

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 Jourmain, New Brunswick. Photo: Garry Donaldson

PATHWAY TO CANADA TARGET 1



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Introduction

Protected Areas and other conserved areas are key elements of Canada's conservation network. Recognizing and reporting on these areas is an important measure of Canada's progress toward meeting its biodiversity conservation goals, and acknowledges contributions from a broad range of actors.

This Decision Support Tool (DST), including the associated Screening Template, is intended to be used to help evaluate whether areas meet the definitions of "Protected Area" (PA) or "Other Effective Area-based Conservation Measure" (OECM). Evaluations can be completed by anyone. They are intended to inform the identification and recognition of PAs and OECMs and support reporting decisions by responsible jurisdictions, as well as to support other conservation decisions. Formal recognition and reporting of PAs and OECMs should follow appropriate and meaningful engagement with governing authorities and rights holders and the agreement of land owners and the primary governing authority. Evaluations may also be used to identify opportunities to address gaps to enable sites to meet the definitions.

Definitions

Protected Area: *Federal, provincial and territorial jurisdictions are supportive of the IUCN definition of a protected area and will recognize and report terrestrial and freshwater areas as protected areas when they meet all of the definition's elements:*

"A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values." [IUCN, 2008]

Other Effective Area-based Conservation Measure (OECM): *Federal, provincial and territorial jurisdictions will recognize and report areas as terrestrial and freshwater OECMs when such areas meet all elements of the following internationally agreed-to definition:*

"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]

Interpretation of key elements of these definitions in light of Canada's constitutional context is included in the One with Nature report.

One with Nature, 2019, Appendices 1 and 2
<https://www.conservation2020canada.ca/s/Pathway-Report-Final-EN-rdnk.pdf>

The distinguishing criterion is that a protected area has a primary conservation objective, whereas an "other effective area-based conservation measure" delivers the effective in-situ conservation of biodiversity, regardless of its objectives. [IUCN 2019]



In 2015, in response to international commitments under the [Convention on Biological Diversity](#), including the [Aichi Biodiversity Targets](#), federal, provincial and territorial governments developed 19 [biodiversity targets for Canada](#). The first target, Target 1, is “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.”¹ The [Pathway to Canada Target 1 Initiative](#) was established in 2017 to support work towards the terrestrial and inland water portion of the target.

Respecting that different contexts exist across Canada, the DST is designed to enable and promote consistency and transparency in the identification and reporting of Protected Areas and OECMs. This Pathway to Canada Target 1 DST is based on a tool originally developed and published by the Canadian Council on Ecological Areas (CCEA), which has been collaboratively revised by Pathway jurisdictions, the CCEA and others through a dedicated working group reporting to the Pathway’s National Steering Committee.² Areas that meet the criteria may be reported by the responsible jurisdiction to the Canadian Protected and Conserved Areas Database (CPCAD), the data source used for reporting at the national and international levels.

IPCAs

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.”

We Rise Together, 2018

Based on the advice of the Indigenous Circle of Experts, this definition was adopted by federal, provincial and territorial governments in One with Nature, 2019, Appendix 4.

IPCAs are countable towards Target 1 if they meet the criteria of Protected Area or OECM. With the agreement of the Indigenous people involved, these areas may be recognized and reported by the responsible jurisdiction.

The overriding purpose of a network of Protected Areas is *in-situ* conservation of biodiversity³ with associated ecosystem services and cultural values. There are different kinds of Protected

¹ For the rest of this document other effective area-based conservation measures will be referred to as OECMs

² The working group included members from Nova Scotia, Newfoundland and Labrador, New Brunswick, Ontario, Manitoba, Saskatchewan, Northwest Territories, Yukon, Alberta, Environment and Climate Change Canada, Parks Canada, Nature Conservancy Canada and the Canadian Parks and Wilderness Society. Additional input was gathered from a CCEA/Pathway training workshop, a Pathway Screening Task Team, the Pathway IPCA working group, and feedback from users.

³ see glossary



Areas, categorized based on their management objectives. Protected Areas are expected to conserve biodiversity as a whole. Areas may qualify as Protected Areas provided they are governed and managed with conservation of nature as their primary goal, in ways that protect broader ecosystem components and processes year-round.⁴

Like Protected Areas, OECMs are expected to conserve biodiversity as a whole. They may have primary objectives other than biodiversity conservation (which may include ecosystem services and cultural values), but they must have objectives and a management regime that also deliver the *in-situ* conservation of biodiversity.⁵

Reporting jurisdictions should work collaboratively with other governing authorities and managers to determine if an area qualifies for reporting. This tool is appropriate to screen areas under any governance type, including Indigenous, federal, provincial, municipal, private and shared.

Guidance will be updated based on user feedback; users should verify if they are using the most recent version.

Governing Authority: A government, 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 primary governing authorities are the entities responsible for decision making on the objectives of the site and its day-to-day management.

⁴ For more information on Protected Areas categories see {IUCN management cats doc}

⁵ For more information on the range of OECM types, see [IUCN guidance doc]



How to use the Decision Support Tool

Areas are to be evaluated against all the criteria. For each criterion, the statement best aligned with the status of the area should be selected. For example, for “geographical space” in Table 1, 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 an area meets column 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 may 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 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 countable and 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 are countable and should be reported.

An area that does not meet 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.

Areas that meet the criteria should only be reported with the agreement of relevant governing authorities. 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.

To support and/or participate in a community of practice and the continued design, development and delivery of this tool, please contact ec.ERcataloguePW.ec@canada.ca.



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.

Jurisdictions may wish to refer to additional, more detailed guidance and discussion from both the IUCN and CBD on the inter-relationships and distinctions among targets. (e.g., IUCN 2018; pp 23-24, Appendices II & III).



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

Protected areas (PA) and 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
Geographical Space	Demarcates the area to facilitate the <i>in-situ</i> 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.
Effective means -1	Activities incompatible with the <i>in-situ</i> conservation of biodiversity do not occur and compatible activities are effectively managed.	The mechanisms provide the ability to prevent incompatible activities and manage all other activities within the area, such that the <i>in-situ</i> conservation of biodiversity can be achieved.	The mechanisms provide the ability to prevent, control and/or manage activities within the area such that the <i>in-situ</i> conservation of biodiversity can be achieved.	The mechanisms do not provide sufficient ability to prevent and/or manage activities within the area that are likely to have impacts on biodiversity.
Effective means -2		The mechanisms compel the authorities to prohibit activities that are incompatible with the <i>in-situ</i> conservation of biodiversity.	The mechanisms do not compel the authorities to prohibit activities incompatible with the <i>in-situ</i> conservation of biodiversity but incompatible activities are not likely to occur.	The mechanisms do not compel the authorities to prohibit activities incompatible with the <i>in-situ</i> conservation of biodiversity and/or incompatible activities are being allowed or are likely to occur.
Long-term	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.
Timing	Biodiversity is protected or conserved year-round.	The mechanisms are in effect year-round.	Seasonal mechanisms are combined with other mechanism(s) to result in the year-round <i>in-situ</i> conservation of biodiversity.	The mechanisms 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	
Scope of Objectives	Objectives have sufficient scope to result in the <i>in-situ</i> conservation of biodiversity..	The objectives are for the <i>in-situ</i> conservation of biodiversity as a whole, or for Indigenous values maintained through the <i>in-situ</i> conservation of biodiversity.	The objectives are for the <i>in-situ</i> conservation of a subset of biodiversity or Indigenous values, such as particular species or habitats, accomplished through the <i>in-situ</i> conservation of biodiversity.	The area has objectives consistent with, whether intentionally or otherwise, the <i>in-situ</i> conservation of biodiversity.	Even though biodiversity conservation is not necessarily a management objective, the area delivers <i>in-situ</i> conservation of biodiversity as a by-product of management.	The objectives are neither for, nor consistent with, the <i>in-situ</i> conservation of biodiversity; or objectives do not exist.
Primacy of Objectives	Objectives result in the <i>in-situ</i> 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	Primary and overriding objectives are clear and not in conflict with the <i>in-situ</i>	Based on evident intent (e.g., management intent, stated or implied objectives, allowable and prohibited activities), primary and overriding	Based on evident intent the <i>in-situ</i> conservation of biodiversity is likely to be compromised by conflicting objectives,



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	
			objectives are primary and overriding, or are given priority when there is conflict among objectives.	conservation of biodiversity.	objectives are not expected to result in adverse impacts on the <i>in-situ</i> conservation of biodiversity.	or objectives do not exist.
Governing Authorities	The <i>in-situ</i> 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 <i>in-situ</i> conservation of biodiversity.	All relevant governing authorities acknowledge and abide by a management regime that delivers the <i>in-situ</i> conservation of biodiversity.	While not all relevant governing authorities are bound by a management regime that delivers the <i>in-situ</i> conservation of biodiversity, the area is being managed in a manner likely to continue achieving the <i>in-situ</i> 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 <i>in-situ</i> conservation of biodiversity. As a result, the area is not managed in a manner likely to deliver the <i>in-situ</i> conservation of biodiversity.
Biodiversity Conservation Outcomes	Biodiversity is conserved <i>in-situ</i> .	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 <i>in-situ</i> conservation of biodiversity.	The area is being managed in a way that is likely to deliver the <i>in-situ</i> conservation of biodiversity.	The area is not being managed in a way that achieves the conservation objectives or is likely to deliver the <i>in-situ</i> conservation of biodiversity.



INTERPRETATION GUIDE

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” means 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 (zone) of a larger area or mechanism(s). 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 described or recognizable to enable compliance with management objectives and allow action to be taken against violations. 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.

Protected Areas and OECMs are generally evaluated and reported on an areal basis – that is, 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

Protected Areas and OECMs must be managed in a way that leads to the *in-situ* conservation of biodiversity. This requires a way of controlling or managing what occurs on the site. For instance, governing authorities must have the ability to prevent incompatible activities (effective means – 1), and must also ensure that these activities are prevented to ensure the biodiversity outcomes (effective means – 2).



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 mechanisms 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 mechanisms compel the governing authorities to apply the mechanisms in ways that result in that outcome.

Many kinds of human activities may have a negative impact or may 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 authorities via legal measures or any other effective means. These could include, among other mechanisms, parliamentary or Indigenous laws, regulations, 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 with any other activity, effective means must exist such that there are no significant impacts on *in-situ* conservation of biodiversity.

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 is not.



Do Rights-Based Activities affect the evaluation of sites?

In Canada, Indigenous peoples (First Nation, Inuit, Métis Nation and other Métis peoples) have Aboriginal rights, and may also have Treaty rights, to harvest, collect, and practice cultural activities, protocols and ceremonies, etc. including in Protected Areas and OECMs. These existing Aboriginal and Treaty rights are affirmed in section 35 of the Constitution Act (1982) and in treaties, respectively. Federal, provincial, and territorial governments must consult with First Nations, Inuit and the Métis regarding any contemplated Crown action that would adversely affect the exercising of these rights within any Protected Area or OECM. Any infringement of Aboriginal or Treaty rights for public safety or conservation reasons requires justification in accordance with the highest standards established by the Canadian courts and must be attained in a manner consistent with the honour of the Crown and the objective of reconciliation. In the absence of such restrictions Indigenous peoples within Canada are generally able to exercise their Aboriginal and Treaty rights in Protected Areas or OECMs in Canada on lands held by the Crown. All activities, including rights-based activities, need to be considered when evaluating a site.



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 governing authorities to prevent incompatible activities from occurring and ensure that potentially compatible activities are managed effectively, would clearly meet the standard. Sites may also meet the standard despite not having legal 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. A site does not meet the criteria if an incompatible activity could be reasonably expected to occur in the future and governing authorities are not required to either prevent it or make it compatible. Similarly, a site does not meet the criteria if governing authorities are not compelled to continue to manage allowed activities to ensure they remain compatible.

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 mechanisms 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, including private 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, such as:

- (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.



Scope of Objectives

The intended effect of the criterion is that the area's objectives, when taken together, are sufficient to lead to the *in-situ* conservation of biodiversity as a whole.

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, objectives must exist, and they must be consistent 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 approach to conserving 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.

In other cases, the objectives of the area may be to conserve Indigenous cultural practices and values that are not limited to biodiversity alone. 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 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).



Primacy of Objectives

The intended effect of the criterion is that the area's objectives 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, regardless of their purpose, that do 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 of intact natural forest cover that is maintained for protection of drinking water supplies may qualify as an OECM if it also effectively conserves biodiversity. Areas that are simply ecologically intact for the time being, without objectives, governance, and management to ensure the long-term persistence of this outcome, do not meet the criteria.

In some cases, conservation objectives may be clearly stated as primary and overriding. This is often the case for Protected Areas. However, which objectives have primacy is not always clear. Evaluators 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 importance 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. Through this examination, 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.

If the means of achieving the intended primary management objectives conflict with the *in-situ* conservation of biodiversity, the area does not meet the criteria for an OECM. Similarly, if the primary objectives for an area are likely to change such that biodiversity will no longer be conserved *in-situ*, the area does not meet the criteria for an OECM.



Governing Authorities

The intended effect of the criterion is that relevant governing authorities do not jeopardize the *in-situ* conservation of biodiversity.

Rationale:

The relevant governing authorities include all organizations, agencies, owners, and right-holders having responsibilities for activities that may impact biodiversity in an area. Collectively, 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. Examples of private governing authorities include non-governmental organizations, corporations, individuals or groups of individuals, for-profit owners, research entities and religious organizations.

In the simplest cases, administrative control over all activities that may impact biodiversity in an area may rest with one organization, such as some national parks.

More commonly, control is apportioned among many relevant governing 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 (e.g., for conservation of migratory birds or anadromous fish) may all, in effect, be governing authorities with an influence on biodiversity outcomes for the area. Conflicts among responsible authorities may arise and could potentially compromise biodiversity outcomes or site objectives. For example, a private landowner may designate a site for conservation, but a company owning water or subsurface resource rights may have the authority to extract resources in a way that compromises *in-situ* biodiversity.

Where all relevant governing authorities adhere to a management regime for an 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 *in-situ* conservation of biodiversity 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 high biodiversity value. Their recognition should include the identification of the range of biodiversity attributes for which the sites are considered important. Examples of attributes to consider could be intact ecosystems, representative natural ecosystems, key biodiversity areas, the presence of communities of and critical habitats for rare, threatened or endangered species, range restricted species, culturally important wild species, areas providing critical ecosystem functions and services, areas important for ecological and wildlife connectivity remnant habitat in transformed landscapes, and areas of ecological importance with high potential for habitat restoration and/or species recovery.

How can we determine whether an area is effectively conserving biodiversity *in-situ*? As a best practice, 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 large 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 (biodiversity as whole): 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 consider probable or certain* (<https://www.merriam-webster.com/dictionary/expected>)

Governing Authority: A government, 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 primary governing authorities are the entities responsible for decision making on the objectives of the site and its day-to-day management. Four governance types and nine subtypes are recognized by the IUCN (IUCN Best Practice Protected Area Guidelines Series No.20, <https://portals.iucn.org/library/sites/library/files/documents/PAG-020.pdf>).

In-situ Conservation of Biodiversity: 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). (From IUCN-WCPA Task Force on OECMs, (2019). **Recognising and reporting other effective area-based conservation measures.** Gland, Switzerland: IUCN.)

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

Likely: *having a high probability of occurring or being true* (<https://www.merriam-webster.com/dictionary/likely>)

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 statements 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. If multiple mechanisms apply to the same geographic space, screening should be performed on the full set of mechanisms taken together.

OECM: 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).

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. [IUCN, 2008].

Responsible/reporting jurisdiction: the federal, provincial or territorial government authority that reviews, recognizes, and reports areas for inclusion in the Canadian Protected and Conserved Areas Database.



Frequently Asked Questions (FAQ)

1. What are activities “likely to occur”?

Definition of “likely”: having a high probability of occurring or being true
(<https://www.merriam-webster.com/dictionary/likely>)

Definition of “expected”: to consider probable or certain
<https://www.merriam-webster.com/dictionary/expected>

Determination of what is likely or expected is case specific and should integrate all available knowledge of the site and its social, economic and biological context. Given the complexity of resource and land use and tenure each case must be assessed on its own merits and in the local and regional context.

2. What determines if an activity is compatible or incompatible with *in-situ* conservation of biodiversity?

All Protected Areas and OECMs should result in the conservation of ecosystems and natural habitats and associated cultural values, and the maintenance and/or recovery of viable populations of species in their natural surroundings.

Whether an activity is compatible or incompatible can be determined by whether or not it supports or undermines this outcome. This, in turn, largely depends on the scope and scale of the impact that an activity is likely to have on the *in-situ* conservation of biodiversity. An activity is clearly compatible if it can be demonstrated to not adversely impact the *in-situ* conservation of the site, or if it is needed to maintain or restore ecological integrity.

Some activities, whether they are commercial or not, may be compatible. For example, low-intensity recreation or nature-based tourism activities such as hiking or birdwatching are unlikely to disturb wild species to such a degree as to compromise their survival and reproduction. Similarly, harvesting activities such as mushroom and berry picking, gathering, hunting, or trapping may be compatible if they are managed in ways that do not compromise biodiversity outcomes. However, there may also be cases in which even low levels of human presence and activity could have negative effects and be inappropriate.

Given the breadth of potential scenarios, activities must be assessed on a case-by-case basis, to determine their expected effects, including cumulative effects, on the *in-situ* conservation of biodiversity at the site.



Due to their typically negative impacts on the *in-situ* conservation of biodiversity, industrial activities and environmentally damaging infrastructure are not compatible with Protected Areas or OECMs. Where these activities occur in only portions of a site, evaluating a site by zone may be appropriate (see question 3 on evaluating partial sites).

Further related guidance and information can be found in:

- [IUCN Recommendation WCC-2016-Rec-102](#): Protected areas and other areas important for biodiversity in relation to environmentally damaging industrial activities and infrastructure development
- Auditor General of Canada's Environment and Sustainable Development Guide: Appendix 3 (https://www.oag-bvg.gc.ca/internet/English/meth_lp_e_19275.html#ex3)

IUCN guidance on "[Recognising and reporting other effective area-based conservation measures](#)" provides specific examples of areas that are likely and unlikely to qualify. Some examples that may be particularly helpful in the Canadian terrestrial context are quoted below:

Potential OECMs:

- Some permanently set-aside areas of a managed forest, such as old-growth, primary, or other high-biodiversity value forests, which are protected from both forestry and non-forestry threats.
- Military lands and waters, or portions of military lands and waters that are primarily managed for the purpose of defence, but with specific secondary objectives focused on the conservation of biodiversity.

Areas unlikely to be OECMs:

- Small, semi-natural areas within an intensively managed landscape with limited biodiversity conservation value, such as some municipal parks, formal/domestic gardens, arboreta, field margins, roadside verges, hedgerows, narrow shoreline or watercourse setbacks, firebreaks, recreational beaches, marinas and golf courses.
- Forests that are managed commercially for timber supply and are intended for logging, even though they may have some conservation values and support some species of interest. Such areas should be considered as contributing to Aichi Target 7.
- Agricultural lands which are managed in a manner that limits the *in-situ* conservation of biodiversity. This may include, for example, pastures that are grazed too intensively to support native grassland ecosystems or species, or grasslands replanted with monocultures or non-native species for the purposes of livestock production.
- Temporary agricultural set asides, summer fallow and grant-maintained changes to agricultural practice that may benefit biodiversity.



3. When is it appropriate to evaluate different zones within an area?

It may be appropriate to evaluate different zones within an area separately where, for example:

- incompatible activities or infrastructure occur on parts of the site
- different mechanisms apply to different portions
- different governing authorities are responsible for different parts of the site
- prohibited and allowed activities are different in different areas
- management objectives are different in different portions
- degrees of ecological intactness vary owing to different management regimes
- the exercise and expression of cultural values, responsibilities, and rights necessary for balancing conservation interests, essential economies and habitat relationships vary in different portions.

Zones are useful to consider when these differences could lead to different biodiversity outcomes or likelihoods of achieving *in-situ* conservation of biodiversity over the long term in different portions of the area. Where only some zones within a site are determined to meet all of the screening criteria, portions of an area may be countable.

4. Is there a minimum size for sites that can be evaluated using the Decision Support Tool?

No, areas of any size can be screened using the Decision Support Tool. Under certain conditions, small sites and their related cultural activities can contribute to the *in-situ* conservation of biodiversity. In particular, small sites may work together to maintain viable populations of native species and ecosystem functions. Small sites may sometimes be all that is left of particular ecosystem/habitat types in heavily altered landscapes, include unique cultural value (e.g., burial sites), and they may also be ‘stepping stones’, enabling species to find patches of suitable habitat as they move across the landscape.

Small sites should be considered in their landscape contexts and consider the width of the edge effect and the ecological value of the remaining interior. These areas may not be self-sustaining; they could require regular and active management interventions, and they may gradually lose species over time (“extinction debt”). Whether sites can conserve biodiversity over the long term needs to be assessed on a case-by-case basis. Screening should consider long-term viability of sites as well as management objectives/efforts to maintain viability.

5. How does this decision support tool apply to Indigenous Protected and Conserved Areas (IPCAs)?

IPCAs are lands and waters where Indigenous Peoples have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an IPCA. (ICE, 2017, OwN 2018). The



declaration of an area as an IPCA is up to the relevant Indigenous community. Guidance can be found in the One with Nature and We Rise Together reports.

As the One with Nature report states, "... the establishment process must respect the unique circumstances and priorities of each federal, provincial and territorial government as well as that of First Nations, Inuit and Metis Peoples, including Indigenous laws and knowledge systems and the terms of treaties, land claim agreements, self-government agreements, and other agreements and constructive arrangements.

IPCA's may also be countable as Protected Areas or OECMs if they meet the criteria. This tool can be used to assess them.

6. Do Rights-Based Activities affect the evaluation of sites?

In Canada, Indigenous peoples (First Nation, Inuit, Métis Nation and other Métis peoples) have Aboriginal rights, and may also have Treaty rights, to harvest, collect, and practice cultural activities, protocols and ceremonies, etc. including in Protected Areas and OECMs. These existing Aboriginal and Treaty rights are affirmed in section 35 of the Constitution Act (1982) and in treaties, respectively. Federal, provincial, and territorial governments must consult with First Nations, Inuit and the Métis regarding any contemplated Crown action that would adversely affect the exercising of these rights within any Protected Area or OECM. Any infringement of Aboriginal or Treaty rights for public safety or conservation reasons requires justification in accordance with the highest standards established by the Canadian courts and must be attained in a manner consistent with the honour of the Crown and the objective of reconciliation. In the absence of such restrictions Indigenous peoples within Canada are generally able to exercise their Aboriginal and Treaty rights in Protected Areas or OECMs in Canada on lands held by the Crown. All activities, including rights-based activities, need to be considered when evaluating a site.



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>.

