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Survey Results And Analysis

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PRINCIPLES AND OPTIONS
FOR HABITAT STEWARDSHIP:
SURVEY RESULTS AND ANALYSIS

March 1998

Prepared by

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TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	2
IV.	INTRODUCTION	3
V.	METHODS AND LIMITATIONS	4
VI.	RESULTS AND ANALYSIS	6
A.	PRINCIPLES	7
	General Stewardship Principles	7
	Program Structure Principles	8
	Economic and Government Principles	9
B.	OPTIONS	10
	Information and Communication	11
	Stewardship Recognition Programs	13
	Conservation Easements and Similar Approaches	14
	Economic Options	15
	Government Actions	18
V.	IMPLICATIONS	19
	ACKNOWLEDGEMENTS	21
	APPENDIX A: TABLE OF SURVEY RESULTS	22
	APPENDIX B: FULL WORDING OF SELECTED PRINCIPLES AND OPTIONS	25
	APPENDIX C: SURVEY MATERIALS AND DISCUSSION PAPER	29

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I. EXECUTIVE SUMMARY

As part of discussions among diverse national groups and agencies exploring land stewardship for wildlife, a "Stewardship Options Survey" was circulated in January 1998 to over 80 people who represent diverse interests and relationships with land across Canada. The intent of the survey was to help identify the most feasible and priority stewardship options for governments and private organizations to undertake, particularly to advance discussions on species-at-risk. The survey was accompanied by a "Priority Wildlife Stewardship Options" discussion paper listing stewardship options and accompanying principles for implementing wildlife habitat conservation. The paper and survey were prepared by the Canadian Institute for Environmental Law and Policy, with the support of World Wildlife Fund (Canada) and the assistance of many others. The Canadian Wildlife Service has supported the preparation of this report on the survey's results.

Highlights of the survey and accompanying analysis are presented in this document. The results cluster selected principles and options into several categories, as follows:

Principles:

- general principles;
- program structure; and
- economics and government.

Options:

- information and its communication, including research, education and extension;
- recognition programs;
- conservation easements and similar approaches to land;
- economic options, including those relating to income tax, property tax and funding; and
- government actions.

The principles that were widely selected by respondents included the need to provide economic incentives and remove disincentives, and the preference (or complementarity) of voluntary over regulatory approaches. A recognition of both landowner rights and responsibilities was also a prominent principle. Options which received high levels or broad multi-sectoral support included conducting extension and helping landowners with site planning, adding a separate "woodlot owner" category and deducting conservation equipment expenses for income tax purposes, providing property tax incentives for maintaining habitat, and fostering conservation easements by streamlining procedures.

After circulation to some 80 people and their colleagues, followed by a reminder, a total of 20 people have responded to the survey. This one quarter rate of return is considered high for surveys, and is especially so given some electronic distribution challenges at first and the work pressures of recipients. While results based on twenty returns are not statistically

valid for the country as a whole, it should be recognized that many of the respondents carry the experience, authority and weight of prominent national and sectoral organizations behind them. The results should thus be considered indicative, rather than definitive, of priority directions towards non-regulatory measures for wildlife conservation in Canada. Program development and prioritization would benefit from further discussion and confirmation of these results during subsequent consultations.

IV. INTRODUCTION

Canada's wildlife and habitat are at a crossroads. Ongoing habitat losses, populations in serious decline, and a growing list of endangered and other species at risk remind us of the challenges for conservation and sustainable use. On the other hand, individuals and organizations increasingly are seeking ways to help wildlife and associated habitat. Governments are also presented with a number of critical opportunities, among them the preparation of provincial and federal action plans for implementing the *National Accord on the Protection of Species At Risk* and the *Canadian Biodiversity Strategy*.

Such concerns, interest and opportunities raise questions as to how best to seize the moment and create broad environmental, economic and social advantage as it relates to wildlife and habitat. This paper reports the results of a survey on stewardship principles and options designed to help answer this question.

Regulatory mechanisms legitimately will remain part of governments' approaches to wildlife and habitat. As a complement, however, voluntary methods have yielded significant contributions and hold further promise. Consequently, the survey focused upon these voluntary or "stewardship" approaches, with a background paper identifying and describing a diverse range of options and principles. The survey was intended to identify the most feasible and highest priority stewardship options across a variety of sectors, and then circulate the findings to contribute input and direction to a variety of initiatives.

This paper and the survey have been undertaken as a result of ongoing discussions with various environmental, agricultural, industry and other organizations and a recognition of the strategic opportunities now present. Arising out of a February 1997 workshop on incentives and other measures for protecting endangered species, the Stewardship Forum (formerly the "Working Group") was formed to discuss potential directions and projects for wildlife habitat stewardship. While this paper and survey are an independent initiative from the Forum and its membership, this project has benefitted greatly from the perspectives, information and assistance shared through this forum.

The focus of these stewardship options and principles is upon wildlife, and especially wildlife habitat. Wildlife and habitat are concepts to which the public can readily relate, they have long-standing traditions and responsibilities, and involve important relationships with land owners and managers. Further, this focus nests between critical concerns for species-at-risk on the one hand, and the larger issues of biodiversity conservation and sustainable

use on the other. Conservation is another emphasis in this project, which may involve sustainable harvesting, generating a stewardship ethic, developing new technology and practices, or carrying out restoration efforts and acquiring lands for conservation ownership and management. It is crucial that any stewardship program foster sound long-term conservation of wildlife, while respecting in a fair and positive manner the economic and other needs of the private land owner and manager.

The principles and options fall under broad categories, ranging from education and recognition to more complex economic incentives and government actions. They can apply to wildlife or biodiversity generally, or could be tailored to endangered species specifically. Applications to agriculture, forestry and conservancy (conservation ownership) are particularly important, given their strong relationship to private lands and the attention they have received. However, in some cases the principles and options could equally apply to public land management, fish harvesting, mining and other industries and sectors, with modifications. Nonetheless, on public lands governments have a larger responsibility and more tools and opportunities to directly protect public interests, such as wildlife habitat, than exist on private lands.

V. METHODS AND LIMITATIONS

The survey was circulated to over 80 people across Canada, identified through the ongoing Stewardship Forum, lists of participants in the National Round Table on the Environment and the Economy's 1997 "Economic Instruments to Encourage Sustainability on Private Lands Workshop" (especially the session on habitat protection), initial invitees to the 1998 "Workshop on Working Together to Implement the National Accord for the Protection of Species at Risk", and additional contacts in a variety of sectors. Distribution was made by electronic mail wherever possible, although some initial difficulties were encountered (ie. exclusion of the cover letter, addressing and incompatible electronic formats), but were eventually overcome. For some recipients, the survey and support materials were faxed. A reminder was sent to encourage further participation, and was repeated directly in phone conferences, workshops and on other occasions as they arose.

The survey was accompanied by a cover letter, distribution list, summary list of principles and options, and a discussion paper entitled "Priority Wildlife Stewardship Options" which provided more background. A copy of these documents is found in Appendix C: Survey Materials and Discussion Paper.

The discussion paper presented some potential options and principles, based upon discussions held with the diverse membership of the Stewardship Working Group, other organizations and a review of many reports. The paper was divided into two parts: (i) options, being the main focus; and (ii) stewardship principles. The options and principles were presented with brief introductory descriptions under category headings, although several of them were more technical in nature and were accompanied by a few further paragraphs of specific explanation. These details are not repeated in this report's

discussion of the survey results:

The options were distinguished from principles by being activities or programs that could be put into practice in some fashion. In contrast, the principles were intended to guide rather than be the focus of the context, design and implementation of stewardship initiatives. In some cases, items are of such a broad nature or constitute general operating approaches that they are included as principles rather than options; the lines obviously blur. While principles are not direct action items, agreement and commitment on them can nonetheless help advance stewardship for wildlife and habitat.

Most of the options presented in the discussion paper were not new, although they remain largely unimplemented. They were assembled from forty-two agriculture, forest, wildlife, economic and related stewardship reports, referenced in the discussion paper's Appendix B: List of Reports Reviewed. References and footnotes to sources for the selected principles and options are made later in the results section of this report. Recommendations from this list were first cross-referenced and, in many cases, modified to incorporate variations and language to allow broader or more relevant application. From a list of over two hundred suggestions, some 37 options and 30 principles were then selected for presentation in the discussion paper. While inherently subjective, the selection was based upon several factors: number of repeated references in reports, innovative or strategic proposals, options with some existing momentum, sectoral balance, and distribution among types of approach. Of course, some jurisdictions in Canada may already have a certain option or a variation already in place; yet more may need to be done to round out, extend, streamline or otherwise improve these programs. Other provinces or territories may not have implemented these options, but could or should move in such directions.

Respondents generally used the standardized form provided. Confidentiality of respondents' identities was promised in the survey, but several have consented to being identified as participants. Although in some cases their response may not have received formal endorsement by their organization, these respondents include: Sally Rutherford (Canadian Federation of Agriculture), Sheila Forsyth (national Agriculture Environment Committee), Glen Blouin (Canadian Forestry Association), Victor Brunette (Canadian Federation of Woodlot Owners), Robert Décarie (Canadian Pulp and Paper Association), Rod Fowler (Ducks Unlimited Canada), Ken Cox (North American Wetlands Conservation Council - Canada), Sandy Berg (Mowat Environmental Institute), Ron Reid (Couchiching Conservancy), Philippe Barla (Université Laval), and Ian Campbell (Agriculture and Agri-Food Canada).

In compiling the results of the survey, sectoral affiliations were determined, classified and aggregated as follows: agriculture (3), mining (1), forestry (3), environmental non-government organizations (ENGOS) (4), land trusts (4), and government employees and academics (4). One fisheries organization also contributed comments on a few options relevant to that sector. A separate category for land trusts was established because these organizations work more directly with landowners than do many ENGOS and often employ

particular and distinct stewardship methods. Selections for the 37 options and 30 principles were tallied into classes of 8 or more responses, and 4 to 7 responses. These highest priority options and principles, ie. those chosen by at least a fifth of the respondents, are listed and discussed below, and are reported in more detail in Appendices A and B. Additional suggested options and principles, correlations to particular sectors and assessment of relevant factors (effective, efficient, feasible, acceptable and immediate) were also collected in the survey.

Certain limitations in the survey should be acknowledged. As one respondent noted, the framing of, distinction, and flow between the principles and options could have been made clearer, and a definition of "stewardship" would have been of assistance. Wider distribution to ensure more regional balance and participation could have elicited a more representative response, although efforts were certainly made in this regard. While producing a good response rate, the number of respondents obviously limits the reliability and weight of the results, which is disappointing given numerous reminders and requests for responses. Familiarity with and profile of the options may have contributed to some selection patterns, given the challenge of digesting the breadth of options and the supporting background material. Obviously, not all potential principles and options could be presented in the survey. Further effort to make the principles and options applicable to public lands and aquatic environments would have made the survey more relevant to participants active in these areas and related sectors.

The survey instructions asked people to prioritize and select only 5 of the 30 principles and 10 of the 37 options, plus indications of any others that were not presented. Consequently, unless the instructions were disregarded, no participant could indicate the level of their support for each of the presented principles or options, or indeed every one of the eventual priority 12 principles and 23 options. As in any survey, new suggested options would also not receive consideration by other participants. Such consideration and verification of priorities and additional suggestions will require a further survey round, perhaps as a component of ongoing consultation exercises.

VI. RESULTS AND ANALYSIS

Generally, those principles and options which received four or more responses (out of a total of twenty) are listed and discussed here and further documented in Appendices A and B. Appendix A contains summary wordings of the principles and options and a summary of responses to each, while the fuller wordings are contained in Appendix B and in the discussion paper. The survey then distills these results into twelve top principles and twenty-three priority options. It should be noted that little support does not represent no support, only that other items were given higher priority. Given the imbalance in sectoral response rates, analysis has focused less on the total number of responses received, and more on the level of cross-sectoral and internal sectoral support, and on clustering to reflect related and consistent interest in particular items.

A. PRINCIPLES

The principles which have attracted the most interest among survey participants are listed below in Table 1: Gross Ranking of Stewardship Principles.

TABLE 1: Gross Ranking of Stewardship Principles

The numbers preceding the summary wordings below correlate to those used during the survey, and in the discussion paper.

8+ Selections

- P9 Prefer sufficient voluntary programs over regulatory approaches
- P2 Recognize landowner rights and responsibilities
- P10 Provide economic incentives and remove economic disincentives

4-7 Selections

- P1 Owners and managers are good stewards of wildlife, habitat
- P6 Ensure a variety of stewardship initiatives
- P5 Implement a nested set of programs at various levels
- P14.5 Design programs to encourage flexibility, adaptive approaches and innovation
- P7 Foster links among environmental, economic and social goals
- P13 Cooperate and partner among affected and interested parties
- P3 Consider socio-economic impacts in developing wildlife plans
- P20.4 Governments to review tax policies to support, not discourage, stewardship

From this list, the twelve preferred stewardship principles can be clustered into three broad categories which are further elaborated below:

- general principles;
- program structure; and
- economics and government.

General Stewardship Principles

The general stewardship principles include acknowledging that owners and managers are generally good stewards of wildlife and habitat, recognizing both landowner rights and responsibilities, and preference for voluntary over regulatory approaches. These are

common principles in any discussion of stewardship, and can be found in a variety of reports that were examined in the survey's discussion paper¹.

The preference for voluntary methods is obviously self-selecting, given the nature of the survey and distribution to those with an active interest in stewardship. Nonetheless, it also does reflect increasingly louder voices which have emphasized the need for voluntary measures as a key component in wildlife habitat conservation. It should be noted, however, that a preference for voluntary over regulatory approaches was not selected as a priority by environmental participants, and by only one from the land trust and agricultural sectors. This perhaps reflects the often stated concept that voluntary and regulatory approaches are not substitutes for each other, but rather are complementary means of achieving specified goals.

Recognizing landowner rights and responsibilities has generally broad support, although this has less relevance on public lands for mining and thus was not listed as a priority. As for the relationship between voluntary and regulatory approaches, this principle has two dimensions to it, namely rights and responsibilities. It thus may have achieved broader appeal through acceptance of only one of these facets. Thus, both aspects may be needed to attract wide support - rights within context, and responsibilities with public support.

Program Structure Principles

As a second cluster of principles, program structure is given guidance in the responses. As for the general principles, these principles are not unexpected. Support is given for a variety of initiatives implemented in a "nested" fashion at various levels, which obviously requires a strategic perspective across sectoral and functional interests and cooperation on many scales². This is reflected in another selected (and broad) principle that calls for cooperation and partnership, but also focuses on affected and interested parties who obviously have a substantial stake in program design and delivery³. Flexibility, innovation and adaptive programming are also important to respondents. In order to take such diverse, flexible and strategic directions, the lessons of sustainable development are

¹ For example, see: Nova Scotia Department of Natural Resources and Stewardship Strategy Committee, *Private Land Stewardship and Government: Towards a Strategy for Nova Scotia*, Draft Consultation Paper (Halifax: Department of Natural Resources, 11 September 1995), pp.5,12.

² David Neave, Letter to International Association of Fish and Wildlife Agencies, 1996, p.5.

³ Calvin Sandborn, *Economic Incentives to Protect Wetlands: Selected Issues*, Discussion Paper Submitted to Environment Canada (Victoria: 1997), p.52.

reiterated through links among environmental, economic and social goals⁴.

Splits among sectors are visible for these structural principles. Except for the environment sector, there was broad interest in having a variety of programs, which would have appeal due to being able to meet diverse needs. Participants with agriculture, mining and forestry backgrounds put little priority on nested programs, and also (surprisingly) on cooperation and partnerships among affected and interested parties; this contrasts with their support for linking environmental, economic and social goals.

Economic and Government Principles

Some further elaboration of program design is given within the last set of selected principles, with a focus on economic- or government-oriented directions. These include: providing economic incentives and removing disincentives, government reviews of tax policies to support (and not discourage) stewardship, and government reviews and revision of legal and policy constraints. This latter approach often relates back to accomplishing the other principles, as commented by one participant. These concepts resonate with recent government initiatives, including the federal Task Force on Economic Instruments and Disincentives to Sound Environmental Practices, revisions to agriculture economic policies, and the Nova Scotia Stewardship Policy⁵.

Different sectors have somewhat diverse perceptions on the importance of the economic and government principles. The agricultural and mining industries tend to have less interest in these, relying more on their own actions than those of governments. However, considering socio-economic impacts was more important to industry, including forestry, given the direct relationships with their activities. Environmental groups, land trusts, academics and government officials appear to have opposite impressions, and are more inclined to seek government involvement, perhaps because they have limited opportunities to otherwise affect the landscape.

⁴ Nova Scotia Department of Natural Resources and Stewardship Strategy Committee, *Private Land Stewardship and Government*, note 1, pp.5, 12.

⁵ House of Commons Task Force on Economic Instruments and Disincentives to Sound Environmental Practices, *Economic Instruments and Disincentives to Sound Environmental Practices* (Ottawa: Task Force, 1994); Nova Scotia Department of Natural Resources and Stewardship Strategy Committee, *Private Land Stewardship and Government*, note 1.

B. OPTIONS

Twenty-three priority options were selected, and can be grouped into related areas:

- information and its communication, including research, education and extension;
- stewardship recognition programs;
- conservation easements and similar approaches to land;
- economic options, including those relating to income tax, property tax and funding;
and
- government actions.

These categories are examined separately below. First, however, relative priority of the options are presented in Table 2: Gross Ranking of Stewardship Options.

TABLE 2: GROSS RANKING OF STEWARDSHIP OPTIONS

The numbers preceding the summary wordings below correlate to those used during the survey, and in the discussion paper.

8+ Selections

- 4 Conduct contact, extension to help landowners plan and implement
- 1 Develop and distribute information and educational materials
- 31 Foster easements with better laws, procedures, NGO acquisition
- 14 Create a separate "woodlot owner" tax category with benefits
- 22 Provide property tax incentives for maintaining habitat

4-7 Selections

- 5 Provide habitat education workshops with training, sharing
- 9 Make wildlife/resource research integrated, multi-disciplinary
- 10 Support field studies, monitoring, volunteer data collection
- 11 Assess conservation costs/benefits, and develop national account
- 12 Recognize private stewardship through awards, other programs
- 33 Develop habitat codes of practice, international standards
- 13 Recognize and dedicate private protected areas by agreement
- 32 Enable transfer development rights, habitat credits and banking
- 18 Encourage easements by full valuation, no capital gains, qualify
- 23 Modify property tax systems to fully recognize easements
- 17 Exempt ecological land donations from capital gains tax
- 15 Make conservation equipment expenses, investments tax deductible
- 30 Provide support for ecologically-sound investing
- 21 Direct an outdoor equipment tax into a stewardship fund
- 37 Encourage eco-tourism on farms, including use of access fees
- 24 Decouple agricultural subsidies and redirect to conservation
- 28 Implement wildlife damage compensation for landowners
- 34 Incorporate stewardship/habitat into government policies

Information and Communication

Appropriate land-oriented information, and communication of this information in various forms, received both high and broad support among participants. As we so often acknowledge, information and education are key means to enable landowners to be responsible and good managers, generally and for wildlife habitat. Consequently, there will always be the need to carry out current and practical research in the field, translate this into accessible information, and provide for training, sharing and on-site planning support. Of course, all of these are reflected in this first cluster of priority options, with two being among the five options in the highest preference tier. Interestingly, integrated research was fully

supported by participants with industry affiliations, but was absent as a priority for environment, land trust, academic and government respondents.

Contacting landowners to help them plan and implement habitat conservation received very broad and the highest support of any option in the survey, and has been frequently recommended in the literature⁶. The advantages of preparing property management plans can be shown through the growing practice in the agriculture sector, and use in some jurisdictions as a precondition for property tax or other program benefits (eg. for forestry). Such a plan could also prove beneficial if used as the basis for a "safe harbour" agreement to exempt endangered species regulatory restrictions, which is an option that was not canvassed in the survey but is now gaining increasing attention. Extension and on-site planning are intensive undertakings that once were provided primarily by government staff, but increasingly are provided in partnership with or exclusively by non-government groups or industry associations. Complementing such direct landowner extension, broader opportunities for training and expertise sharing among peers was also flagged as a priority option⁷.

Not surprisingly, research, information and education have been recognized and often elaborated in reports on stewardship⁸. Research, information and education have more

⁶ National Agriculture Environment Committee, *Workshop on Incentives and Related Mechanisms for Sharing the Environmental Common Good*, including "A Brief Survey of Incentives and Disincentives" (background paper) (Ottawa: NAEC, 1997), p.5; Stewardship Working Group "Economic Incentives for Land Stewardship - Options for Consideration" (draft), 6 October 1997, p.12; Canadian Wildlife Service, *An Action Plan for Wildlife Habitat Conservation: Canadian Wildlife Service* (Ottawa: CWS, 1992), p.20; Federal-Provincial-Territorial Biodiversity Working Group, *Canadian Biodiversity Strategy: Canada's Response to the Convention on Biological Diversity* (Ottawa: Supply and Services/Environment Canada, 1995), p.33; National Forest Strategy Coalition, *National Forest Strategy 1998* (draft), November 1997, pp.6, 21.

⁷ Biodiversity Working Group, *Canadian Biodiversity Strategy*, note 6, pp.36, 39; National Forest Strategy Coalition, *National Forest Strategy 1998*, note 6, p.16; Irene Bowman and the Endangered Species Task Force, *An Agenda For Change: Species of Special Status in Ontario* (Second Draft) (Toronto: Ontario Ministry of Natural Resources, 1992), pp.59-60; and Stewardship Working Group, "Economic Incentives for Land Stewardship", note 6, p.12.

⁸ Environment Canada, Ontario Ministry of Natural Resources, Federation of Ontario Naturalists and Nature Conservancy of Canada, *Great Lakes Wetlands Conservation Action Plan 1994-2001 - First Progress Report* (Toronto: Canadian Wildlife Service, 1997), pp.4-5; Canadian Wildlife Service, "Managing Species at Risk: Do We Have the Right Tools?", Recommendations of a Focus Group Sponsored by the Canadian Wildlife Service (Ottawa: CWS, 1993), p.13; Canadian Wildlife Service, *An Action Plan for Wildlife Habitat Conservation*, note 6, pp.12,19; Biodiversity Working Group, *Canadian Biodiversity Strategy*, note 6, pp.21,

diffuse, longer-term and less quantifiable benefits than some other options, which makes winning support for them more difficult to accomplish. Yet they are essential and support so many of the other options.

A final research and information option with an economic dimension and multi-sectoral interest is the assessment of conservation expenditures and benefits, and the development of national reporting on a natural resources or biodiversity "account". This option acknowledges the need to place conservation benefits more squarely in the realm of economic decision-making, yet also the necessity of emphasizing non-economic factors through expanding our awareness of and capacity to determine the country's "ecological deficit". These concepts have been promoted in various forms and could be applied at different scales⁹, but will require more research and profile to be effective and become widely accepted.

Stewardship Recognition Programs

Recognizing the efforts that land owners or managers voluntarily carry out in support of wildlife habitat helps further these activities by supporting individuals' involvement in responsible actions, identifying stewardship innovations and successes, and encouraging others to do likewise. Recognition is a standard element in many programs, and received reasonably broad support by participants. While the land trust sector did not make recognition a general priority, it was strongly behind a specific application where private lands could be publicly "dedicated" to conservation purposes by agreement, yet still retained in private ownership¹⁰. Recognition is not limited to official government sanction. Internal codes of practice and certification that an operation meets industry or international

53, 58, 60; Ian Attridge (ed.), *Biodiversity Law and Policy in Canada: Review and Recommendations* (Toronto: Canadian Institute for Environmental Law and Policy, 1996), pp. 287, 387; Ontario Endangered Species Task Force, *An Agenda For Change* pp.56, 597; Stewardship Working Group, "Economic Incentives for Land Stewardship", note 6, pp.11,12; and National Forest Strategy Coalition, *National Forest Strategy 1998*, note 6, p.16.

⁹ David J. Neave, "A Cooperative Wildlife Habitat Conservation Program" in: Canadian Wildlife Service, *A Colloquium on Wildlife Conservation in Canada* (Ottawa: CWS, 1986), p.107; Biodiversity Working Group, *Canadian Biodiversity Strategy*, note 6, pp.39, 47, 62; Canadian Wildlife Service, *An Action Plan for Wildlife Habitat Conservation*, note 6, p.20; Stewardship Working Group, "Economic Incentives for Land Stewardship", note 6, p.12.

¹⁰ Ian Attridge (ed.), *Biodiversity Law and Policy in Canada*, note8, pp.228, 358, 450; Ian Attridge, "Easement and Dedication Programs for Parks and Private Lands", in: Heritage Resources Centre, *Proceedings of the 1998 Ontario Parks Research Forum* (Waterloo: University of Waterloo, in preparation).

standards was seen as a worthwhile option to pursue¹¹, and certainly does not require government involvement to function. Forestry sector support for recognition options also reflects current efforts to develop a (private) forestry recognition program applicable in many settings.

Recognition of stewardship is clearly consistent with the general principles discussed above, especially the acknowledgment that landowners and managers are good stewards and have rights and responsibilities. It is also an ongoing need expressed in various jurisdictions¹².

Conservation Easements and Similar Approaches

Since 1990, conservation covenants, easements and other creative land securement techniques have gained prominence in Canada. They are often used as a win-win solution that enables continued ownership and management but within agreed and binding environmental limits. While legislation has been changing to enable the creation and title registration of these agreements, the stewardship survey identified areas which require further reforms to streamline and promote this new tool. The extent of sectoral support varies among these options, although (with a few exceptions) highest support is by those most familiar with and actively using this technique, namely land trusts.

The interaction of conservation easements with key tax and other legislation is strongly represented in the survey's results. Thus, half the respondents considered better laws, procedures and support of non-government organization acquisition to be a priority; a third felt that easements should be encouraged through exempting them from capital gains calculations and fully recognizing their value for income and property tax purposes. Each of these areas becomes quite technical, but without modifications the use of easements will remain constrained¹³.

¹¹ Biodiversity Working Group, *Canadian Biodiversity Strategy*, note 6, p.46; National Forest Strategy Coalition, *National Forest Strategy 1998*, note 6, pp.7,12; and Prairie Habitat Joint Venture - Land Use Committee, "Outline of a Program of Work for Policy Initiatives", Report to the PHJV Council, September 1996, p.4.

¹² Canadian Wildlife Service, "Managing Species at Risk", note 8, p.14; Nova Scotia Department of Natural Resources and Stewardship Strategy Committee, *Private Land Stewardship and Government*, note 1, p.14; Environment Canada, Ontario Ministry of Natural Resources, Federation of Ontario Naturalists and Nature Conservancy of Canada, *Great Lakes Wetlands Conservation Action Plan 1994-2001*, note 8, p.4.

¹³ Ian Attridge, *Conservation Easement Valuation and Taxation in Canada* (Ottawa: North American Wetlands Conservation Council-Canada, 1997); Thea M. Silver, Ian C. Attridge, Maria MacRae and Kenneth W. Cox, *Canadian Legislation for Conservation Covenants*,

Priority in using securement approaches in others ways similar to easements is found in the responses, as well. Both the techniques of dedicating private protected areas to conservation, and transferring or banking development rights or habitat credits¹⁴, may be accomplished by agreements registered on title, like easements. These received moderate interest in the survey. Conservation easements, private land dedication and transferable rights or credits are also reflected in a number of the selected principles. These include the principles of partnerships among affected and interested parties, linking various goals, providing economic incentives, and governmental reviews of tax and policy constraints.

Economic Options

Providing economic incentives and removing disincentives was identified as a priority principle above, and this reflects the ongoing attention to such issues in this country. For example, there were important recommendations brought forward by the Task Force on Economic Incentives and Disincentives to Sound Environmental Practices, and annual "greening the budget" workshops are hosted by the National Round Table on the Environment and the Economy. Internationally, for Canada the OECD has recommended that "new steps should be taken to introduce economic instruments, in conjunction with regulations and voluntary agreements, in environmental management"¹⁵. A number of the options selected in the survey have this same economic orientation, and can be grouped into three areas: federal income tax, provincial property tax, and funding items. The option of assessing conservation expenditures and benefits and developing a natural resources or biodiversity account, discussed above in the information and communication section, is also relevant to this economic cluster of options.

Federal income tax policies provide significant economic signals for most Canadians. Reforms to these policies could more specifically encourage diverse actions towards

Easements and Servitudes: The Current Situation (Ottawa: North American Wetlands Conservation Council-Canada, 1995); Philippe Barla et Jean-Daniel Saphores, *Les Mesures de Protection des Habitats Fauniques en Terres Privées: Les Instruments Economiques* (Québec City: Département d'Economique et GREEN, Université Laval, 1997), p.101; Nova Scotia Department of Natural Resources and Stewardship Strategy Committee, *Private Land Stewardship and Government*, note 1, p.8; Ian Attridge (ed.), *Biodiversity Law and Policy in Canada*, note 8, pp.359, 393, 437; Biodiversity Working Group, *Canadian Biodiversity Strategy*, note 6, p.25.

¹⁴ Philippe Barla et Jean-Daniel Saphores, *Les Mesures de Protection des Habitats Fauniques en Terres Privées*, note 13, pp. 102, 103; Calvin Sandborn, *Economic Incentives to Protect Wetlands: Selected Issues*, Discussion Paper Submitted to Environment Canada (Victoria: 1997), p.64.

¹⁵ Organization for Economic Cooperation and Development, *Environmental Performance Reviews - Canada* (Paris: OECD, 1995), p.131.

wildlife habitat conservation. Survey respondents placed high priority on creating a separate "woodlot owner" tax category with associated benefits, and gave broad sectoral support to tax deductions for conservation equipment and investments, and to exempting ecological land donations from capital gains tax. All three of these options have received considerable attention over recent years¹⁶, demonstrating a persistent need for reform and sufficient visibility to have received priority in the survey. In contrast, a fourth income tax item – conservation easement valuation and capital gains exemption – has only recently become an issue within the land trust sector¹⁷, and thus support is concentrated there. Ecological investing is also a new priority that acknowledges the growth of private investment and the opportunity to direct such funding in an ecologically-sound fashion. This could be supported further through income tax measures, and has connections to the information provision and recognition/certification clusters of options discussed earlier.

Despite respectable support in the survey and elsewhere, capital gains exemptions for ecological land donations are unlikely to be incorporated into income tax policy and legislation, except possibly for conservation easements. This is due to ongoing Department of Finance resistance and the fact that related reforms in the 1995, 1996 and 1997 federal budgets have alleviated some of the initial concerns. As a consequence, efforts to bring about further capital gains changes might better be directed towards the other tax priorities identified here.

Property tax incentives for maintaining wildlife habitat received high support among forestry, environmental, government and academic participants, who further specified the need to fully recognize conservation easements within property tax systems. As noted above, it is surprising that those with land trust affiliations did not note these as priorities

¹⁶ Woodlot category: National Round Table on the Environment and the Economy, *Economic Instruments to Encourage Sustainability on Private Lands Workshop: Greening the Budget 1998* (Ottawa: NRTEE, 1997), pp.1-4 and section 4; House of Commons - Standing Committee on Natural Resources, *Canada: A Model Forest Nation in the Making* (Ottawa: Standing Committee, 1994), p.44.

Equipment tax deductions: National Round Table on the Environment and the Economy, *Economic Instruments to Encourage Sustainability on Private Lands Workshop*, above, section 3; NAEC, "A Brief Survey of Incentives and Disincentives", note6, p.4.

Capital gains exemption: Marc Denhez, *You Can't Give It Away: Tax Aspects of Ecologically Sensitive Lands* (Ottawa: North American Wetlands Conservation Council - Canada, 1992); Task Force, *Economic Instruments and Disincentives to Sound Environmental Practices*, note5, p.21; Canadian Wildlife Service, "Managing Species at Risk: Do We Have the Right Tools?", note 8, p.12; Calvin Sandborn, *Economic Incentives to Protect Wetlands*, note 14, p.36.

¹⁷ Ian Attridge, *Conservation Easement Valuation and Taxation in Canada*, note 13; National Round Table on the Environment and the Economy, *Economic Instruments to Encourage Sustainability on Private Lands Workshop*, note 16, section 3.

in their responses. Property taxes fall within provincial responsibility, and the configuration of targeted programs for forestry, agriculture, conservation and charities' lands has been the subject of sustained interest and ongoing reforms in these jurisdictions¹⁸. The refinement of these initiatives to promote wildlife habitat stewardship will continue to be necessary in many jurisdictions, particularly to correlate benefits with levels of stewardship commitment and to integrate tax measures with other stewardship initiatives (such as habitat planning and conservation easements) and across sectors.

The final collection of economic options involves funding for a variety of purposes. First, the idea of an outdoor equipment tax to be directed into a stewardship fund received strong support from environment and land trust respondents. The former category is one of the main sectors which would be targeted under the tax, and both are among those who would benefit from the funding. Such a tax and dedicated fund recently has been proposed based upon diverse U.S. experience¹⁹, but they face certain barriers to implementation elaborated in the discussion paper.

Three agricultural funding items found moderate priority in the survey. First, a comprehensive wildlife damage prevention and compensation package received general agricultural and environmental support in the survey, but would be less applicable in, and thus was not prioritized by, the mining and forestry sectors. The moderate priority given to this option may recognize that there is an ongoing initiative to develop such a program²⁰, therefore demanding less attention in the survey. Consideration of a prevention and compensation package has been made before²¹, and now awaits resolution of

¹⁸ Marc Denhez, *You Can't Give It Away*, note 16; Ontario Endangered Species Task Force, *An Agenda For Change*, note 7, p.54; Monique M. Ross, *Forest Management in Canada* (Calgary: Canadian Institute of Resources Law, 1995), p.221-2; Philippe Barla et Jean-Daniel Saphores, *Les Mesures de Protection des Habitats Fauniques en Terres Privées*, note 13, p.102; Prairie Habitat Joint Venture - Land Use Committee, "Outline of a Program of Work for Policy Initiatives", note 11, 11, p.4.

¹⁹ Calvin Sandborn, *Green Space and Growth: Conserving Natural Areas in B.C. Communities* (Victoria: Ministry of Environment, Lands and Parks, 1996), p.138; NAEC, "A Brief Survey of Incentives and Disincentives", note 6, p.8.

²⁰ Sally Rutherford and David Neave, *Proposal for a National Agricultural Stewardship Program*, Report Presented to the Ministers of Agriculture (Ottawa: Canadian Federation of Agriculture and Wildlife Habitat Canada, 1997).

²¹ Canadian Wildlife Service, "Managing Species at Risk", note 8; Prairie Habitat Joint Venture - Land Use Committee, "Outline of a Program of Work for Policy Initiatives", note 11, 11, p.6; Prairie Habitat Joint Venture - Land Use Committee, "Draft Report of the PHJV Land Use Committee Workshop", 25-26 August 1997, p.6; Calvin Sandborn, *Economic Incentives to Protect Wetlands*, note 14, p.54; and David J. Neave, "A Cooperative Wildlife Habitat

implementation discussions.

Second, the decoupling of agricultural subsidies and redirection of them into conservation has attracted some attention from agriculture, environment, land trust, government and academic respondents. With ongoing reforms, smaller subsidies, and the need for more analysis of the impacts of current subsidies on biodiversity, further work may be required on this subject before fuller support can be achieved. This is in spite of the existence of suggestions elsewhere towards this direction²².

Third, the agriculture and fisheries respondents supported the promotion of eco-tourism in rural areas, including the use of access fees to better capture economic benefits from recreational uses of the landscape²³. The inability to charge access fees has been identified for some jurisdictions and situations, and promoting eco-tourism may provide new means to achieve the identified principles of sustainable development and partnership between interested and affected parties.

Government Actions

Despite shrinking mandates and resources, federal, provincial, territorial and even local governments continue to have leadership roles and extensive authority that can be harnessed to promote stewardship. This is reflected in the general option that stewardship and habitat concerns be incorporated into government policies, which received wide support especially by environmental participants (yet not by forestry). This important government role and authority is also reflected in many of the other options, particularly where taxation, legislation or substantial funding is involved. Essentially, respondents are saying that governments need to understand, recognize, support and integrate stewardship

Conservation Program", note 9, p.112.

²² North American Wetlands Conservation Council (Canada), *NAFTA Opportunities for Conserving Continental Biodiversity*, Invited Paper Presented to the North American Commission on Environmental Cooperation (Ottawa: NAWCC, 1995), p.18-19; Prairie Habitat Joint Venture - Land Use Committee, "Outline of a Program of Work for Policy Initiatives", note 11, 11, p.4; David Neave, Letter to International Association of Fish and Wildlife Agencies, 1996, p.4; Ian Attridge (ed.), *Biodiversity Law and Policy in Canada*, note 8, pp.147, 372, 399; Biodiversity Working Group, *Canadian Biodiversity Strategy*, note 6, p.32.

²³ Prairie Habitat Joint Venture - Land Use Committee, "Outline of a Program of Work for Policy Initiatives", note 11, 11, p.6; Prairie Habitat Joint Venture - Land Use Committee, "Draft Report of the PHJV Land Use Committee Workshop", note 21, p.7; NAEC, "A Brief Survey of Incentives and Disincentives", note 6, p.6; Calvin Sandborn, *Economic Incentives to Protect Wetlands*, note 14, p.71; National Forest Strategy Coalition, *National Forest Strategy 1998*, note 6, pp.11,12; David J. Neave, "A Cooperative Wildlife Habitat Conservation Program", note 9, p.112..

more than has occurred in the past; among others, Nova Scotia has taken an important strategic step in this direction²⁴. While not new, this recommendation has recently resurfaced in stakeholder discussions of a national approach to species-at-risk²⁵, and will be increasingly important as political, constitutional and funding considerations constrain regulatory actions.

While governments must exercise leadership and authority, one of the clear indications from this survey is that they do not bear the entire responsibility for carrying out stewardship. Half of the priority options require substantial government action, but the other half can be (and in some jurisdictions, are) undertaken by industry associations, community groups and various partnerships, among others. This would be even more the case once governments respond to the identified tax, policy and legislative needs, thereby eliminating barriers or creating incentives for land owners, managers and their partners to carry out stewardship activities on the ground.

V. IMPLICATIONS

The stewardship principles and options survey has provided some preliminary directions as to the framework and program development necessary to promote stewardship in Canada. There are numerous limitations in the survey results, including the number and depth of response and survey design and distribution, as discussed above. Yet the participation of leading individuals and organizations from diverse sectors lends more weight to the results than the twenty responses would otherwise support.

While the survey helps distill a plethora of potential options down into a somewhat more manageable list, the results still require wider confirmation and refinement before identifying a handful of leading priorities. To do so will require an ongoing process, perhaps beginning with a consideration of the survey's priority list at a national endangered species stakeholders' workshop (expected at the end of April 1998), and distribution afterward to a broader selection of people interested in wildlife habitat and stewardship.

Some choices and clusters did receive broad-based support. The principles included the need to provide economic incentives and remove disincentives, the complementarity of voluntary and regulatory approaches, and a recognition of both landowner rights and responsibilities. Options which received high levels or multi-sectoral interest included conducting extension and helping landowners with site planning, adding a separate "woodlot owner" category and deducting conservation equipment expenses for income tax

²⁴ Nova Scotia Department of Natural Resources and Stewardship Strategy Committee, *Private Land Stewardship and Government: Towards a Strategy for Nova Scotia*, note 1.

²⁵ Canadian Wildlife Service, "Working Together to Implement the National Accord for the Protection of Species At Risk", Proceedings, March 1998.

purposes, providing property tax incentives for maintaining habitat, and fostering conservation easements by streamlining procedures. These are areas of emerging consensus that could benefit from collective advancement and experience sharing, and would also be well-received, across sectoral lines. Nonetheless, detailed development will necessarily require targeting towards specific audiences.

As one would expect, different sectors also placed varying emphases among the principles and options, often with divergent views between industry (agriculture, mining and forestry) and the sectors not as directly involved in production on the landscape (ie. environment groups, land trusts, government and academics). This, however, does not mean that individuals would not support stewardship initiatives outside of their sector, only that familiarity and perceived need resulted in a higher priority placed on items relevant to their area of activity. Other options have not risen to the top during the survey, were additions made by respondents, or were not initially included but are attracting more attention, such as the “safe harbour” agreement concept. These possibilities need to be further explored in follow-up to the survey, as suggested above, and thus only broad direction can be provided in this report of results.

The clusters of interest reinforce that these are not just individual wish-list items, but rather a pattern of priority in particular areas. As briefly documented in this report’s footnotes, most of these preferences have a history of discussion and recommendations in various reports over the past decade, thereby helping to corroborate the survey results. Coordinated support, refinement and implementation of leading items must be undertaken to capitalize on such past and current thinking.

The diversity of stewardship experience, need and priority corresponds with the common-sense (and selected) principle that a variety of stewardship programs should be advanced. In order to put such a package together in a balanced, flexible and integrated fashion, stewardship strategies (and components in other strategic initiatives) could be developed by both governments and non-government sectors to coordinate the implementation of particular programs. These could include interpretation documents specifically oriented towards stewardship in the *National Accord Action Plan*, action plans to implement the *Canadian Biodiversity Strategy*, or a significant announcement on stewardship by the Environment Ministers, or Premiers and Prime Minister, among other opportunities. Since habitat falls primarily within provincial jurisdiction, the provinces (and territories) will need to make serious and concerted efforts on this front in order to carry out their numerous commitments to addressing wildlife habitat needs.

Stewardship involves voluntary actions to care for the land. Despite all the supportive measures, policies and information that may be put in place, ultimately stewardship is a personal, ethical and site-specific activity. One hopes that this will be conducted across the entire landscape, and not only in scattered locations by exceptionally dedicated people. This will require more definition of wildlife habitat conservation requirements and objectives in order to guide such involvement.

To accomplish the practicalities of wide-spread and individual action, there must be an enhanced intensity of effort and investment in support of stewardship. Options like extension and site planning along with taxation reforms can only succeed with this level of commitment by government and non-government players alike. Prioritization, partnerships, streamlining and integration may free up some existing resources, but more effort and resources will be required to stem and reverse declines in habitat and the wildlife that depends upon it. This must be given higher profile in budget discussions, establishment of funds, and in many other settings. While only a step in this process, it is hoped that the survey and this report's discussion of the results will contribute to a clearer understanding of some key directions where we should be focusing our attentions.

ACKNOWLEDGEMENTS

This report, the survey and the discussion paper were prepared by the Canadian Institute for Environmental Law and Policy (CIELAP), with the financial support of World Wildlife Fund (Canada) and the Canadian Wildlife Service. The survey and associated discussion paper also benefitted from the technical assistance of many others, including those who have participated in the Stewardship Forum. In particular, the author would like to thank: all respondents to the survey, Pete Ewins (World Wildlife Fund - Canada), Debbie Griff (Canadian Wildlife Service), David Neave and Caro Molson (Wildlife Habitat Canada), Sally Rutherford (Canadian Federation of Agriculture), Peggy Strankman (Canadian Cattlemen's Association), Sheila Forsyth (National Agriculture and Environment Committee), Alison Grose (North American Wetlands Conservation Council - Canada), and Elizabeth Atkinson and Dominique Lapointe (National Round Table on the Environment and the Economy).

APPENDIX A: TABLE OF SURVEY RESULTS

Total Number Chosen (19)	OPTIONS BY SECTOR					
	Agriculture (3)	Mining (1)	Forestry (3)	Environment (4)	Land Trust (4)	Government/Academia (4)
Conduct contact, extension to help landowners plan and implement - 4						
12+	1(+1)	0	3	2	4	2
Develop and distribute information and educational materials - 1						
8	1	0	1	2	1	3
Provide habitat education workshops with training, sharing - 5						
4+	(1)	0	2	0	1	1
Make wildlife/resource research integrated, multi-disciplinary - 9						
7	3	1	3	0	0	0
Support field studies, monitoring, volunteer data collection - 10						
6	0	1	1	1	1	2
Assess conservation costs/benefits, and develop national account - 11						
7	3	1	0	1	0	2
Recognize private stewardship through awards, other programs -12						
6	1	0	2	1	0	2
Develop habitat codes of practice, international standards - 33						
4	1	1	0	1	0	1
Recognize and dedicate private protected areas by agreement -13						
6	1	0	1	1	3	0
Foster easements with better laws, procedures, NGO acquisition - 31						
9	1	0	0	2	3	3
Enable transfer development rights, habitat credits and banking - 32						
6	0	0	1	1	0	4

Total Number Chosen (19)	OPTIONS BY SECTOR					
	Agriculture (3)	Mining (1)	Forestry (3)	Environment (4)	Land Trust (4)	Government/Academia (4)
Encourage easements by full valuation, no capital gains, and qualify - 18						
6	0	0	1	1	4	0
Modify property tax systems to fully recognize easements - 23						
6	1	0	1	2	0	2
Provide property tax incentives for maintaining habitat - 22						
10	1	0	2	3	1	3
Create a separate "woodlot owner" tax category with benefits -14						
10	1	0	3	2	2	2
Exempt ecological land donations from capital gains tax - 17						
7	1	0	1	1	2	2
Make conservation equipment expenses, investments tax deductible -15						
6	1	1	1	1	2	0
Provide support for ecologically-sound investing - 30						
4	2	0	0	0	2	0
Direct an outdoor equipment tax into a stewardship fund - 21						
7	1	0	1	2	3	0
Decouple agricultural subsidies and redirect to conservation - 24						
5	1	0	0	1	1	2
Implement wildlife damage compensation for landowners - 28						
5	1	0	0	2	1	1
Encourage eco-tourism on farms, including use of access fees - 37						
4+	2 (+1)	0	0	0	0	1
Incorporate stewardship/habitat into government policies - 34						
7	2	1	0	3	1	0

Total Number Chosen (19)	PRINCIPLES BY SECTOR					
	Agriculture (3)	Mining (1)	Forestry (3)	Environment (4)	Land Trust (4)	Government/Academia (4)
Prefer sufficient voluntary programs over regulatory approaches - P9						
8	1	1		0	1	
Recognize landowner rights and responsibilities - P2						
8+	(1)	0	2	2	1	
Owners and managers are good stewards of wildlife, habitat - P1						
4+	(1)	0	1	1	1	1
Ensure a variety of stewardship initiatives - P6						
5+	(1)	1	2	0	1	1
Implement a nested set of programs at various levels - P5						
4	0	0	0	3	1	0
Design programs to encourage flexibility, adaptive approaches, innovation - P14.5						
4	2	0	0	0	0	2
Foster links among environmental, economic and social goals - P7						
5	2	1	1	1	0	0
Cooperate and partner among affected and interested parties - P13						
5	2	0	0	1	1	1
Provide economic incentives and remove economic disincentives - P10						
11	0	0	2	2	3	4
Consider socio-economic impacts in developing wildlife plans - P3						
4	1	1	1	0	0	1
Governments to review tax policies to support, not discourage, stewardship - P20.4						
4+	0	0	1	1(+1)	1	1(+1)
Governments to review and address legal and policy constraints - P20.3						
3+	0	0	0	1(+1)	2	(1)



APPENDIX B: FULL WORDING OF SELECTED PRINCIPLES AND OPTIONS

PRINCIPLES

General Principles

Recognize that land owners and managers have largely been good stewards of wildlife and habitat. (P1)

Recognize landowner rights and responsibilities. (P2)

Recognize that voluntary participation of sufficient scope is preferred over punitive and regulatory approaches. (P9)

Program Structure Principles

Identify, coordinate and implement a nested set of stewardship initiatives, ranging from the international and national levels to regional, provincial/territorial and local levels. (P5)

Ensure a variety of stewardship initiatives, including information and education, research, recognition and awards, technical assistance, voluntary agreements, securement approaches, and economic instruments. (P6)

Ensure that stewardship initiatives consider, incorporate and foster linkages among environmental, economic and social goals, including recognizing landowners' costs. (P7)

Stewardship should involve cooperation and partnerships among affected and interested parties, including landowners, non-government organizations and various government levels. (P13)

Economic and Government Principles

Consider socio-economic impacts in developing species recovery/management plans, within the overall goal of recovery or appropriate management (P3)

Provide economic incentives and remove economic disincentives for private landowners to maintain and enhance wildlife habitat. (P10)

Governments should commit to reviewing, revising or introducing fiscal and tax policies which support public or private stewardship, and revising and avoiding those that discourage stewardship. (P20.4)

Governments should commit to reviewing and addressing legal and policy constraints which serve to discourage stewardship, especially on private lands. (P20.3)

Participants' Contributions and Principles

Non-regulatory initiatives play an important role, but they cannot be viewed as a partial or complete substitute for a comprehensive legislative framework.

Generally, law and policy must change, including tax laws and policies. As well, economic incentives should legislatively be enabled and disincentives removed.

P12 (effective and equitable participation) is itself an option, since involving people is an incentive, such as developing recovery plans.

There is some overlap between and among the individual options and principles.

Many of the principles in the questionnaire are not written as principles.

We have learned this from many of the former programs we tried to implement: if they are not flexible and adaptive, they won't work.

OPTIONS

Information and Communication

Develop and distribute quality information and educational materials concerning status, prevention and stewardship of wildlife and its habitat. (1)

Carry out landowner contact and extension programs to help landowners develop or implement conservation or related plans for their properties. Such programs should include goals, information, models, advisors and technical assistance. (4)

Provide and support wildlife habitat education workshops for agricultural producers and resource managers based on a training package, a sharing of producers' and managers' expertise, demonstration sites and testing of new ideas. (5)

Ensure that wildlife and resource-based research become more integrated and multi-disciplinary, including advisors from diverse sectors on research teams and the integration of social, economic and environmental factors. (9)

Support field study initiatives, monitoring and volunteer-based data collection projects. (10)

Assess the collective socio-economic expenditures on, and benefits from, wildlife habitat conservation (especially as relevant to landowners, resource-based sectors and municipalities), and develop national reporting on a natural resources or biodiversity "account".

Recognition

Develop a stewardship award or other program to recognize the involvement of private individuals in private stewardship.

Develop and promote domestic codes of practice and international standards in various sectors that incorporate wildlife and habitat conservation and related indicators.

Enable protected areas to be voluntarily established, recognized and conserved by agreement on private lands.

Conservation Easements and Similar Approaches

Enhance the use of conservation easements through: revising legislation; reviewing, streamlining, improving and explaining government administrative procedures; and fostering acquisition programs by aiding non-government groups and the promotion of easements. (31)

Encourage the use of conservation easements to conserve land by: legally entrenching the full valuation of all donated conservation easements (ie. not just easements certified as ecologically sensitive land), exempting them from calculating capital gains and paying such tax, and enabling them to qualify for beneficial tax treatment as ecologically sensitive land (Québec). (18)

Modify property tax systems to fully recognize conservation easements, including the appropriate valuation of easement-encumbered lands and maintenance after a tax sale. (23)

Authorize and assist local authorities to develop a system of transferable development rights, habitat transaction credits or mitigation banking.

Economic Options

Create a separate "woodlot owner-manager" tax category to permit woodlot owner-managers to qualify for tax treatment, credits, deductions and accounting methods consistent with those for farmers and fishers. (14)

Enable conservation equipment expenses to be deductible by expanding certain "depreciable property" classes, and interpret farm or similar investments in ecological improvements to be business expenses and thereby deductible. (15)

Provide support for ecologically-sound investing, such as enhanced tax treatment of ethical investments, promotion of Canadian Conservation Bonds, and recognition of investments that meet wildlife habitat conservation standards.

Exempt donations of ecologically sensitive lands from the payment of capital gains tax. (17)

Direct into a stewardship fund a specific tax (or the portion of a tax already collected, such as G.S.T. or other sales tax) on outdoor equipment. (21)

Provide and notify owners of property tax incentives for maintaining habitat, such as rebates, reductions, exemptions or by valuing land in its current use as habitat. (22)

[Modify property tax systems to fully recognize conservation easements, including the appropriate valuation of easement-encumbered lands and maintenance after a tax sale. (23)]

In revising aid programs, ensure that the removal of commodity-based subsidies from stabilizing farm incomes ("decoupling") continues. Redirect agricultural subsidy reductions to encourage sustainable development and conservation (especially through non-commodity payments that provide conservation or ecological services), and thereby allow payments to survive GATT/WTO scrutiny. (24)

Complete design of and implement compensation for landowners for damage by wildlife, and the most effective and efficient way of delivering compensation. Use pilot projects and include better preventative programs and harvesting technology.

Coordinate and encourage ecologically sound, nature-oriented tourism and vacations on farms, including by enabling access fees or alternative returns for viewing, photography, hunting, etc.

Government Actions

Ensure that stewardship and wildlife habitat conservation are incorporated into federal department Sustainable Development Strategies, provincial Canadian Biodiversity Strategy action plans, and similar government policy documents.

Participants' Contributions and Options

Provide matching as support funding from governments and non-government organizations involved in community-led stewardship.

We need occupier and volunteer liability law reform.

Workshops are needed for mining, energy, urban development and recreation sectors, rather than just for agriculture and forestry.

There is a need for compensation for measures to protect species or habitats where there is a significant loss or income in fair, equitable and appropriate ways.

The assumed loss of tax dollars, for maintaining habitat, to the municipality, could be explained with results from implementing Option 11 to provide the economic benefits of conservation.

APPENDIX C: SURVEY MATERIALS AND DISCUSSION PAPER

This Appendix contains the materials distributed to individuals for the survey. These include the following attached documents:

- introductory letter;
- distribution list;
- survey form;
- list of options;
- list of principles; and
- "Priority Wildlife Stewardship Options" discussion paper.

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**World Wildlife Fund Canada**

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tel: (416) 489-8800 fax: (416) 489-3611
Internet: pewins@wwfcanada.org

16 January 1998

To: Distribution list (attached)

**Re: Development of joint recommendations for priority
stewardship options for wildlife conservation**

By signing onto the National Accord for the Protection of Species at Risk, federal, provincial, and territorial Wildlife Ministers have committed to "establishing complementary legislation and programs that provide for effective protection of species at risk throughout Canada". Wildlife Ministers are currently developing the work plan for the implementation of the National Accord - to be released this April.

Most of you will be well aware of the heated debate surrounding the federal government's introduction last winter of Bill C-65, the Canadian Endangered Species Protection Act. This debate was understandably most intense for owners and managers of private lands. WWF is committed to the effective, yet fair and practical, conservation of species at risk, wherever they occur, and like numerous other non-government organizations, wants to move quickly towards positive collective actions for conservation. WWF is seeking the "carrots", more than the "sticks"!

We see the National Accord work plan as a unique, but time-limited, opportunity. It clearly invites significant input regarding programs necessary for fair and effective wildlife conservation in Canada. Wildlife protection laws can be useful, but it is our firm belief that sound and effective stewardship and incentive programs, are what will produce measurable conservation benefits for species and biodiversity in Canada.

Our aim is to provide government Wildlife Ministers with a manageable, short list of priority incentive programs/measures that, in the opinion of a broad range of stakeholder groups, will be most effective in *encouraging* Canadians to protect wildlife species (including those designated "at risk"), rather than focusing on *punishing* citizens for not protecting these species. It is crucial that these priority programs be incorporated into the National Accord work plan. Fair and effective stewardship and sustainable resource use programs will apply to both species at risk and to general wildlife species and their

habitats. Truly effective, pro-active programs will reduce the need to even list species as "at risk" ! Many of the program recommendations will, therefore, apply to both species at risk and to general biodiversity and wildlife habitat.

In order to achieve this, we are asking that all interested stakeholders work together to develop a short list of effective, achievable incentive programs. The attached discussion and review paper has been drafted by Ian Attridge (CIELAP Research Associate) for WWF (benefiting from the work and discussions of the national Stewardship Working Group, as well as numerous stewardship and program reports). It summarizes 37 such program options; and presents a further 30 guiding principles. You will almost certainly wish to raise other options relevant to your field of interest - please do! Our goal is to develop a document with support from a wide range of stakeholder groups, in order to send Wildlife Ministers a powerful collective message regarding delivery on government programmatic promises made in the October 1996 National Accord.

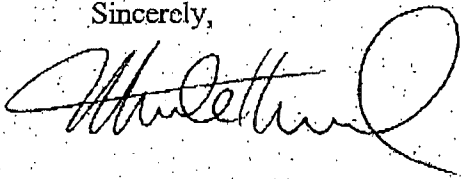
Please take time to read this material and complete the survey form, by 30th January.

Please return your completed survey forms and comments to Ian Attridge, who will collate the comments and recommendations received (see fax details below). Alternatively, you can e-mail responses to myself at WWF (ewins@wwfcanada.org). As many of you will already know, federal and provincial Wildlife Directors are hosting a consultation session on the National Accord on February 18th, in Ottawa. We hope to have a summary of your recommendations and comments available for this key meeting (a copy will be first sent to all respondents), hence the tight turn-around time!

I would also invite your suggestions for how best to collectively present these recommendations to Ministers, in sufficient time for them to mesh at least some into the National Accord's April 1998 work plan.

Thank you for your urgent attention to this exciting opportunity. If you have any burning ideas, questions or concerns you would like to share, please do not hesitate to contact myself or Dr. Peter Ewins, WWF's Endangered Species Program Director.

Sincerely,



Monte Hummel
President
World Wildlife Fund Canada

Please send completed survey form to:
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PRIORITY WILDLIFE STEWARDSHIP OPTIONS - SURVEY FORM

As part of discussions among diverse national groups and agencies exploring land stewardship for wildlife, you are invited to participate in filling out this "Stewardship Options Survey". The Survey will take less than an hour, but will help provide important direction for non-regulatory and incentive measures for wildlife in Canada.

The intent is to identify, by early 1998, the most feasible and priority options for governments and private organizations to undertake, particularly to advance discussions on species-at-risk, biodiversity and sustainable development. This Survey accompanies the "Priority Wildlife Stewardship Options" discussion paper listing stewardship options and accompanying principles for implementing wildlife habitat conservation. The paper and Survey were prepared by Ian Attridge, Research Associate, Canadian Institute for Environmental Law and Policy, with the support of World Wildlife Fund (Canada) and assistance of many others.

Please return the Survey by Friday, 30 January 1998 or ASAP, to:

Ian Attridge, 575 Gilchrist Street, Peterborough, Ontario K9H 4P2
Tel: 705-876-7576 Fax: 705-876-0201 E-mail: ianattridge@accel.net

SURVEY FORM INSTRUCTIONS

Please refer to the accompanying paper, especially Appendix A which lists each option and principle. Consider each as they are broadly presented. Your personal opinion is preferred; endorsement by your organization is not necessary. Individual responses will be kept confidential, and only aggregated responses will be reported.

Please select your top priority 10 options and 5 principles, write in their numbers on the lines on the next page, and check off the factors you feel apply in the boxes underneath the option line. Also add any other comments, refinements or options that you wish.

In assessing the check box criteria, you might consider these factors:

EFFECTIVE - Consider land area, habitat effects, species sensitivity, program continuity, controls, targetting, audience, spinoffs, etc.

EFFICIENT - Consider total and annual cost, alternatives, cost savings, expansion and collateral demand, delivery models, etc.

FEASIBLE - Consider leadership availability, delivery options, existing progress, capacities, resources, timelines, barriers, abuses, etc.

ACCEPTABLE - Consider political and media interest, participant takeup, delivery options, policy commitments, history, culture, timing, etc.

IMMEDIATE - Consider whether it is an immediate priority to implement (1 year \pm), can it be done later or is it largely completed already.



PRIORITY WILDLIFE STEWARDSHIP OPTIONS - SURVEY FORM

Name: _____ Organization: _____

Address: _____

Tel: _____ Fax: _____ E-mail: _____

Feel free to circulate the Survey, and to add notes, refinements, suggestions, implications, provincial gaps or applications, implementation methods, and current examples, etc.

10 TOP PRIORITY STEWARDSHIP OPTIONS

- 1. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 2. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 3. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 4. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 5. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 6. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 7. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 8. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 9. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- 10. #: Comment:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___
- Other:
Effective ___ Efficient ___ Feasible ___ Acceptable ___ Immediate ___

5 TOP PRIORITY STEWARDSHIP PRINCIPLES

- 1. #: Comment:
- 2. #: Comment:
- 3. #: Comment:
- 4. #: Comment:
- 5. #: Comment:
- Other:

THANKS FOR PARTICIPATING, AND FOR CONTRIBUTING TO WILDLIFE STEWARDSHIP!

Please return the Survey by Friday, 30 January 1998 or ASAP, to:
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Tel: 705-876-7576 Fax: 705-876-0201 E-mail: ianattridge@accel.net

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LIST OF STEWARDSHIP OPTIONS AND PRINCIPLES

PART I - STEWARDSHIP OPTIONS

Information and Education

- 1 Develop and distribute information and educational materials
- 2 Improve access to databases on priority land parcels
- 3 Integrate and catalogue databases, and establish data group
- 4 Conduct contact, extension to help landowners plan and implement
- 5 Provide habitat education workshops with training, sharing
- 6 Teach ecosystem management/conservation/prevention at each level
- 7 Deliver integrated training programs, materials to professionals

Research

- 8 Develop a habitat conservation and technology research strategy
- 9 Make wildlife/resource research integrated, multi-disciplinary
- 10 Support field studies, monitoring, volunteer data collection
- 11 Assess conservation costs/benefits, and develop national account

Recognition of Voluntary Actions

- 12 Recognize private stewardship through awards, other programs
- 13 Recognize and dedicate private protected areas by agreement

Economic Instruments

- 14 Create a separate "woodlot owner" tax category with benefits
- 15 Make conservation equipment expenses, investments tax deductible
- 16 Disallow land clearing costs unless declare no habitat damage
- 17 Exempt ecological land donations from capital gains tax
- 18 Encourage easements by full valuation, no capital gains, qualify
- 19 Enable one transaction for land donations at a discounted price
- 20 Streamline cross-border donations of land and money
- 21 Direct an outdoor equipment tax into a stewardship fund
- 22 Provide property tax incentives for maintaining habitat
- 23 Modify property tax systems to fully recognize easements

Financial Assistance

- 24 Decouple agricultural subsidies and redirect to conservation
- 25 Prefer access, matched funding to planning/conservation towns
- 26 Enable a check-off to donate tax refunds; use it in matched fund
- 27 Pay farmers and other resource users to maintain habitat areas
- 28 Implement wildlife damage compensation for landowners
- 29 Conserve habitat through loan, mortgage and insurance conditions
- 30 Provide support for ecologically-sound investing

Securement and Agreements

- 31 Foster easements with better laws, procedures, NGO acquisition
- 32 Enable transfer development rights, habitat credits and banking

Law and Policy

- 33 Develop habitat codes of practice, international standards
- 34 Incorporate stewardship/habitat into government policies

Other Mechanisms

- 35 Identify regional objectives and sites for conserving habitat
- 36 Protect critical programs during the process of policy reform
- 37 Encourage eco-tourism on farms, including use of access fees

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PART II - STEWARDSHIP PRINCIPLES

Context

- P1 Owners and managers are good stewards of wildlife, habitat
- P2 Recognize landowner rights and responsibilities
- P3 Consider socio-economic impacts in developing wildlife plans
- P4 Develop transition strategies for impacted workers, landowners

Framework

- P5 Implement a nested set of programs at various levels
- P6 Ensure a variety of stewardship initiatives
- P7 Foster links among environmental, economic and social goals
- P8 Position stewardship within complementary public policy, laws
- P9 Prefer sufficient voluntary programs over regulatory approaches

Economic Instruments

- P10 Provide economic incentives and remove economic disincentives
- P11 Remove disincentives when implementing new incentives

Consultation and Partnership

- P12 Ensure effective, equitable participation in program decisions
- P13 Cooperate and partner among affected and interested parties

Design

Design programs to:

- P14.1 respect, apply and develop local knowledge and expertise
- P14.2 be transparent in program design and operation
- P14.3 be performance-based with goals, measurable objectives
- P14.4 specify rewards for performance, and what if miss targets
- P14.5 encourage flexibility, adaptive approaches and innovation
- P14.6 have prescribed monitoring, reporting and accountability
- P15 Regularly evaluate and improve programs

Capacity and Implementation

- P16 Parties agree program is fair, credible, appropriate, effective
- P17 Ensure sufficient and diverse participation is expected
- P18 All parties have clearly defined roles and responsibilities
- P19 Ensure capacity to fulfil all roles and responsibilities

Governments

Commit governments to:

- P20.1 improve interdepartmental coordination, conflict resolution
- P20.2 provide a consistent, coordinated, streamlined approach
- P20.3 review and address legal and policy constraints
- P20.4 review tax policies to support, not discourage, stewardship
- P20.5 include stewardship in conservation/sustainability agreements
- P20.6 participate in international conservation efforts, agreements

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APPENDIX A: LIST OF STEWARDSHIP OPTIONS AND PRINCIPLES

PART I - STEWARDSHIP OPTIONS

Information and Education

- 1 Develop and distribute information and educational materials
- 2 Improve access to databases on priority land parcels
- 3 Integrate and catalogue databases, and establish data group
- 4 Conduct contact, extension to help landowners plan and implement
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- 36 Protect critical programs during the process of policy reform
- 37 Encourage eco-tourism on farms, including use of access fees

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Part II - Stewardship Principles

Context

- P1 Owners and managers are good stewards of wildlife, habitat
- P2 Recognize landowner rights and responsibilities
- P3 Consider socio-economic impacts in developing wildlife plans
- P4 Develop transition strategies for impacted workers, landowners

Framework

- P5 Implement a nested set of programs at various levels
- P6 Ensure a variety of stewardship initiatives
- P7 Foster links among environmental, economic and social goals
- P8 Position stewardship within complementary public policy, laws
- P9 Prefer sufficient voluntary programs over regulatory approaches

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- P11 Remove disincentives when implementing new incentives

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- P14.6 have prescribed monitoring, reporting and accountability
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- P20.2 provide a consistent, coordinated, streamlined approach
- P20.3 review and address legal and policy constraints
- P20.4 review tax policies to support, not discourage, stewardship
- P20.5 include stewardship in conservation/sustainability agreements
- P20.6 participate in international conservation efforts, agreements

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APPENDIX B: LIST OF CANADIAN REPORTS REVIEWED

NATIONAL REPORTS

- Ian Attridge, *Incentive Proposals for Endangered Species on Private Lands*, Discussion Paper for the National Round Table on Environment and the Economy Workshop on Economic Instruments to Encourage Sustainability on Private Lands (Ottawa: NRTEE, 1997)
- Ian Attridge, "Ideas for Biodiversity Conservation Incentives", Ideas Circulated at the Workshop on Incentives and Related Mechanisms for Sharing the Environmental Common Good (Peterborough, 1997)
- Ian Attridge, *Conservation Easement Valuation and Taxation in Canada* (Ottawa: North American Wetlands Conservation Council - Canada, 1997)
- Ian Attridge (ed.), *Biodiversity Law and Policy in Canada: Review and Recommendations* (Toronto: Canadian Institute for Environmental Law and Policy, 1996)
- Canadian Wildlife Service, "Managing Species at Risk: Do We Have the Right Tools?", Recommendations of a Focus Group Sponsored by the Canadian Wildlife Service (Ottawa: CWS, 1993)
- Canadian Wildlife Service, *An Action Plan for Wildlife Habitat Conservation: Canadian Wildlife Service* (Ottawa: CWS, 1992)
- Marc Denhez, *You Can't Give It Away: Tax Aspects of Ecologically Sensitive Lands* (Ottawa: North American Wetlands Conservation Council - Canada, 1992)
- House of Commons - Standing Committee on Natural Resources, *Canada: A Model Forest Nation in the Making* (Ottawa: Standing Committee, 1994)
- House of Commons Task Force on Economic Instruments and Disincentives to Sound Environmental Practices, *Economic Instruments and Disincentives to Sound Environmental Practices* (Ottawa: Task Force, 1994)
- Federal-Provincial Agriculture Committee on Environmental Sustainability, *Growing Together*, Report to Ministers of Agriculture (Ottawa: Committee, 1990)
- Federal-Provincial-Territorial Biodiversity Working Group, *Canadian Biodiversity Strategy: Canada's Response to the Convention on Biological Diversity* (Ottawa: Supply and Services/Environment Canada, 1995)
- International Woodworkers Association - Canada, "Balanced Biodiversity Protection for Canada", Submission to the House of Commons Standing Committee on Environment and Sustainable Development, 1997
- David Liston, Bryne Purchase and Findlay Beith, *Economic Instruments Available to the Federal Government to Encourage Economic Sustainability on Private Woodlots*, Discussion Paper for the National Round Table on Environment and the Economy Workshop on Economic Instruments to Encourage Sustainability on Private Lands (Ottawa: NRTEE, 1997)
- National Agriculture Environment Committee, *Workshop on Incentives and Related Mechanisms for Sharing the Environmental Common Good*, including "A Brief Survey of Incentives and Disincentives" (background paper) (Ottawa: NAEC, 1997)
- National Forest Strategy Coalition, *National Forest Strategy 1998* (draft), November 1997
- National Round Table on the Environment and the Economy, *NRTEE Recommendations for the 1998 Federal Budget* (Ottawa: NRTEE, 1997)
- North American Waterfowl Management Plan, *Expanding the Commitment: 1994 Update to the North American Waterfowl Management Plan* (Ottawa: Canadian Wildlife Service, 1994)
- David Neave, Letter to International Association of Fish and Wildlife Agencies, 1996



- David J. Neave, "A Cooperative Wildlife Habitat Conservation Program" in: Canadian Wildlife Service, *A Colloquium on Wildlife Conservation in Canada* (Ottawa: CWS, 1986)
- New Directions Group, "Criteria and Principles for the Use of Voluntary or Non-Regulatory Initiatives (VNRIs) to Achieve Environmental Policy Objectives" (draft), 4 November 1997
- North American Wetlands Conservation Council (Canada), *NAFTA Opportunities for Conserving Continental Biodiversity*, Invited Paper Presented to the North American Commission on Environmental Cooperation (Ottawa: NAWCC, 1995)
- Organization for Economic Cooperation and Development, *Environmental Performance Reviews - Canada* (Paris: OECD, 1995)
- Partners in Flight - Canada, *Framework for Landbird Conservation in Canada* (Ottawa: Partners in Flight - Canada, 1996)
- Monique M. Ross, *Forest Management in Canada* (Calgary: Canadian Institute of Resources Law, 1995)
- Thea M. Silver, Ian C. Attridge, Maria MacRae and Kenneth W. Cox, *Canadian Legislation for Conservation Covenants, Easements and Servitudes: The Current Situation* (Ottawa: North American Wetlands Conservation Council - Canada, 1995)
- Standing Senate Committee on Energy, the Environment and Natural Resources, *Protecting Places and People: Conserving Canada's Natural Heritage* (Ottawa: The Senate of Canada, 1996)
- Stewardship Working Group, "Economic Incentives for Land Stewardship - Options for Consideration" (draft), 6 October 1997
- Peggy Strankman, "Stewardship Initiatives" (Draft Notes), 1997 (*personal communication*)
- Oriana Trombetti and Kenneth W. Cox, *Land, Law and Wildlife Conservation: The Role and Use of Conservation Easements and Covenants in Canada* (Ottawa: Wildlife Habitat Canada, 1990)
- Wildlife Habitat Canada, *The Status of Wildlife Habitat in Canada: Realities and Visions* (Ottawa: Wildlife Habitat Canada, 1991)
- Wildlife Habitat Canada, *Wildlife Conservation on Private Lands: Proceedings of the Private Stewardship/Landowner Contact Workshop* (Ottawa: Wildlife Habitat Canada, 1987)

PROVINCIAL AND REGIONAL REPORTS

- Ian Attridge, B.C. Endangered Species Protection Workshop (personal notes of discussions), (Vancouver, 24-25 June 1997)
- Calvin Sandborn, *Economic Incentives to Protect Wetlands: Selected Issues*, Discussion Paper Submitted to Environment Canada, 1997
- Calvin Sandborn, *Green Space and Growth: Conserving Natural Areas in B.C. Communities* (Victoria: Ministry of Environment, Lands and Parks, 1996)
- Prairie Habitat Joint Venture - Land Use Committee, "Draft Report of the PHJV Land Use Committee Workshop", 25-26 August 1997
- Prairie Habitat Joint Venture - Land Use Committee, "Outline of a Program of Work for Policy Initiatives", Report to the PHJV Council, September 1996
- Irene Bowman and the Endangered Species Task Force, *An Agenda For Change: Species of Special Status in Ontario* (Second Draft) (Toronto: Ontario Ministry of Natural Resources, 1992)



- Environment Canada, Ontario Ministry of Natural Resources, Federation of Ontario Naturalists and Nature Conservancy of Canada, *Great Lakes Wetlands Conservation Action Plan 1994-2001 - First Progress Report* (Toronto: Canadian Wildlife Service, 1997)
- Philippe Barla et Jean-Daniel Saphores, *Les Mesures de Protection des Habitats Fauniques en Terres Privées: Les Instruments Economiques* (Québec City: Département d'Economie et GREEN, Université Laval, 1997)
- Nova Scotia Department of Natural Resources and Stewardship Strategy Committee, *Private Land Stewardship and Government: Towards a Strategy for Nova Scotia*, Draft Consultation Paper (Halifax: Department of Natural Resources, 11 September 1995)
- Simon Valteau, *Loan and Mortgage Assistance in the Prairies: A Conservation Perspective* (Ottawa: Wildlife Habitat Canada, 1989)
- Mark Van Patter, *Landowner Incentive Mechanisms to Promote Wetland Protection in Ontario* (Toronto: Federation of Ontario Naturalists, 1987)

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PRIORITY WILDLIFE STEWARDSHIP OPTIONS

A Discussion Paper by Ian Attridge, Research Associate
Canadian Institute for Environmental Law and Policy
Support by World Wildlife Fund (Canada)

January 1998

EXECUTIVE SUMMARY

Arising from discussions among diverse national groups and agencies exploring land stewardship, this discussion paper identifies and discusses numerous options and principles for wildlife habitat stewardship in Canada. The intent is to use the discussion paper together with a survey to collectively identify, by early 1998, the most feasible and priority options for governments and private organizations to undertake to promote voluntary wildlife habitat conservation. The timing is particularly important in order to advance discussions and unfolding initiatives concerning species-at-risk (including governments' action plans for the National Accord on the Protection of Species at Risk), as well as those for biodiversity and sustainable development.

The paper is divided into two parts: (i) 37 options, being the main focus; and (ii) 30 stewardship principles. The options are briefly described and fall under broad categories: information and education, research, economic instruments, financial assistance, securement, agreements, and others. The principles are more generally cast, being intended to guide the context, framework, implementation and commitment related to stewardship. A summary list of the options and principles is compiled in Appendix A.

Most of the items presented here are not new, although they remain largely unimplemented. They have been assembled from a review of forty-two agriculture, forest, wildlife, economic and related stewardship reports, referenced in Appendix B: List of Reports Reviewed. While certain criteria were applied in winnowing the initial range of options and principles, by the very nature of the exercise the final list presented here is subjective. Consequently, other suggestions and refinements may be more attractive to individuals and organizations, and are welcome in the evolving discussion of stewardship priorities. Of course, some jurisdictions in Canada may already have a certain option or a variation already in place; yet more may need to be done to round out, extend, streamline or otherwise improve these programs.

The options and principles are oriented towards wildlife and habitat generally, yet could be tailored to endangered species specifically or biodiversity concerns more broadly. Given the strong relationship of agriculture, forestry and conservancy (conservation ownership) to private lands and the attention they have received, the options and principles apply particularly to these areas. However, with modifications, many could equally apply to other industries and sectors.



While this paper and survey are an independent initiative of the Canadian Institute for Environmental Law and Policy (CIELAP) and World Wildlife Fund (Canada), the project has benefitted greatly from the perspectives, information and assistance shared through the Stewardship Working Group and its diverse membership.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
TABLE OF CONTENTS	2
INTRODUCTION	3
PART I - STEWARDSHIP OPTIONS	5
A. INFORMATION AND EDUCATION	5
B. RESEARCH	6
C. RECOGNITION OF VOLUNTARY ACTIONS	6
D. ECONOMIC INSTRUMENTS	7
E. FINANCIAL ASSISTANCE	14
F. SECUREMENT AND AGREEMENTS	16
G. LAW AND POLICY	17
H. OTHER MECHANISMS	18
PART II - STEWARDSHIP IMPLEMENTATION PRINCIPLES	18
CONCLUSION	21
APPENDIX A: LIST OF STEWARDSHIP OPTIONS AND PRINCIPLES	22
APPENDIX B: LIST OF CANADIAN REPORTS REVIEWED	24



11

12

INTRODUCTION

Canada's wildlife and habitat are at a crossroads. Ongoing habitat losses, populations in serious decline, and a growing list of endangered and other species at risk remind us of the challenges for conservation and sustainable use. Yet, a number of critical and potentially positive opportunities present themselves:

- provincial and federal governments are preparing action plans for implementing the *National Accord on the Protection of Species At Risk* and the *Canadian Biodiversity Strategy*;
- federal Departments are completing sustainable development strategies;
- after reducing deficits and debt, Finance ministers are now revisiting expenditure decisions;
- trade agreements are dramatically changing subsidies and markets for agricultural producers and other resource sectors;
- the next two decades will see the largest transfer of wealth and land in Canadian history; and
- the Canadian public maintains a concern for the environment and wants to celebrate the beginning of the new millennium.

Such a concurrence of opportunity places the onus on those who are involved with, impact and care for wildlife to determine how best to seize this moment. How do we turn such opportunities into broad environmental, economic and social advantage as it relates to wildlife and habitat? This paper presents some potential options and principles, based upon discussions held with the diverse membership of the Stewardship Working Group, other organizations and reviews of many reports.

Regulatory mechanisms will legitimately remain part of governments' approaches to wildlife, but voluntary methods have yielded significant contributions and hold further promise. This paper focuses upon these voluntary or "stewardship" approaches, and identifies and describes a diverse range of options and principles for implementing stewardship. A summary list of these is presented in Appendix A: List of Options and Principles.

The options and principles fall under broad categories, ranging from education and recognition to more complex economic incentives and long-term agreements. They can apply to wildlife generally, or could be tailored to endangered species specifically or biodiversity concerns more broadly. Applications to agriculture, forestry and conservancy (conservation ownership) are particularly prominent, given their strong relationship to private lands and the attention they have received. However, in many cases the options and principles could equally apply to fish harvesting, mining and other industries and sectors, perhaps with modifications.

The discussion paper provides the background and details to support a survey of various interests and practitioners across Canada involved with wildlife, habitat and stewardship. The intent is to use the survey to identify the most feasible and highest priority stewardship options, and then circulate the findings to provide some input and direction to the initiatives noted earlier.

The paper and survey have been undertaken as a result of ongoing discussions with various environmental, agricultural, industry and other organizations and the strategic opportunities now present. Arising out of a February 1997 workshop on

incentives and other measures for protecting endangered species, the Stewardship Working Group was formed to discuss potential directions and projects for wildlife habitat stewardship. While this paper and survey are an independent initiative from the Group and its membership, this project has benefitted greatly from the perspectives, information and assistance shared through this forum.

Most of the options presented here are not new, although they remain largely unimplemented. They have been assembled from forty-two agriculture, forest, wildlife, economic and related stewardship reports, referenced in Appendix B: List of Reports Reviewed. Recommendations from this list were first cross-referenced and, in many cases, modified to incorporate variations and language to allow broader or more relevant application. From a list of over two hundred suggestions, some 37 options and 30 principles were then selected for presentation in this paper. While inherently subjective, the selection was based upon several factors: number of repeated references, innovative or strategic proposals, options with some existing momentum, sectoral balance, and distribution among types of approach.

This paper is divided into two parts: (i) options, being the main focus; and (ii) stewardship principles. The options and principles are presented with brief introductory descriptions under category headings, although several of them are more technical in nature and are accompanied by a few further paragraphs of specific explanation. Some are more general while others are quite specific. The options are distinguished from principles by being activities or programs that could be put into practice in some fashion. In contrast, the principles are intended to guide rather than be the focus of the context, design and implementation of stewardship initiatives. In some cases, items are of such a broad nature or constitute general operating approaches that they are included as principles rather than options; the lines obviously blur. While principles are not direct action items, agreement and commitment on them will nonetheless help advance stewardship for wildlife and habitat.

Of course, some jurisdictions in Canada may already have a certain option or a variation already in place; yet more may need to be done to round out, extend, streamline or otherwise improve these programs. However, other provinces or territories will not have implemented these options, but could or should move in such directions. Respondents to the paper and survey can help identify where these types of situation exist, make suggestions on how to address them, and add options into this discussion.

The focus of these stewardship options and principles is upon wildlife, and especially wildlife habitat. These are concepts to which the public can readily relate, they have long-standing traditions and responsibilities, and involve important relationships to land owners and managers. Further, this focus nests between critical concerns for species-at-risk on the one hand, and the larger issues of biodiversity conservation, sustainable use and equitable sharing on the other. For example, the growing need to take a landscape and ecosystem approach towards suites of endangered species will benefit all wildlife, and vice versa, while habitat conservation in conjunction with sustainable economic and social activity will clearly contribute to addressing objectives for biodiversity.

Wildlife and habitat conservation can take many forms. It may involve generating a stewardship ethic, sustainable harvesting and developing new technology and practices, or carrying out restoration efforts and acquiring lands for conservation ownership

and management. It is crucial that any program foster sound long-term conservation of wildlife, while respecting in a fair and positive manner the economic and other needs of the private land owner and manager. This spirit of acknowledging diverse roles and opportunities hopefully has been conveyed in these pages.

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PART I - STEWARDSHIP OPTIONS

A. INFORMATION AND EDUCATION

Information and education are fundamental to good stewardship. Many programs are in place now - more should be added, others refined or integrated, still others expanded. What is the best means to carry out these functions? Which ones are most appropriate to certain sectors, jurisdictions, learning styles, and current needs?

- 1 **Develop and distribute quality information and educational materials concerning status, prevention and stewardship of wildlife and its habitat.**
- 2 **Develop and improve the availability of, and access to, databases that identify priority land parcels and areas harbouring significant biodiversity. Enhance access to these, especially by landowners, non-government organizations and industry, while respecting owners' privacy and conservation concerns.**
- 3 **Integrate databases and develop a directory (in electronic or other forms) to provide site-specific and thematic information on species status, preventative measures, conservation, restoration and stewardship for landowners and their advisors. Establish an inter-agency data-management group and a catalogue of habitat databases to coordinate and foster such sharing and use of information.**
- 4 **Carry out landowner contact and extension programs to help landowners develop or implement conservation or related plans for their properties. Such programs should include goals, information, models, advisors and technical assistance.**
- 5 **Provide and support wildlife habitat education workshops for agricultural**

producers and resource managers based on a training package, a sharing of producers' and managers' expertise, demonstration sites and testing of new ideas.

- 6 Encourage the teaching of ecosystem management, wildlife conservation and prevention concepts at all levels of education.
- 7 Develop and deliver integrated training programs and materials for government staff, conservation officers, planners, and resource managers concerning wildlife habitat, resource production and stewardship on private lands.

B. RESEARCH

Research is an important component because it provides the information and rationale necessary to guide and inspire stewardship. Among others, research can help determine: the most important wildlife habitat areas, integrated management techniques, technological innovations to prevent or reduce impacts, the socio-economic consequences of certain initiatives, and how best to exchange information with local landowners.

Research is occurring on many fronts, in different sectors and towards various ends. To produce effective results in the context of dwindling resources, coordination, direction, distribution of findings, and new participants will be necessary. The following options are largely self-explanatory.

- 8 Develop and distribute widely an explicit wildlife habitat conservation and technology research strategy, involving explicit priorities, a plan and partnerships.
- 9 Ensure that wildlife and resource-based research become more integrated and multi-disciplinary, including advisors from diverse sectors on research teams and the integration of social, economic and environmental factors.
- 10 Support field study initiatives, monitoring and volunteer-based data collection projects.
- 11 Assess the collective socio-economic expenditures on, and benefits from, wildlife habitat conservation (especially as relevant to landowners, resource-based sectors and municipalities), and develop national reporting on a natural resources or biodiversity "account".

C. RECOGNITION OF VOLUNTARY ACTIONS

Many people will continue with or expand stewardship activities if they receive some acknowledgement of their contribution towards wildlife and habitat. Awards, plaques, farm-gate signs, honour rolls, organization memberships, and related ceremonies create a sense of pride and public recognition. Should a landowner want to make a longer-term commitment for the land, preparing property plans (eg. Environmental Farm Plans), entering into management agreements or donating land are some of the means of doing so. Such contributions of land that benefit wildlife should also be clearly

recognized, and program benefits could be provided to such landowners in a reciprocal fashion.

- 12 Develop a stewardship award or other program to recognize the involvement of private individuals in private stewardship.
- 13 Enable protected areas to be voluntarily established, recognized and conserved by agreement on private lands.

The concept of a network of significant protected lands in private ownership enables landowners to voluntarily "dedicate" their lands to conservation use through a long-term agreement or conservation easement equivalent, and receive appropriate recognition by the Province. Among others, the program could include significant habitat, Permanent Cover or Conservation Reserve sites. Such recognition could involve: qualifying for property tax benefits, being exempt from municipal or provincial expropriation except where high threshold tests were met, withdrawal from inappropriate resource use (eg. hydroelectric development and mining), qualification under provincial natural heritage policies, enhanced access to government stewardship information and extension services, inclusion on an honour roll or map, plaques or gateway signs, and other forms of recognition. Government involvement and expense (including acquisition) would be kept to a minimum, thus reflecting the current reality of limited staff and resources.

This approach would not be entirely new for natural areas in Canada. The federal government has had a "landmarks" program to recognize lands outside of national parks in which they do not have a full ownership interest; the Permanent Cover Program has operated on the Prairies for many years; Prince Edward Island and Nova Scotia, among other provinces, have natural area or park designations by agreement with private landowners; New Brunswick is developing an agricultural land dedication and provincial zoning program; and Ontario has an Agreement Forest program. As other models, well-developed natural area programs exist in at least 18 U.S. states, with agreement and non-expropriation provisions.

D. ECONOMIC INSTRUMENTS

Economic interests are attracting increasing interest within the policy community. They can involve taxes, charges, or non-tax incentives to promote stewardship activities. Different measures may involve jurisdictional limitations, and thus the instruments noted below are divided into federal and provincial/municipal responsibilities. Nonetheless, concepts in one category could apply to instruments used elsewhere. For example, while we usually think of the federal government concerning income tax, provinces also have income taxes and credits which, except for Québec, are administered by Revenue Canada on their behalf through a joint tax form and payment.

Economic instruments may be attractive, but they require a balancing of numerous factors. Some of the considerations regularly raised by finance departments and ministries include:

- tax concessions will reduce governmental revenues, thus limiting related or other socially-desirable programs;

- tax concessions may be difficult to target precisely to achieve the desired result (compared with direct expenditures), the numbers and types of persons or corporations taking-up the benefit may be uncertain, or it may be difficult to control the measure's extent and impact;
- tax measures in one area may create demand for expansion or parallel measures in another area, thus reducing fiscal control;
- measures must be put in place to control potential abuses;
- dedicating revenues towards particular programs is seen to be contrary to principles of allocation by democratically-elected governments and addressing current priorities;
- there is the need to ensure new measures are integrated into general tax and economic policy; and
- compliance with international trade and other agreements' rules.

Of course, there are other questions involved. Will a particular incentive leverage activities, values, involvement and education in excess of the resources expended? What are the alternatives, have they been successful, and how much do they cost? Is prevention more efficient than restoration? What are the opportunity costs of not acting at all? Can measures be implemented privately, and tailored and timed, to reduce costs and increase effectiveness? Are there existing precedents, and can different interest be integrated? These are some of the considerations that are implicit throughout the discussions of the economic instrument options below.

Federal Income and Goods and Services Taxes

- 14 **Create a separate "woodlot owner-manager" tax category to permit woodlot owner-managers to qualify for tax treatment, credits, deductions and accounting methods consistent with those for farmers and fishers.**

For tax purposes, woodlot owners and managers are usually treated as farmers. However, this does not recognize that they have longer harvest timelines and more irregular revenues than farmers, nor that many woodlot owners are only part-time farmers (or improve their land without a direct expectation of profit) and thus only qualify for limited or no credits or deductions. Consequently, a distinct "woodlot owner-manager" tax category should be established to encompass those persons engaged in the business of applying silvicultural techniques in accordance with a reasonable woodlot management plan, excluding operators of timber limits and those who run nurseries. Related tax reforms would then flow from this category in order to create equivalency with farmers, especially concerning deductibility of expenses and losses, and intergenerational woodlot transfers and capital gains deferrals.

Federal monies for private woodlots ended with the termination of Forest Resource Development Agreements, and now provinces face serious challenges in this area. Using this tax category as the gateway to qualifying for tax benefits could significantly foster sustainable management and education. To reduce the federal administrative burden, model woodlot plans and phased-in certification and accountability programs coordinated through provincial programs and associations could be developed (similar to procedures for Ecologically Sensitive Land donations). Courts have held that a plan is evidence of a "reasonable expectation of profit" (and thus qualification for expense deductions), and Revenue Canada's work on Interpretation Bulletin IT-373R should be completed in order to clarify this concept regarding woodlots and other

similar wildlife habitat investments. Concerns may be raised over preferential tax treatment and lost and uncontrolled tax revenues. Yet these reforms would ensure equivalent treatment to that for farmers, piggy-back largely on existing and private administration, and ensure a new lever for sustainably managing woodlot habitat where very few legal controls now exist.

- 15 **Enable conservation equipment expenses to be deductible by expanding certain "depreciable property" classes, and interpret farm or similar investments in ecological improvements to be business expenses and thereby deductible.**

The types of investments farmers and other land managers might make to conserve wildlife and habitat can be clustered into three categories: new or improved equipment, extended operation of equipment (eg. avoiding sensitive habitat), and planting and tending appropriate vegetation (trees, food or cover crops, etc.). Some of these expenses are, in various ways, deductible against income. However, as noted above for woodlot owners, this is only the case where the investment is made in "reasonable expectation of profit"; part-time farmers can claim only restricted farm losses, while "hobby" farmers can not claim deductions or losses.

The non-deductibility of these expenses, or the uncertainty surrounding some of them, discourages conservation of wildlife and habitat on farms (especially in relation to direct farming expenditures, which are clearly deductible). Creating or expanding a class of "depreciable property" to include new or improved conservation equipment (eg. flushing bars, exclusion fencing) would put such equipment on par with ordinary farm equipment, or could go further to allow accelerated claims as now occurs for pollution-control equipment.

Ecological (rather than direct business) investments in the land could be considered capital expenditures and will eventually reduce capital gains tax when the land is disposed. However, this benefit may occur many decades into the future when the farm is eventually sold or inherited, it does not provide immediate credit or reinforcement to the farmer, and the present value of such benefit will often be negligible, thus discouraging such investments.

Regardless, ecological investments can enhance revenues and reduce costs: eg. hedgerows reducing erosion, or wetland management affecting water supply and insect control. Enabling deductions against income for such ecological investments would encourage and leverage such investments, and could be further targeted and legitimized through preparing a conservation or similar plan. Plans, or an equivalent approach, are important to focus attention on the task at hand, enable monitoring of progress, prevent abuse, and help ensure a public (rather than simply a personal) benefit.

- 16 **Disallow costs of clearing or levelling land unless otherwise approved or a taxpayer makes a declaration that the costs were not incurred in damaging habitat.**

Section 30 of the *Income Tax Act* provides that amounts paid "for clearing land, levelling land or installing a land drainage system for the purposes of the [farming] business" are deductible from farming income. This includes clearing the land of brush, trees, and other wildlife habitat, and thus if inappropriately used, could act as a disincentive to maintain habitat. Farmers generally do not claim under this category to any large extent, and may be able to claim such expenses under other

deduction categories anyway. While a small step, it would send a signal that habitat disincentives will be eliminated.

To ensure fairness to farmers, the removal of such deductions could be limited by designating particular areas where it would or would not apply. Perhaps more efficiently, a farmer could sign a tax form declaring that the expenses claimed were not incurred in the removal of significant wildlife habitat, or where this did occur, it was clearly in accordance with a recognized list of conservation initiatives or plans.

17 Exempt donations of ecologically sensitive lands from the payment of capital gains tax.

While this is a complicated topic, essentially 75 percent of the increase in value of land (its "capital gain") is deemed by law to be included in landowners' incomes when they sell, donate or otherwise transfer their properties. This is true even for donations, where the landowner receives no actual funds for the transfer, only a tax receipt. This capital gain as income is then taxed at the usual income tax rate for the individual, although it may cause the rate to jump to a higher level if there is a substantial rise in land value. Consequently, the capital gains tax on donations is seen as a significant impediment to landowners who want to make donations of lands of ecological importance. Thus, there have been repeated calls for exempting important ecological lands from this tax, as designated cultural heritage properties have been.

This measure has been analyzed extensively by national organizations and federal institutions, and some reforms have been made over recent years to increase the benefits and reduce the liabilities. Recently, the calculation of how much of the value of the donation can be used to claim tax credits has been adjusted, (and there are other valuation options) to offset capital gains tax. Nonetheless, this reduces the tax benefits in comparison to a sale, and does not accomplish a full exemption. Finance officials have argued strenuously against exemption, particularly because it upsets the integrated nature of the tax system and means the combined tax losses to the federal and provincial governments are a high percentage of what it would cost to simply buy the land. Officials suggest that direct purchasing could better target key properties. Private organizations can leverage substantial volunteer efforts and can acquire land at lower prices than are available to governments, and some properties may only come into conservation ownership through donations (eg. by way of a will).

18 Encourage the use of conservation easements to conserve land by: legally entrenching the full valuation of all donated conservation easements (ie. not just easements certified as ecologically sensitive land), exempting them from calculating capital gains and paying such tax, and enabling them to qualify for beneficial tax treatment as ecologically sensitive land (Québec).

"Conservation easements" are agreements to allow certain land uses and restrict others, and remain on the land title even after the original landowner has transferred the property. The valuation and taxation of easements has been uncertain, but the 1997 federal Budget and subsequent proposals announced that the tax treatment of donated conservation easements, and similar covenants and servitudes, would provide donors with the easement's full value on their tax receipt. However, this is only for easements donated under the "ecologically sensitive land (ESL)" category. Revenue

Canada would treat the identical easement, on the same land, donated to the same charity under the usual and simpler donation rules (ie. without claiming the somewhat higher credit as ESL) as only of nominal value. This does not make sense. It also seriously discourages donations of mixed purpose or cultural easements that do not qualify as ESL. Valuation should be standardized for all long-term conservation agreements, with claim limit variations in place only for regular and enhanced significance levels.

As described above, capital gains tax is levied on the land's increase in value over time. However, calculating a conservation easement's portion of the original and then current land value is speculative at best, impossible at worst, and usually expensive in appraisal costs and appeals. Exempting easements from calculating such capital gains will simplify and encourage their donation. Legislation in Québec (as well as New Brunswick and the Northwest Territories) does not yet enable conservation "servitudes". Once this occurs, Québec's tax statutes will need to recognize these new interests and streamline valuation methods.

19 Recognize in one transaction the donation of property at a discounted price, called a "bargain sale" in the U.S.

A landowner may want to donate property to a conservation organization, but may also need to realize some funds in the process. One would think that the charity could purchase the property at a discounted price, and issue a tax receipt for the difference between the fair market value and the price paid. This is the case in the U.S., but unfortunately Revenue Canada does not recognize such "bargain sales". Instead, Revenue Canada accepts a transaction where the conservation organization pays the full market price, and then the landowner donates some of the money back for a tax receipt. This requires much trust, and a written agreement requiring it would invalidate it as a gift. Besides creating an additional and somewhat cumbersome procedure, the biggest problem is that it requires the conservation organization to raise all of the money at the outset, rather than the often much smaller purchase price. This can prevent some large-scale donations from proceeding.

Canada could look to its own "split receipt" practice (eg. receipt for part of a fund-raising dinner's price), clarify its notion of a "gift", and examine the U.S. rules to streamline the procedure into one transaction. This would need to include measures to prevent abuse, as has occurred for other tax planning measures. Enabling a one-time "bargain sale" transaction would encourage the donation of more land into conservation ownership.

20 Negotiate with the United States and other countries to credit and streamline cross-border donations of land and money, and remove impediments in Canada's *Income Tax Act* and Regulations.

If a U.S. or other non-resident owns property in Canada and wishes to donate it or money to a Canadian charity, the individual will usually have no Canadian-source income (or tax) against which to apply any tax receipt from the charity. This is also the case for Canadians owning land in the U.S. In contrast, U.S. landowners can donate Canadian land to U.S. charities and get full U.S. tax deductions. The U.S. charities generally do not operate here, often find that management of the properties is too difficult at a distance, and may thus transfer the property or money to Canadian groups after some delay and extra cost. Much of this situation is governed by the

Canada-U.S. Tax Convention, and Canada's *Income Tax Act* contains other restrictions on cross-border donations. If such limitations were removed and the process streamlined, then many non-resident owners of Canadian lands (often of significant ecological value) or supporters of Canadian projects would be more willing to donate directly to Canadian charities. Such donated lands also could be more easily monitored and more effectively managed.

Administratively, the question is how to determine which of the thousands of U.S. (and Canadian) charities would qualify for such streamlined treatment. Given the differing levels of tax assistance, it may be that Canadians may be encouraged to donate more to U.S. organizations than the reverse. However, people tend to donate to local or sectoral charities that they know well. International tax agreements take time to amend, but Canadian rules could recognize such situations in order to begin such discussions.

21 Direct into a stewardship fund a specific tax (or the portion of a tax already collected, such as G.S.T. or other sales tax) on outdoor equipment.

This idea has been proposed for years, and there are numerous U.S. state and federal examples to draw upon. It is targeted towards those people who have an interest and impact in the outdoors (and thus wildlife) and who also have disposable income available for outdoor equipment (eg. recreational vehicles, hiking and camping equipment, bird feeders, field guides, binoculars, etc.). It follows in the tradition of duck hunting stamps and similar premiums paid into dedicated conservation funds.

However, governments have been loathe to introduce new taxes or charges, while at the same time being fully prepared to cut back expenditures. Such a measure may be cumbersome to administer at the cash register, if the G.S.T. is any indication. However, an allocation of the approximate proportion of an existing tax levied on outdoor equipment could be simpler. Revenues would be deposited into a fund, and then granted or loaned out on a matching basis. In some cases (such as the G.S.T.), legislation would need to be changed since tax revenues have already been dedicated to debt reduction or other purposes.

Provincial/Municipal Property Taxes

Property taxes are one of the primary taxes and influences available to provincial and/or municipal governments concerning land, and thus land uses and associated wildlife habitat. The valuation and classification of land and its features are as important as the rate at which it is taxed. Measures are often in place for agricultural, forested and even golf course lands, but rarely are there distinctive and comprehensive approaches to lands used for conservation purposes. Equity among land uses and users, consequences of future changes in land use, and effects on municipal or provincial treasuries are important considerations in this area.

22 Provide and notify owners of property tax incentives for maintaining habitat, such as rebates, reductions, exemptions or by valuing land in its current use as habitat.

This option is often raised to promote wildlife habitat and conservation. Different approaches can be taken, whether rebates, reductions, exemptions or valuations, and

can be clearly prescribed or left open to administrative or municipal decision. The relationship with similar measures for other land uses, especially agriculture and forest management, will establish incentives or disincentives to maintain or convert habitat. Informing landowners of the presence of and criteria for such property tax measures, including direct references on tax bills as to the land type, area and benefit, obviously is helpful in implementing these programs.

Given its varied experience across Canada, there are a number of aspects that can be useful in targeting such measures to achieve enhanced habitat effectiveness. These need not exclude other or less demanding criteria, but suggest a gradation of benefits to a greater or lesser extent. Habitat property tax incentives should be oriented: towards equality with farmland; towards lands dedicated to a conservation land reserve; in favour of lands under long-term or permanent protection (eg. conservation easements); in proportion to public benefit achieved by conservation; with tax recapture if the land is later developed; and in preference for those lands under management (eg. a statement or proof of active management, or carried out according to a plan).

23 Modify property tax systems to fully recognize conservation easements, including the appropriate valuation of easement-encumbered lands and maintenance after a tax sale.

As noted above, conservation easements are important and flexible new tools to ensure long-term conservation with a willing landowner. However, they have only been authorized by law in most provinces for a few years, and thus they have yet to be fully integrated into the various tax systems. Property tax systems can recognize conservation easements in a number of ways. First, as is common in the U.S., officials should be clearly directed to assess subject properties at their "encumbered", rather than at unencumbered, values. Second, as for other interests in land, if a landowner defaults in paying taxes, the easement should remain in place when the municipality sells the property. Third, municipalities or conservation groups could just keep track of the use and valuation of easements to provide more detailed information for prospective landowners and tax authorities. Lands under easement could also qualify for enhanced property or other land-related tax incentives, perhaps under certain conditions or in specified sensitive areas.

Concern may be legitimately raised about impacts upon municipal revenues. Yet these may be marginal at worst, for several reasons. The assessment of a property under easement will remain much the same under certain, common scenarios where: there is no further restriction beyond existing zoning, there is no demand for the type of development that the easement restricts (as in many rural areas), the easement covers only a portion of a property, or it allows some appropriately-designed development. In most cases, a few parcels under easement in an area will only redirect, rather than preclude, development, with resulting negligible effect on the area's assessment base. Lands under easement can also be considered attractive to neighbours, and thus raise the value of nearby properties and counteract any decreased value on site. Further, restricting development may actually save municipalities substantial servicing costs, and thus help the bottom line.

E. FINANCIAL ASSISTANCE

Requests to spend more money on programs is conventional but, in the context of wildlife habitat conservation, remain pertinent. As budgets are being balanced and the ecological debt is becoming more widely recognized, many reiterate the call to invest in conservation and avoid larger long-term costs. The question is how to do this in a creative and less fiscally-demanding fashion. A number of new, and some not so new, ideas are identified below.

- 24 **In revising aid programs, ensure that the removal of commodity-based subsidies from stabilizing farm incomes ("decoupling") continues. Redirect agricultural subsidy reductions to encourage sustainable development and conservation (especially through non-commodity payments that provide conservation or ecological services), and thereby allow payments to survive GATT/WTO scrutiny.**

A frequent critique of Canada's agricultural subsidies points to the unintended consequences of less crop diversity and encouragement to bring marginal lands into cultivation, including many areas important to wildlife. In a new age of international trade agreements and more integration of agricultural and environmental policy considerations, commodity-based subsidies are now being removed from their role in stabilizing farm incomes. This course needs to be maintained and advanced. The fiscal savings can be redirected in part towards certain conservation programs in order to maintain support of the farm community and also avoid potential trade challenges.

- 25 **Provide preferential access to and matched funding and support services for communities that have good planning and conservation programs.**

Financial assistance provided by senior governments to municipalities can be used to leverage sustainable development planning and spending at the local level. The results could lead to a viable network of natural areas within an urban context, less urban encroachment upon surrounding habitat and fields, and improved air and water quality. This can be accomplished by tying certain funding, or enhanced levels, to having various conditions in place, such as: determining urban boundaries, establishing greenway and riparian policies, using best development and pedestrian-oriented practices, requiring minimum densities for transit corridors, and fostering water conservation programs. As another example, infrastructure funding would be provided only after natural area planning, management and restoration policies were completed.

Such tied funding for wildlife habitat could become politically charged, and requires a longer timeframe and commitment of funds in order to allow communities the time to meet the criteria and implement projects.

- 26 **Establish an income tax check-off system for donating tax refunds, and collect, distribute and match funds for wildlife habitat purposes through the proposed Millennium Fund.**

When individual Canadian taxpayers complete their income tax forms, sometimes an individual has paid too much tax already or the allowed credits or deductions are larger than the taxes to be paid. This refund may not be significant to the taxpayer, and it produces an administrative headache for Revenue Canada. What if taxpayers just told the government on their tax form that all or a part of their refund could be used for conservation of wildlife habitat? This is called a tax "check-off", and it is used

in over thirty U.S. states to raise funds for worthwhile and varied public purposes. It has yet to be used in Canada, but both the 1996 federal and Ontario budgets announced intentions to collect funds for the purpose of paying down the debt and annual deficit.

There are a number of challenges to implementing such a check-off. First, what happens if there is a tax reassessment and the refund, rebate or voluntary premium is thereby affected? One possibility is to have a three-part aspect of the check-off: one to designate the fund of choice, a second for the amount, and a third to direct what should happen after a reassessment. Second, there will undoubtedly be demands for other public interests to be included in such a check-off system, with concerns about administrative costs. Third, how can all of these interests be accommodated within the limited space on a tax form and in tax guides? Fourth, some organizations may perceive that such federal solicitation of donations would affect their fundraising. A consolidated check-off program could be efficiently administered through the proposed Millennium Fund that would then redistribute the funds through provincial matching programs in proportion to donations made in that province.

- 27 Provide payments to farmers and other resource users to maintain and enhance carefully-selected significant habitat areas, involving either cash payments, cash payments accompanied by technical and material assistance, or income or property tax reductions.

Direct payments to resource owners and users can be focused on habitat conservation objectives, whether area-, species- or management-oriented. However, payments are enhanced by a combination of technical and material assistance and a direction set through some form of plan. Many such programs already exist, including Environmental Farm Plan and CARE initiatives. Should they be modified or expanded, and are such direct payments better than indirect tax incentives?

- 28 Complete design of and implement compensation for landowners for damage by wildlife, and the most effective and efficient way of delivering compensation. Use pilot projects and include better preventative programs and harvesting technology.

Compensation for damage to agriculture caused by wildlife remains an important issue for many. Without a comprehensive program, farmers will retain misgivings about wildlife and conserving associated habitat, and society will avoid sharing the costs for the presence and benefits of wildlife. Wildlife damage prevention and compensation has been extensively studied with models advanced, but the detailed design and delivery awaits further negotiations and provincial agreement. These final steps need to be brought to completion in order to get pilot projects underway, implement prevention programs and improve harvesting and other technology that will reduce impacts.

- 29 Review federal and provincial loan, mortgage and insurance policies to determine whether protecting or managing habitat could be made a condition of low-interest government loans, of certain land purchases or of certain lower insurance premiums. Landowners could also be allowed to pay down loans or mortgages by dedicating or conveying parts of their land or conservation easements.

As for other types of financial assistance, preferential treatment under senior governmental (and even private) loan, mortgage and insurance policies could be made conditional upon conserving wildlife habitat. Loans or mortgages could also be paid down by conveying land or conservation easements of equivalent value. In the U.S., low-interest agricultural credit depends upon the farmer not draining or filling wetlands, with repayment provisions as noted and authority for repossessing agencies to sell conservation easements to conservation agencies and groups. Current Farm Credit Corporation mortgages already require the landowner to avoid contamination of the land with toxic material, and these requirements could be extended to include habitat conservation provisions.

To implement such policies, legislation would need to be carefully reviewed, procedures developed, administrators given additional training, and technical support and monitoring made available (possibly through environmental and agricultural organizations or complementary programs). Farmers may be resistant to such cross-compliance measures for existing benefits, but may be more open to the concept if offered under an umbrella of new benefits. Comprised of producer, conservation, institution and other relevant representatives, a conservation approval advisory committee could be established to assist credit and insurance institutions as well as to build credibility for the program. Pilot projects and experimental transactions would assist in refining and streamlining implementation.

- 30 **Provide support for ecologically-sound investing, such as enhanced tax treatment of ethical investments, promotion of Canadian Conservation Bonds, and recognition of investments that meet wildlife habitat conservation standards.**

More and more Canadians invest billions of dollars a year, and there is a growing market for mutual funds and Registered Retirement Savings Plans. How can a portion of these funds be channelled to support ecologically-sound investing? As interesting examples, labour-sponsored venture capital funds receive enhanced tax treatment and, with the assistance of Wildlife Habitat Canada, the federal government has developed Canadian Conservation Bonds. Further monitoring and recognition of companies that meet conservation standards or codes of practice could be used both to increase direct and pooled ethical investments, as well as educate corporations and investors alike. Such market signals would then encourage other entities to meet such standards or codes.

F. SECUREMENT AND AGREEMENTS

While landowners' stewardship of their own property is crucial in any landscape, some landowners (particularly older ones or developers) may want to transfer their title or management. At this point, conservation organizations have the opportunity to bring such properties under their own conservation stewardship. Conservation easements are an increasingly popular technique in Canada, while innovations in the United States point to a marketplace of development rights or habitat credits.

- 31 **Enhance the use of conservation easements through: revising legislation; reviewing, streamlining, improving and explaining government administrative procedures; and fostering acquisition programs by aiding non-government groups and the promotion of easements.**

New Brunswick, Québec and the Northwest Territories do not have conservation easement

legislation, and other provinces' laws and administrative procedures are problematic, cumbersome or uncertain. For this technique to gain wider use, improvements must be made in such areas.

Landowners are more inclined to give or sell easements at reasonable prices to non-government groups than to the governments which already tax and regulate them and change policies seemingly at whim. Such groups can also harness volunteer labour and involve private sector expertise, thereby adding efficiency to effectiveness. Government and professional sector support to those non-governmental organizations (such as land trusts) geared up to acquire easements will make contributions to the success of easement programs beyond what they could accomplish themselves.

32 Authorize and assist local authorities to develop a system of transferable development rights, habitat transaction credits or mitigation banking.

Transferable development rights, habitat transaction credits and mitigation banking are part of the innovative conservation planning techniques developed in the U.S. to save wildlife, particularly endangered species, habitat. In a general sense, they involve credits transferred from a sending (protected) area to a receiving (developed) area. Credits are given for foregoing development or protecting various levels of significant habitat, and then used to allow development on another site. A significant advantage is that no public funds are required, just a mechanism set up by municipalities or other agencies to administer the creation and transfer of the credits. Such a system creates incentives to enter into conservation easements and reimburses owners of land that is not available for certain uses due to strong zoning or other laws. Some planning legislation in Canada enables "bonusing", but this is rarely used for habitat purposes. More specific authorization, examples and support could enhance the experimentation and development of these techniques in different settings.

G. LAW AND POLICY

Law and policy can play important roles beyond simply being a framework for regulatory action. Both can enable things to happen on the ground, and express and implement commitments made. For example, such earlier options as compensation, tax and financing measures, and enabling or streamlining conservation easements all require changes to law and associated policy, but are best discussed under the previous headings.

While not imposed in most circumstances, codes of practice, standards and strategies nonetheless create their own internal law and policy for those who develop or adopt them. Governments may further need to pass laws to adopt and give credence to international protocols and agencies. Creating such codes, standards and strategies, and attempting to implement and comply with them, further generate discussions across traditional lines. This can advance education and innovation, and also can provide the rationale for developing, redesigning and funding programs to address wildlife and habitat needs.

33 Develop and promote domestic codes of practice and international standards in various sectors that incorporate wildlife and habitat conservation and related indicators.

- 34 Ensure that stewardship and wildlife habitat conservation are incorporated into federal department Sustainable Development Strategies, provincial Canadian Biodiversity Strategy action plans, and similar government policy documents.

H. OTHER MECHANISMS

Three further options are presented that do not neatly fit under the previous headings.

- 35 Identify regional objectives and sites for conserving wildlife habitat, including efforts on existing areas, linkages and restoration.

Many programs have accomplished some of this activity; nonetheless, the scope may need to be expanded or refined. In particular, a number of reports have identified the need to set clearer, more specific and coordinated objectives to guide programs and their evolution. This will help involve communities and landowners in first understanding and setting the direction, and second in contributing towards achieving the objectives themselves. Broad involvement, scientific and social expertise, a landscape approach, timing and effective objectives are obviously crucial ingredients for this option.

- 36 Protect critical programs during the process of policy reform.

Certain critical programs and associated expertise are essential to the success of future initiatives, regardless of the direction of policy reforms. These must be identified, acknowledged and protected. Several examples are available in the reports, including agricultural research and extension, and waterfowl crop prevention and compensation programs.

- 37 Coordinate and encourage ecologically sound, nature-oriented tourism and vacations on farms, including by enabling access fees or alternative returns for viewing, photography, hunting, etc.

Encouraging eco-tourism in rural areas is a frequently-mentioned option, for it brings in off-farm income, economic diversity, and an exchange between people. A barrier in some jurisdictions to more extensive and creative tourism approaches is restrictions on charging access or hunting fees on private property. The rationale and reorientation of such restrictions needs to be examined, particularly as government wildlife departments shrink and private initiative expands.

PART II - STEWARDSHIP IMPLEMENTATION PRINCIPLES

Stewardship implementation principles are those which guide the commitments, framing and implementation of various options. Where some options are very broadly stated, they have also been included.

By examining these principles and eventually coming to some consensus and commitment on critical elements, supportive stewardship actions will flow and people involved in habitat issues will have some level of comfort in the direction toward which such actions will proceed. This comfort can lead to further cooperation, collaboration and conservation success.

Some of the principles have been divided into sub-principles, and while diverse, an attempt has been made at organizing them under relevant sub-headings. Among others, the contributions of various correspondents and the draft documents *Private Stewardship and Government: Towards a Strategy for Nova Scotia* and the New Directions Group's *Criteria and Principles for the Use of Voluntary or Non-Regulatory Initiatives (VNRIs) to Achieve Environmental Policy Objectives* have been particularly helpful in this section.

Context

- P1 Recognize that land owners and managers have largely been good stewards of wildlife and habitat.
- P2 Recognize landowner rights and responsibilities.
- P3 Consider socio-economic impacts in developing species recovery/management plans, within the overall goal of recovery or appropriate management
- P4 Develop and support transition strategies for negatively-impacted workers and landowners.

Framework

- P5 Identify, coordinate and implement a nested set of stewardship initiatives, ranging from the international and national levels to regional, provincial/territorial and local levels.
- P6 Ensure a variety of stewardship initiatives, including information and education, research, recognition and awards, technical assistance, voluntary agreements, securement approaches, and economic instruments.
- P7 Ensure that stewardship initiatives consider, incorporate and foster linkages among environmental, economic and social goals, including recognizing landowners' costs.
- P8 Position stewardship initiatives within a complementary public policy framework that includes appropriate legislative and regulatory tools.
- P9 Recognize that voluntary participation of sufficient scope is preferred over punitive and regulatory approaches.

Economic Instruments

- P10 Provide economic incentives and remove economic disincentives for private landowners to maintain and enhance wildlife habitat.
- P11 Remove disincentives when implementing new incentives.

Consultation and Partnership

- P12 Ensure effective and equitable participation of affected and interested parties in decisions regarding the development, refinement and implementation of

wildlife habitat stewardship initiatives. This includes the participation of land owners and managers, producers, workers, the private sector, non-government organizations, governments and the public in decisions regarding such initiatives as legislation, policy, programs and projects.

- P13 Stewardship should involve cooperation and partnerships among affected and interested parties, including landowners, non-government organizations and various government levels.

Design

P14 Design credible and effective stewardship initiatives to:

- P14.1 · respect, apply and develop local knowledge and expertise;
- P14.2 · be transparent in their design and operation;
- P14.3 · be performance-based with specified goals, measurable objectives and milestones;
- P14.4 · clearly specify the rewards for good performance and the consequences of not meeting performance objectives;
- P14.5 · encourage flexibility, adaptive approaches and innovation in meeting specified goals and objectives;
- 14.6 · have prescribed monitoring, reporting and accountability requirements, including timetables and mechanisms for verifying the performance of participants.

- P15 Regularly evaluate programs, including specific techniques, strategies and target achievements, and encourage continual improvement of both programs and the participants themselves.

Capacity and Implementation

- P16 Interested and affected parties should agree that a particular stewardship initiative is a fair, credible, appropriate and effective method of achieving the desired wildlife and habitat objectives.

- P17 There should be a reasonable expectation of sufficient and diverse participation in a stewardship initiative over the long term to ensure success in meeting its objectives.

- P18 All participants in the design and implementation of the stewardship initiative must have clearly defined roles and responsibilities.

- P19 Mechanisms should exist to provide all those involved in the development, implementation and monitoring of a stewardship initiative with the capacity to fulfil their respective roles and responsibilities.

Governments

P20 Governments should commit to:

- P20.1 · reviewing, revising or introducing procedures to improve public and interdepartmental coordination and conflict resolution on resource management issues that undermine stewardship;

- P20.2 · reviewing, revising or introducing procedures to provide a consistent, coordinated, integrated and streamlined approach to wildlife habitat options on private lands, including doing so among land management, land planning, and public and private stewardship initiatives and agreements;
- P20.3 · reviewing and addressing legal and policy constraints which serve to discourage stewardship, especially on private lands;
- P20.4 · reviewing, revising or introducing fiscal and tax policies which support public or private stewardship, and revising and avoiding those that discourage stewardship;
- P20.5 · including and implementing stewardship components within conservation and sustainable use agreements; and
- P20.6 · monitoring and participating in trans-boundary, national and international conservation efforts and agreements.

CONCLUSION

This project has been spurred by broad opportunities and specific initiatives that could advance wildlife habitat stewardship in Canada. As governments face reduced mandates and resources, it increasingly falls to private efforts to demonstrate leadership, build partnerships and establish collective agendas.

Accordingly, this discussion paper and accompanying survey are intended to prompt identification of practical and priority stewardship initiatives for wildlife habitat conservation. This, of course, cannot be successfully undertaken alone. Ideas must be refined and discussed, traditional sector lines blurred, consensus developed, then resources marshalled and action taken. A good number of the options presented here have been discussed for years; are they truly feasible and a priority - and in what form?

If stewardship programs are to be pursued within a balanced approach, further action must now be taken. This does not preclude the many worthwhile activities of innumerable organizations and individuals across the country. Indeed, it is this diversity, innovation and commitment that enables stewardship to succeed in a wide variety of settings. Yet some opportunities require concerted and timely action in order that local initiatives can achieve their full potential.

The wealth of ideas already in circulation in Canada, their collection in this discussion paper, the participation and contribution of many individuals, and a process to prioritize stewardship actions can together contribute substantially towards practical and local stewardship delivery. Wildlife habitat conservation can then be achieved in an ecological manner that is economically responsible and socially acceptable for all involved.

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