

Submission to the Standing Committee on Environment and Sustainable Development
On
Species at Risk Act – Bill C-5
By
Clio Smeeton, President
Cochrane Ecological Institute

BACKGROUND ON THE COCHRANE ECOLOGICAL INSTITUTE (CEI)

The CEI was established in Alberta in 1971, with the express purpose of undertaking ecosystem restoration through breeding endangered species for reintroduction into their historic North American range, because habitat preservation without the indigenous wildlife which made it a viable whole is a sterile exercise. In 1972, the CEI founded the first captive breeding colony, in Canada, of the extirpated swift fox, an endeavour which resulted in a First for Canada, the Canadian Swift Fox Reintroduction Programme. The Canadian swift fox reintroduction has been high-lighted by the Liberal government Ministers, Sergio Marchi and Sheila Copps, in international meetings. At present, the CEI is in a five-year partnership with the Blackfeet Nation in Montana, undertaking the first reintroduction of this extirpated species in the USA. The CEI is now an internationally acknowledged center of expertise in the reintroduction of wildlife, having been involved in all aspects of reintroduction for over thirty years.

General Comments:

1. The Canadian Endangered Species Conservation Council (CESCC) is composed of federal and provincial ministers similar to the CCME. It is a concern that such a high level committee could be slow to respond to the

many requirements for approvals in the Act. This is even more critical in light of the time lines imposed by the act on certain actions by the council or minister.

2. The term “Consultation” is used extensively throughout the legislation (in more than 26 sections and subsections). In short the implementation of the act depends on “Consultation”. The meaning of “Consultation” should be defined in the legislation (similar to the Mackenzie Valley Resource Management Act) and the process of Consultation specifically outlined in regulation.

Co management basically means equal representation from all participants (stakeholders) in decision making

3. ss 13 deals with funding, but nowhere in the act, or associated material, is the source of this funding mentioned. With the continual erosion and downloading of government responsibility to lower levels and NGOs this does not inspire confidence in the ability of Canada to adequately and continually protect its species at risk. **Without specifically allocated and dedicated funding no concrete achievement will occur...the present RENEW Recovery strategy illustrates this: Recovery plans are produced and published but many of the goals outlined in the Recovery Plan as essential for success are not achieved or undertaken.**
4. The legislation should specifically outline who would nominate the members of COSEWIC for appointment by the minister. This could then be adopted as a true co-management approach. For example, 6 nominees from First Nations, 6 nominees from the academic community, 6 nominees from NGOs, 6 nominees from Industry and 6 nominees from Government. This would also be more acceptable to Canadians as a whole as it would reduce the possibility of political patronage in the appointments.

5. ss 18 should be more specific on the composition of the sub-committees for each species, and who will pay for the sub-committee work.
6. ss 32 and 33 are of extremely limited value except in Canada's north. In addition ss 33 does not provide any protection to habitat, only the actual residence of the species.
7. The provision of orders under ss 34 will be a rare and time consuming event that will not provide protection to endangered species in the provinces.
8. Sections 37 to 43 suggest that the minister would develop Recovery Strategies in cooperation with other competent ministers and groups and suggests a committee structure. This is by far a better approach than that of RENEW, as many of the Recovery Teams have become ineffectual due to the dominance of a limited number of individuals who bring no species expertise to the Teams. In addition the most important groups in the implementation of any action plans; land owners, first nations, and species experts are virtually absent from many of the present Recovery Teams. The weakness in this approach is that responsibility for all Recovery Strategies falls on the Federal Ministers. This will put a particular burden on these individuals. Again the act does not speak of funding for this work, which will be expensive
9. The provision of time-lines for Recovery Strategies is a most positive step. This aggressive approach may not be possible with the limited federal staff presently assigned to dealing with endangered species. Does the legislation come with guarantees of significant additional increases in federal staff to implement the act?
10. The separation of the Action Plan and Recovery Strategy is positive. The lack of a time frame for the action plan is a negative aspect of the legislation. In addition the lack of a financial commitment to the Action Plan is negative. **If government does not specifically allocate or dedicate funding for use in attaining a stated**

goal, it is not within the mandate nor job description of civil servants to obtain that funding from other sources. Government only pays for work it wants done, the rest is whitewash.

- 11. The legislated requirement to monitor the progress of the action plans is paramount to the success of the legislation. It does however, put an increased financial and personnel requirement on the government. Does this mean there will be new money for the implementation and maintenance of this legislation?
- 12. The Habitat Protection provisions of the act are totally dependent on the consultation process with provincial ministers. This has not been a positive approach in the past and substantially weakens the Act. This significant weakness could be improved if the Act defined, in detail, the meaning of consultation and provided for an actual consultation process in regulation.

Analysis of New Act in Light of Swift Fox Reintroduction Program in Canada

Action	Result pre-SARA	Under SARA
<p>1971-'72: Swift Fox Captive Breeding Program initiated by Miles and Beryl Smeeton at the CEI - this established the world's first colony of carnivores bred solely for reintroduction into their historic range in Canada.</p> <p>Miles Smeeton initiated the first Canadian swift fox studbook.</p>	<p>Privately organized and funded by Miles and Beryl Smeeton. Worked under a Game Farm license from Province of Alberta</p> <p>The initial breeding colony was small (6 pairs) costs were covered by the Smeetons themselves.</p> <p>A Charity, the Wildlife Reserve of Western Canada (WRWC), now the Cochrane Ecological Institute (CEI), was founded in 1971 in order to provide a venue for fundraising for the Canadian captive breeding of swift fox for reintroduction programme.</p>	<p>Sec 32(2) states that no one can possess a listed species. Technically this would have prevented the captive colony from being established. However it may have received a permit to do so under Sec 74 (2) (a) or (b). A question arises here – will every institution (especially zoos housing listed species) need a permit to do so?</p> <p>If a permit to possess a listed species is issued under Sec 74 (2) (a) or (b), will that animal remain the property of the federal government under control of the Govt.? If so, will funding be provided to maintain</p>

<p>1977: Beryl Smeeton signs a co-operative agreement with University of Calgary. The Smeetons to breed swift foxes, the university to do research on a reintroduction program.</p> <p>1977, cont. This agreement resulted in the initiation of a Masters Thesis (Carlington, 1980) on concept of swift fox reintroduction.</p>	<p>Graduate students (5) from the university did the preliminary research on the biological feasibility and methods for reintroduction of the Swift fox to the Canadian prairie.</p>	<p>that animal?</p> <p>Recovery Strategy and Action Plans for the species would be developed under sections 37(1) and 47. The composition of the group that would develop the Recovery Strategy would be broad based and include critical groups such as first nations, land owners and, in this case, the CEI. Sec. 39(1). This is a very progressive step that will improve the effectiveness of the strategies and plans.</p> <p>If the Recovery Strategy and Action Plan decides that captive-breeding for reintroduction is an integral part of the proposed recovery of the species LONG-TERM FUNDING FOR SUCH A PROGRAMME <u>MUST BE AVAILABLE</u></p>
<p>1978: Swift Fox listed as Extirpated by Federal Government</p>	<p>Government of Canada joins program. Number of breeding pairs of swift fox at the CEI is increased at the request of the CWS and the University of Calgary. CWS provides \$9,000 per year towards CEI's costs to breed and maintain the captive colony and \$14,000 per year towards the research costs of the University .of Calgary.</p>	
<p>1981 to 1983: The first swift foxes are released in Canada. The releases take place in Alberta. The CEI has no input on release methodology or release sites. Release methodology "soft release" is</p>	<p>The first releases were planned for 1981 and the "soft release" enclosures constructed in southern AB to the design proposed by the University of Calgary. Swift foxes from the CEI and S.Dakota</p>	<p>If all parties would have been involved in developing or reviewing the Recovery Strategy and Action Plans the appropriate permits etc would have been in place. In addition the various responsibilities and</p>

<p>designed by University of Calgary (Dept. of Environmental Design) in partnership with federal Government (CWS)</p>	<p>were shipped to the proposed reintroduction site by the CWS and the U.of Calgary. Release was prevented because neither agency had applied for the requisite permits from Alberta. As a result of government infighting over releases and responsibility, swift fox releases in Alberta were held up until 1983.</p>	<p>funding arrangements would be laid out in a Conservation Agreement under Section 11. This would prevent confusion in the implementation of the Action Plans and less conflict between the parties involved.</p>
<p>1981 - 2001 Trapping for nuisance wildlife by land-owners is undertaken in both Saskatchewan and Alberta. These traps are not species specific and non-target animals such as swift fox are trapped and injured or killed. The use of 1080 (Sodium Fluroacetate) and other Predatorcides as a poison bait for coyotes is managed through Alberta Environment and Natural Resources in conjunction with livestock producers and no guidelines were or are in place to regulate its use with regard to reintroduced species such as swift fox. 1080 possesses a high degree of secondary hazard, therefore recovery of the carcasses of coyotes killed by 1080 is essential. Poisoned coyotes take from 3 to 7 hours to die and can travel up to 12 km from the bait site. As a result, less than 10% of the carcasses are recovered, and the remaining 90% continue to be a hazard to wildlife.</p>	<p>Trapping by landowners for nuisance wildlife in areas known to contain swift foxes. When Alberta was directly requested to close to trapping those areas known to contain swift foxes, the province refused to do so. The use of poison as a Predatorcide on provincial and private land is the responsibility of the province. Over the length of the swift fox reintroduction programme in Canada, Alberta continued to permit the use of the systemic poison 1080 and provided no guidelines for the use of 1080 with respect to endangered or extirpated prairie species. Saskatchewan banned the use of the poison in areas containing swift foxes in 1985, but at the behest of livestock producers repealed that ban in 1998. Despite a written request from the SFRT (1999) the use of 1080 was not</p>	<p>Under Section 34(2) the federal government will negotiate with the provincial government with the intention of preventing this type of overt destruction of endangered species. This negotiation process will also occur with respect to the application of insecticides and the killing of burrowing Owls. Will there be a method of enforcing compliance if the provinces refuse to act to prevent the possible destruction of endangered species through the use of non-target traps, predatorcides, or pesticides?</p>

<p>The poison 1080 (Sodium Fluroacetate) was identified in the USA as a significant cause of swift fox mortality in the USA. Use of 1080 was banned in the USA in 1972 because of its deadly threat to non-target species, it is tasteless, odourless and does not breakdown in the body so that the poisoned carcass continues to poison any creature feeding off it.</p> <p>1/500 of an ounce can kill a 150lb animal. The policy of the Govt. of Alberta is to provide 10 tablets of 1080 (each tablet in a turkey head) per noted coyote kill. Ranchers using 1080 must post the bait area, and notify any neighbours owning dogs that they have set out poison at a bait station.</p> <p>There is a compensation programme in place in Alberta for livestock producers who lose stock to wolves or cougars, so the precedent already exists.</p>	<p>banned in areas known to contain swift fox in SK. The SFRT did not write to the govt of AB requesting a ban on the use of 1080</p> <p>The Swift Fox Recovery Plan calls for the establishment of a Swift Fox Database to manage all information on swift fox occurrence (releases, sightings, natal dens, etc.) in Canada. This atabase, if established, would have served as a management tool for agricultural producers and the oil & gas industry operating in swift fox habitat.</p> <p>Despite the establishment of the swift fox database being called for in the Swift Fox Recovery Plan. The SFRT refused to agree to its initiation (March SFRT Meeting, 2000)</p> <p>It would have made it possible, for example, to work on a livestock compensation programme so that farmers who lost stock to predators in swift fox habitat would be compensated for the losses, rather than being allowed to use a non-target predatorcide or traps.</p>	<p>Will there be any way to ensure that the actions called for under the Recovery Strategy and Action Plan will be carried out?</p>
<p>1983 to 1988: Although Swift fox continue to be kept, bred, and managed at the CEI, The Government Agencies required that titular ownership of the colony be</p>	<p>During this period the governments of Alberta (1983) and Saskatchewan (1985) joined the program, resulting in more government involvement but little research</p>	<p>These activities would be guided by Recovery `Strategy and Action Plans. This would make for a much more efficient program.</p>

<p>transferred from the CEI to the CWS operating under an Alberta research permit. This transferal did not include full or even partial but consistent funding for the CEI colony. Although “owned’ by the CWS under permit CWS contributed less than 1/3 of the management and maintenance costs of the swift fox captive breeding colony while demanding that 25 captive pairs be maintained at the CEI. At the behest of the new owners of the swift foxes (CWS) the swift fox studbook was transferred to the Calgary Zoo, using a new software programme (ISIS SPARKS) while a parallel studbook continued to be maintained at the CEI.</p>	<p>or planning, coordination of activities or monitoring of results. The University of Calgary gradually withdrew from program as no further M.Sc. Theses were proposed. CEI continued to produce Swift fox for release, but had no input in to release methodology. No behavioural research on swift foxes was initiated. Miscalculation in studbook entry as a result of unfamiliarity with the software caused the new owners of the captive colony to demand separation of established breeding pairs and the castration of other individuals of this extirpated species. This decision was an expensive one, resulting in a drop in cub production (as swift foxes are monogamous so separated animals paired with new partners refused to breed) while single animals continued to be kept unproductively in captive conditions.</p>	<p>Funding would also be provided under agreements under Section 13 of SARA.</p>
<p>1985: use of the poison 1080 (Sodium Fluoroacetate) as coyote bait was banned in swift fox release areas in Saskatchewan. The predatorcide 1080 continued to be in use in Alberta.</p>	<p>The 1985 ban on the use of 1080 in Saskatchewan was a result of the Swift Fox Reintroduction Program.</p>	<p>This would also happen under section Section 34 of SARA.</p>
<p>1988 to 1991: - Swift Fox Recovery Team (SFRT) formed by RENEW (1989) – Composition of the SFRT was dominated by government (AB, SK, CWS) reducing the quality of review of the program. Provincial representatives on the SFRT</p>	<p>Miles Smeeton dies (1988), management of CEI taken over by Clio Smeeton (Nov.1990) Releases continued. Experimental reintroduction policy pursued by SFRT (1989-91) resulting in 3 years (1989 – 91) funding of \$20,000 per</p>	<p>Wider range of input on the Recovery Strategy (Sec 39(1)), better definition of roles in Action Plans (Sec. 49(1)). Secure funding for the activities (Sec 13). This level of planning would greatly</p>

<p>had no expertise in canids or in reintroduction. The federal representative, although he was a wolf expert, had no expertise in reintroduction or foxes of any species. Most Swift Fox Recovery Team meetings held <i>in camera</i>, preventing input from CEI representative or any other expert either in reintroduction or swift fox species</p>	<p>year from the Endangered Species Recovery Fund (ESRF) towards costs of maintaining increased captive colony (25 pairs) at the CEI. Direct CWS funding stopped. Swift Fox Feasibility Study (Brechtel et al) produced (1992), resulting in the decision by the Federal and Provincial Wildlife Directors that the programme be continued. SFRT (Carbyn) writes to ESRF to tell them not to fund the CEI captive breeding colony any longer. CEI captive-breeding colony of 25 pairs property of CWS but no funding for maintenance from any government source is offered.</p>	<p>improve the efficiency of the process.</p> <p>If a decision is made through the Recovery Strategy (Sec 39(1)), better definition of roles in Action Plans (Sec. 49(1)) to restore damaged ecosystems through reintroduction LONG-TERM FUNDING to maintain captive breeding colonies must be securely in place. Section 13 seems to ensure that, which is a great advance.</p>
<p>1989 –1991: Recovery Team Conducted a three year feasibility study for the Swift Fox Reintroduction Program. A result of this flawed study was the decision to emphasize the importation of wild-trapped swift foxes from the USA for translocation and release in Canada. All federal/ provincial funding for swift fox management from 1991 to 1994 was devoted to this end.</p> <p>1993 - 1995 the U.S. government was petitioned to protect the swift fox under the U.S. endangered species protection Act. As a result, the U.S. Fish & Wildlife Service’s 90- day finding (U.S. Federal Register 1994) and 12-month Finding</p>	<p>Study design limited because of the composition of the Recovery Team. Analysis of data biased because of lack of peer review and consultation. Non-existent study design and questionable reintroduction methodology resulted in unnecessary and expensive losses amongst the re-introduced swift foxes. Failure to undertake behavioural research on the captive colony also contributed to losses amongst the reintroduced animals as there was no understanding of their behavioural requirements* as a result the re-introduction programme failed to establish a population in the wild within a short term. Flawed results impacted Recovery</p>	<p>More diverse composition of Committee developing Recovery Strategy and Action Plans would result in better program design and more consultation on result interpretation.</p> <p>This action should prove more cost effective, as it would possibly preclude unnecessary and expensive losses of reintroduced animals and would result in a earlier reintroduction success</p>

<p>(U.S. Federal Register 1995) supported this petition and the swift fox was declared a Candidate species for protection under the Act.</p>	<p>Plan and the remainder of the program.</p>	
<p>1991 to 1995: Swift fox Recovery Team developed a Swift Fox Recovery Plan. This Swift Fox Recovery Plan called for Swift Fox Data Base on all swift fox occurrence in Canada since 1983. As well as continued import of up to 40 swift foxes from the U.S.A. for translocation and release in Canada up to and including the year 2000 as a priority action, and for the dispersal of the entire Canadian captive breeding colony by September of the year 1997.</p> <p>1992 – 1994 No government funding provided to CEI swift fox captive-breeding colony (owned by CWS)</p> <p>1994 CEI and Heritage Canada became members of SFRT. CEI has first input into release methodology. Management of the Swift Fox Studbook reverted to the CEI.</p> <p>1994 US Government declares swift foxes a Candidate Species for protection under the US Endangered Species protection Act.</p> <p>1994 Swift foxes reintroduced on federal lands in SK (Grasslands National Park) using CEI release methodology.</p> <p>1995 The Swift Fox Recovery Plan passed.</p>	<p>The Swift Fox Recovery Plan was developed by a limited group of people that did not include many of the stakeholders in the project, NGO's (in particular the CEI), Parks Canada, or land owners. The plan was very weak scientifically and rejected by RENEW in 1993 and 1994. It was finally accepted in 1995 (no input from Heritage Canada or CEI), because, as the species fell under provincial jurisdiction it was the Province's right to have the plan approved.</p> <p>The Swift fox recovery plan called for, among other things, the establishment of a Swift Fox Data Base managing all data on swift fox occurrence in Canada, continued import, translocation, and release of wild-trapped U.S. swift foxes up to and including the year 2000, and if no imported U.S. swift foxes were available, continued use of captive-bred animals for release, and a goal number for success of 400 individuals in the Canadian release sites. None of these actions, called for by the Swift Fox Recovery Plan were completed or followed through.</p>	<p>The development of the Recovery Strategy would include a wider group of people and involve true consultation (i.e. – provision of information to all parties, adequate time to review and provide comment on information, consideration and incorporation of comments into final documents).</p> <p>This is a substantive improvement over the past process of recovery plans being made FOR Government BY government.</p> <p>Will there be any way to ensure that the actions called for under the Recovery Strategy and Action Plan will be carried out?</p>

<p>1995 to 1997: Swift fox releases continue. In 1996: The Federal government stopped importing wild-trapped swift fox from the USA for translocation and release in Canada, because the effort cost more than the returns (i.e. despite tripling their trapping effort they were catching fewer U.S. foxes).</p> <p>Over period of the programme (1983 – 1997) 91 US imports were translocated and released in Canada. Over the same period, 841 captive-bred animals were re-introduced in Canada.</p>	<p>This decision to cease the importation of wild- trapped US swift foxes was in direct opposition to the recommendation of the Recovery Plan which called for an annual top-up of US swift foxes released in Canada up to and including the year 2000.</p>	<p>It is assumed that with a Conservation Agreement outlining government’s responsibilities in Action Plans and Financial agreements to perform the work means that this would not happen under SARA.</p>
<p>1996-1997: Survey of swift fox population done in reintroduction areas</p>	<p>Design of study criticized by several parties both government and NGO’s but no changes made by Swift Fox Recovery Team. Estimated swift fox population found to be 30% lower than target in Recovery Plan.</p>	<p>Action Plan would be monitored (Sec 56) and funded properly.</p> <p>Hopefully the final objective would be more closely tracked during the course of the project resulting in better success.</p>
<p>1997: End of re-introduction of captive-bred swift foxes in Canada</p>		
<p>1996 – 1997: CWS developed Exit Strategy for swift fox captive-breeding colony. This exit strategy was designed to eliminate the world’s largest (25 pairs), longest established (1972) and <u>only</u> colony kept specifically for reintroduction. The</p>	<p>CEI intervened and requested that the CWS’s titular ownership of swift fox captive colony revert to CEI. In order to facilitate this, CEI obtained a Zoo Permit (Alberta) and took back ownership and management of swift fox colony. Despite</p>	<p>Decisions of this magnitude would not be made by only one government department under SARA, and therefore more options could be explored.</p>

<p>CWS exit strategy was to turn the entire swift fox colony over to a wild animal auction house (The International Animal Exchange) for dispersal.</p> <p>1996-997 Swift fox population survey undertaken under the direction of the SFRT. Strong objection to the survey methodology voiced by some members of the SFRT and also by a statistician brought in by the Government of SK. Nevertheless the decision to undertake survey is confirmed, using the disputed methodology. Estimated swift fox population in Canada, as result of the survey is 289 individuals (Cottrill, 1997). Population goal number, according to the swift fox recovery plan, is 400.</p>	<p>letters from two federal agencies (Heritage Canada and the PFRA) requesting continued reintroduction of swift foxes onto federal land in SK, the provinces (SK and AB) refused to provide the requisite transport and import/export permits to enable a Swift Fox Reintroduction Program Grasslands national park and the SK PFRA, this refusal despite the proven fact that the goal number (400) for reintroduction success as set out in the swift fox recovery plan had not been achieved..</p>	
<p>1998: Swift Fox Downlisted by COSEWIC from Extirpated in Canada to Endangered in Canada</p>	<p>Program declared a success by government even though the Recovery Plan target populations were not met.</p>	
<p>1998: Saskatchewan repealed ban against the use of 1080 Bait for coyote in swift fox habitat. 1080 now used under in supervision by S.E.R.M. agents in conjunction with livestock producers. 1080 continued to be used by AB Natural resources agents at request of livestock producers..No guidelines are in place re: endangered prairie species. Alberta refused the request to close to</p>	<p>The CEI, in partnership with the Blackfeet Nation, (Blackfeet Tribal Fish & Wildlife Department) and Defenders of Wildlife (a U.S. Charity), undertake the first swift fox reintroduction in the U.S.A. in Montana. The swift fox was extirpated from the state of Montana by the late 1950's although a few animals have crossed the border into the State as a result of the Canadian reintroduction.</p>	<p>Would be a federal offence to kill Swift fox (Section 32(1)). Under Section 34(3) the federal minister may recommend an order if he feels the province is not taking action to protect a species.</p>

<p>trapping by landowners those areas known to contain swift foxes.</p> <p>1998-99 Swift fox winter census survey (Moehrenschlager and Moehrenschlager,1999) estimates the population to have remained “stable” since the Winter 1996-97 survey.</p> <p>1998 The Blackfeet Nation, USA., and the CEI joined in a five-year partnership in the first swift fox reintroduction in the USA</p>	<p>Thirty captive-bred juvenile swift foxes are released in Montana by the CEI and the Blackfeet.</p>	
<p>1999 – 2000: Province of Alberta applied for ESRF money for an international (Alberta, Saskatchewan, Montana) swift fox population survey (2000/01) without the review of the full Swift Fox Recovery Team</p>	<p>Money was to conduct a follow-up population survey on the wild swift fox population.</p> <p>The proposed 2000/01 survey design similar to the contentious survey design used in 1996/97</p>	<p>Would be reviewed and covered in the Action Plans to be approved by a wide audience and integrated into the Recovery Strategy for the species.</p>

* The Blackfeet CEI partnership swift fox reintroduction programme has demonstrated that the use of proper reintroduction methodology based upon solid research into the behavioural and habitat requirements results in greater survival of reintroduced animals, greater breeding success amongst reintroduced animals, and thus an earlier establishment of sufficient numbers to initiate a self sustaining population in the release sites. For example: the Canadian reintroduction programme estimated there to be a 60% die-off amongst reintroduced swift foxes (government figures), whereas, over the three years of the CEI Blackfeet Swift Fox Reintroduction programme (1998 to date,2001) there has been a proven 75% survival over two years for released swift foxes (based on radio telemetry data).

Cochrane Ecological Institute's Proposal to Strengthen SARA

Structure of COSEWIC

Under the present Act, COSEWIC will not be an independent scientific advisory body. As the present act stands, the structure of COSEWIC will be open to potential abuse through patronage and politically motivated appointments.

This potential abuse can be avoided if the structure of COSEWIC is a **co-management** one, comprising equal representation from government (territorial, provincial and federal), the academic community, NGOs, industry and First Nations. This type of co-management approach is used very successfully under the newer land claim agreements in the NWT and it provides for equal input from all parties in decision making. It also is more acceptable to Canadians as a whole because it reduces the possibility of patronage as each participating sector nominates their representatives for the minister to appoint. In this case the following suggestions could be made for appointments:

Government 6 - (nominated as follows - one from the territories, one from BC, one from the prairie provinces, one from Ontario and Quebec, one from the maritimes provinces and one from the federal government)

Academic 6 – (nominated for regional representation by CCUA??)

NGO 6 – (chosen from nominations submitted from individual NGOs to the minister)

Industry 6 – (one nominated by each of the following industries Oil and Gas, Agriculture, Mining, Forestry (including Pulp and Paper), Manufacturing and Fishing)

First Nations 6 – (nominated for regional representation by Assembly of first Nations)

This would provide for the diversity of sector and temporal representation necessary to have a balanced and productive group. It would also provide sufficient members to chair the individual committees for specific reviews.

Funding the Activities under SARA

In order to persuade the disparate bodies that influence and effect habitat and wildlife to work together constructively, it is essential that there be a large and sufficient sum of money earmarked specifically for **ecosystem restoration**. **DEDICATED TO THAT AIM, NOT PART OF GENERAL REVENUE**. Without a specifically earmarked sum for this work, consultation or negotiation with the provinces, as set out in SARA is unlikely to work. It clearly has not worked in the past. It is also essential that all jurisdictions, both provincial and federal should contribute to the fund for ecosystem restoration. The provincial contribution should be in proportion to the GNP of each province. In addition, commercial and agricultural organizations that operate on Crown land or have a significant and identifiable effect on the environment should also pay an additional Tariff into the DEDICATED Fund for Ecosystem Restoration.. The concept of ecosystem restoration should be wide ranging and include habitat, species, biomes and biota, air and water, legislation, field research and education. All stakeholders working in ecosystem restoration, federal, provincial, NGO, academic, or consultants should be eligible to apply for funding for projects. Funding for these projects should not be limited by time, but should be allocated on the anticipated length of time each project will take to complete. Funding decisions would be made by COSEWIC, but the fund would be administered by the Federal Government only and not by any other organization or NGO.

There is no possibility that SARA will provide the requisite protection and conservation of Canada's endangered species and their habitat without a fund specifically earmarked for that purpose.

Defining Consultation

Consultation is the means for the success of the Act, therefore it must be defined and a process outlined in regulation. The definition must have four components:

1. the provision of consistent and complete information to all parties that must be consulted or are a part of the consultation process. **An example of why this is essential: the swift fox recovery team held its meetings *in camera* from 1991 – 1994, and throughout has failed to provide information to, or to inform all members of its intentions.**
2. provision of sufficient time for all parties to review and comment on the information provided
3. a forum for impartial discussion of the responses to the information
4. the consideration and inclusion of the comments received into the decision

Definitions of consultation have already been provided in other pieces of legislation so examples are in place (i.e. Mackenzie Valley Resource Management Act).

To make the process work in a timely fashion the processes defined in the legislation should be outlined in regulations. These would include such items as the content and form of information provided, the nature and structure of meetings, a dispute resolution process and the inclusion of materials in the Public Registry.

Once the above processes are defined and are in place the comfort level with the decisions and the acceptance of the decisions by the Canadian public will be substantially enhanced.