. The entity/entities that is/are responsible for the day to day management and operations of the area.

**In-situ Conservation:** The conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties (CBD Article 2).

**Incompatible Activity:** An activity that has effects that prevent or impair the in-situ conservation of biodiversity or compromise the area's objectives.

**Likely:** *to be developed*

**Management Intent:** A statement of intent or management priorities providing policy-level guidance for an area's management. May include legislated purpose statements, management statements/plans or statement of conservation or Indigenous cultural interest, land trust bylaws and policies, or regulatory requirements.

**Management Regime:** The way in which an area is managed. May include the set of rules set out in plans, policy, operational actions.

**Mechanism(s):** Refers to the legal or other effective means used to protect or conserve the area. Mechanisms may include but are not limited to legal tools (e.g., gazetting & recognition under statutory civil law), recognized traditional rules under which community conserved areas operate, policies of established NGOs and other private landowners, Natural/Indigenous Law, or customary laws.

**OECM:** A geographically defined space, not recognized as a protected area, which is governed and managed over the long-term in ways that deliver the effective in-situ conservation of



biodiversity, with associated ecosystem services and cultural and spiritual values (Pathway and IUCN WCPA, 2018 Draft).

**Protected Area:** A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.



## Appendix 1: Suggested Screening Template

The Decision Support Tool screening template is intended to be used in conjunction with the Decision Support Tool and detailed interpretation guide. The template can be found here: <http://www.conservation2020canada.ca/accounting>.

