

Canadian Institute of Resources Law  
Institut canadien du droit des ressources

## **Wildlife Stewardship**

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### ***Canadian Wildlife Law Project***

**Paper #6**

**November 2006**

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Printed in Canada

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## Foreword

This publication is the sixth in a series of papers on Canadian Wildlife Law being published by the Canadian Institute of Resources Law. The research and writing of these papers has been made possible as the result of a generous grant by the Alberta Law Foundation, and the Institute thanks the Foundation for its support of this work. The Foundation of course bears no responsibility for the content of the papers and the opinions of the various authors. The Canadian Wildlife Law Project was originally developed and proceeded under the direction of John Donihee, then a Research Associate with the Institute. Following Mr. Donihee's return to private practice, the supervision and general editorship of the project has been assumed by Institute Research Associate Monique Passelac-Ross. I would like to thank both these individuals and all those who have contributed to the success of the project for their efforts towards developing a greater awareness of this important area of natural resources law.

Wildlife and a concern for wildlife are fundamental aspects of the Canadian heritage, and the fur trade and the harvest of wild game were essential parts of Canadian history. The need to provide a land base and the habitat to sustain wildlife populations is a recurring theme in both national and provincial natural resources policy; in particular, there has been a growing recognition of the need to preserve habitat for endangered species. Similarly, wildlife and access to wildlife have a particular importance for aboriginal peoples, and the rights to wildlife have been central among the concerns of First Nations in Canada. Finally, internationally, Canada is party to numerous conventions whose goals are the protection and sound management of wildlife – perhaps most notably in recent years, the Convention on International Trade in Endangered Species and the Biodiversity Convention.

Despite the obvious importance of wildlife to Canadians in all these contexts, surprisingly little has been written about wildlife law, and certainly no comprehensive overview of such law exists in Canada. The purpose of this series of papers is to begin to remedy this shortfall in Canadian legal literature.

J. Owen Saunders  
Executive Director  
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Calgary, Alberta  
November 2006



## Preface

Owners, occupiers, and other land managers have enormous powers over the existence and quality of wildlife habitat and consequently over the survival of wildlife members themselves. Wildlife inhabit a variety of terrains. They live on and may traverse through privately owned land, federal, provincial, or municipally owned land, and Aboriginal land. The habitat values of these areas will be retained only if the owner, occupier, or other land manager manages them to allow them to be retained. Many activities that can impact habitat usually are not regulated, like clearing forested areas that serve as habitat, erecting fences that block off wildlife feeding areas, access to water, and migration paths, and using pesticides that harm them or their food sources. Even activities that impact wildlife that are regulated, such as land subdivision and development, wetland drainage, and industrial usage, usually are not regulated to require retention of wildlife habitat values. And, it is the owner, occupier, or other land manager who chooses to apply to a government body to subdivide, develop, drain, or carry out industrial activities and who is the primary designer of how these activities will be carried out.

This paper explores a key approach to land management that maintains and enhances wildlife habitat values. This approach is wildlife stewardship. Through this approach the owner, occupier or other land manager takes on the role of steward of the landscape and exercises this stewardship to ensure that natural systems not only survive, but also thrive. It begins by introducing the concept of land stewardship. It then outlines the roles of the steward in relation to the land. Next it sets out how the stewardship concept is important to wildlife management. Finally it describes non-governmental organizations, and non-governmental/governmental partnerships that encourage, assist, or promote stewardship.

Many people contributed to this paper. Sue Parsons of CIRL assisted with putting it into final form. Diane Volk (2001) and Christine Plante (2004), former researchers with CIRL, provided valuable background information. John Donihee, formerly with CIRL, must be recognized for spearheading the wildlife project, Mike Wenig of CIRL thanked for bringing it along, and Monique Passelac-Ross of CIRL congratulated for bringing it to fruition. My sincere gratitude to all.

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November 2006



# 1. Introduction<sup>1</sup>

## 1.1. The Concept of Land Stewardship

The notion of land stewardship is not new. According to some biblical interpreters it is as old as human life on earth itself when god is meant to have appointed humans as “stewards of the earth”.<sup>2</sup> On a more recent and secular note, in the nineteenth century Henry David Thoreau urged “... to regard man as an inhabitant, or a part and parcel of Nature, rather than a member of society.”<sup>3</sup> Nearly a century later, and a century ago, one of the first recognized ecologists, Aldo Leopold urged us to adopt a land ethic, to enlarge the “boundaries of the community to include soils, waters, plants, and animals, or collectively, the land.”<sup>4</sup>

Today countless stewardship resources are available from all levels of government and a myriad of non-government sources. From this array it is difficult to extract a single characterization of ‘land stewardship’ that fully captures the concept. One of the most succinct characterizations is from the Land Stewardship Centre of Canada, a non-profit charity organized to promote land stewardship that operates out of Edmonton, Alberta. The Land Stewardship Centre, drawing from many resources, characterizes land stewardship as “the practice of carefully managing land usage to ensure natural systems are maintained or enhanced for future generations.”<sup>5</sup> The Centre sets out four principles that summarize various ways land use decisions are guided by land stewardship. Land stewardship is exemplified by:

- 1) Caring for the system as a whole – understanding the fundamental roles and values of natural systems, building up biological fertility in the soil, incorporating

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<sup>1</sup>The author is grateful for the assistance in researching and composing parts of this chapter of University of Calgary, Faculty of Law, graduate student Chidinma Okafor (2005), and Canadian Institute of Resources Law researcher Diane Volk (2001).

<sup>2</sup>Genesis 1:26-1:28. This interpretation is the basis of a Christian ecological perspective, a much more environmentally friendly interpretation than the alternative, that God gave humans dominion over the earth. For the ecological perspective, visit the Trinity Western University website: <<http://www.twu.ca/sites/eco-system/program/perspective.aspx>>.

<sup>3</sup>From the opening lines of “Walking”. This Thoreau essay began as a lecture called “The Wild”, given at the Concord Lyceum on April 23, 1851. The essay eventually was published in the *Atlantic Monthly* after his death in 1862. See J.L. Duncan, ed., *Thoreau: the major essays* (New York: E.P. Dutton, 1972).

<sup>4</sup>Aldo Leopold, *A Sand County Almanac* (New York: Sierra Club/Ballantine Book Edition, 1966) at 239.

<sup>5</sup>From the Land Stewardship Centre of Canada website: <<http://www.landstewardship.org/home.asp>>, link to “Learning About Land Stewardship”, in the introduction to land stewardship authored by Ken P. Gurr.

an understanding of the ecological cycles on the landscape (water, energy, nutrients) and how land-use practices can either benefit, be in harmony, or negatively impact these cycles and other land-users, flora and fauna.

- 2) Resource conservation – maximising efficiency and striving to reduce the one-time consumption of renewable and non-renewable resources; aiming for long-term optimization versus short-term maximisation of production.
- 3) Maintaining, building and enhancing stability in Nature – maintain and encourage natural biological diversity and complexity; maintaining natural areas and functions on the land (a.k.a. wildlife habitat conservation).
- 4) Cultural values and ethics – caring for the health of the land for future generations and long-term economic stability; the link between civilisation, urbanisation, and the land-base and ecosystems that are vital to survival; the intrinsic value and right to exist of all life on Earth.<sup>6</sup>

## **2. The Roles of the Steward, Government and Non-Governmental Conservation Organizations in Land Stewardship**

### **2.1. The Steward**

The steward owns or manages the land usage to ensure natural systems are maintained or enhanced in the long run. Land stewardship is most often associated with privately held or managed land, but the concept may equally apply to land owned or managed by a level of government (federal, provincial or municipal), an aboriginal community, a non-governmental organization or by a combination of any of the mentioned entities.

### **2.2. Government**

Government serves a number of roles in land stewardship. Ideally the roles include:

- offering educational programs to promote stewardship practices;
- passing legislation that respects and promotes land stewardship practices;
- reviewing and revising legislation to remove impediments to land stewardship;

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<sup>6</sup>*Ibid.*

- preserving natural values of public land by designating it as protected under legislation;
- accepting donations of land with the intention of preservation;
- purchasing interests in land to protect them from development inconsistent with conservation;
- assisting with conservation and stewardship programs initiated at the local level;
- designing certification programs to encourage good land management practices;
- putting good conservation management practices in dispositions, licenses, approvals or other statutory authorizations government issues;
- being a good example by managing its own land in accordance with stewardship practices; and
- regulating, as appropriate, to require stewardship practices to prevent environmental degradation.

### **2.3. Non-Governmental Organizations**

The mandate of a variety of non-governmental organizations includes protecting natural values of land and promoting land stewardship practices, most often to maintain, enhance and even create wildlife habitat. Normally these are non-profit organizations registered as charities that rely on memberships, donations and grants for funding their projects. Some of them are land trusts, meaning that one of their primary purposes is to acquire interests in environmentally or ecologically sensitive or important land and to protect the land from development. Acquisition may be by donation or purchase of the entire interest in land or partial interest, such as by conservation easement, discussed in Paper #5 of this series. Non-governmental organizations, however, do not have to own land to contribute to land stewardship. Non-governmental organizations make valuable contribution to land stewardship by way of educating the adult and youth public, landowners, government staff and others; assisting landowners in developing land stewardship practices; working in partnership with other conservation agencies (governmental and non-governmental) to facilitate stewardship endeavours; carrying out and implementing research; and funding stewardship research, projects and other undertakings.

### **3. The Stewardship Concept and its Importance to Wildlife Management**

Law cannot unilaterally produce, require, enhance or promote stewardship. It is true that legislation may regulate and limit many land uses. Planning and development laws regulate how many residences or other buildings may be placed on a parcel, what kinds of businesses may operate, where it is safe to build, and so on. Environmental laws specify what kinds of activities on land can be carried out where the activities could have adverse environmental effects. Land title or registration laws limit how land may legally be sold, mortgaged or encumbered. Nevertheless, in spite of such legislation landowners generally retain the right to determine the overall use of land without legal intervention. They decide what will be planted, what pesticides they will use, what harvesting techniques will be employed and which forested areas will be cleared and which will be retained. Private landowners determine whether natural areas will remain natural or whether they will be humanised into manicured lawns or asphalt slabs. Government landowners decide whether natural areas will be protected or whether habitat values on public land will be compromised. Both decide where fences will be constructed, how high they will be with or without regard to effects on wildlife. In making these decision landowners can demonstrate land stewardship or they can largely ignore stewardship practices and alter and destroy habitat and impede wildlife movements.

Even where government approval is required to carry out land uses, such as for water diversions, wetland drainage, subdivision or intensive land developments, or industrial development landowners wield considerable power over the landscape. It is they who decide to make the landscape changes and it is they who apply to government for the necessary approvals. More often than not government allows the desired developments even where it means that habitat is altered or destroyed.

Through practised stewardship, changes that alter or destroy habitat may be avoided or at least minimized. Some landowners voluntarily undertake or allow stewardship practices. Here, the subsistence of the stewardship is only as good as the steward. A change of ownership, or even a change of heart, can result in the owner abandoning ecologically responsible custody of the land. Some landowners require financial compensation or other incentives to undertake or allow stewardship practices. Even then, unless stewardship obligations are legally secured, there is no guarantee that they will continue. Sometimes land must be acquired by government or conservation agencies in order to best secure stewardship practices.

This chapter describes numerous non-governmental organizations and governmental/non-governmental partnerships that contribute to land stewardship in Canada. It describes organizations and partnerships that practice stewardship as land or interest holders themselves. It describes organizations and partnerships that raise funds to protect wildlife and habitat and to promote land practices that enhance protection whether or not the



organization itself owns the habitat. It also describes organizations and partnerships that assist others in stewardship endeavours by educating, providing information, expertise or funding.

## **4. Non-Governmental Organizations and Non-Governmental/Governmental Partnerships that Practice, Encourage, Assist, or Promote Stewardship**

### **4.1. Introduction**

Stewardship initiatives, programs and resources abound in Canada. It would be impossible to describe even a fraction of them. The sampling below should give the reader an idea of the spectrum of these practices. This chapter will surely miss many important and noteworthy ones. The reader can be assured that no denigration is intended if personal favourites have been left out.

### **4.2. Land Trusts – The Nature Conservancy Canada as a Prime Example**

Land Trusts are local, regional, or national entities that are organized to own and manage land or interests in land to protect and maintain landscape and ecological features, usually in perpetuity. To give a charitable receipt for donations of land, a land trust must be registered with the federal Customs and Revenue Agency as a charitable organization.

There are more than 80 land trusts operating in Canada today.<sup>7</sup> Land Trusts use a number of methods to achieve their conservation objectives. Primary among these are the:

- acquisition (by purchase or donation) of ecologically valuable lands;
- management of acquired lands to maintain ecologically valuable attributes;
- working with landowners to assist in protecting valuable landscape features;
- carrying out stewardship educational activities; and
- raising funds to support their mandate.

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<sup>7</sup>See paper by Melissa Watkins & Stu Hiltz, “A Summary of the Land Protected by Land Trusts and the Current Issues and Challenges Facing the Growing Land Trust Movement in Canada” (Paper presented to the Conference on Caring for Our Land and Water: Stewardship and Conservation in Canada, University of Guelph, Guelph, Ontario, 3-6 June 2000) at 1, online: <<http://www.uoguelph.ca/~claws/conference/landtrusts incanada.doc>>.

Some, but not all, land trusts also advocate better governmental stewardship and land designation to protect environmentally sensitive land.

Given the numerous land trusts that operate within Canada, it is not possible to describe all of them, or even a healthy sampling. Some of the organizations set out in the balance of this chapter include land trust activities in their mandate. However, one organization that is not mentioned below deserves to be highlighted in this section. This is Nature Conservancy Canada (NCC). NCC stands out among Canadian land trusts as it generally is recognized as the only land trust operating at a national scale that has achieved land conservation in all regions of Canada.<sup>8</sup>

NCC began in 1962. Since then NCC has secured long-term protection and enhancement for more than 1,400 properties, comprising 1.8 million acres of environmentally important woodlands, seashores, wetlands, prairies, and a number of other landscapes.<sup>9</sup> To carry out its mandate, NCC relies on donations and grants. In 2004 alone, NCC received almost \$20 million in donations of conservation land and conservation easements (see Paper #5 of this series) and about \$28 million in donations.<sup>10</sup>

It is safe to say that all of the land that the NCC has secured provides wildlife habitat. The following examples from the NCC's 2004 annual report demonstrate the importance of NCC and like organizations to the survival and well-being of wildlife in Canada:<sup>11</sup>

- In December, 2003, 50 young Plains Bison were released into a paddock at NCC's Old Man on His Back Prairie and Heritage Conservation Area near Eastend, Saskatchewan. This event marked a return of Plains Bison to their native grassland after a 150-year absence.
- In September 2003, 56 Spiny Softshell Turtles were hatched at a NCC protected nesting habitat in the Lake Champlain, Quebec area. The location is the province's only known nesting area of this threatened species. NCC secured 670 acres in the area in 2001, 400 of which are prime turtle habitat. Other nesting habitat has been destroyed or compromised due to recreational development. NCC has launched a recovery program to stabilize and to attempt to increase the turtle population.

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<sup>8</sup>*Ibid.* at 3.

<sup>9</sup>See NCC website: <<http://www.natureconservancy.ca/files/index.asp>>.

<sup>10</sup>See NCC, *Annual Report 2004 Financial Statement*, online: <[http://www.natureconservancy.ca/pdf/ncc\\_annual\\_report\\_2004\\_financials\\_donors.pdf](http://www.natureconservancy.ca/pdf/ncc_annual_report_2004_financials_donors.pdf)>.

<sup>11</sup>All of the examples are from the NCC 2004 Annual Report, *ibid.*

- In June 2004, NCC secured a site at Sandy Point, a 1,000 hectare island in St. George's Bay, on insular Newfoundland's southwest coast. The sandy beaches and dunes of the island are important nesting habitat for a number of shorebirds including the endangered Piping Plover. Sandy Point's five nesting pairs represent the second largest population in the province. Securing this site might prove critical to the survival of the Piping Plover since the bird's population is down to 1,500 in Canada.

### 4.3. The Alberta Conservation Association

The Alberta Conservation Association (ACA) was established in 1997 to take over the management of the Fish and Wildlife Trust Fund from Alberta Fish and Wildlife, a provincial government agency. This fund receives a portion of the cost of hunting and fishing licences, stamps or tags as well as private and institutional donations.<sup>12</sup> The ACA collaborates with a variety of stakeholders to conserve and enhance Alberta's wildlife, fisheries, and habitat.<sup>13</sup> It is an umbrella organization made up of seven member groups: Alberta Fish & Game Association, Treaty 8 First Nations of Alberta, Alberta Professional Outfitters Society, Trout Unlimited Canada, Alberta Trappers' Association, the Western Walleye Council, and the Federation of Alberta Naturalists.<sup>14</sup> Annually, the ACA spends several million dollars on conservation efforts and delivers a wide variety of projects, programs and services across the province such as research and data collection, hands on project delivery, monitoring, analysis and evaluation, program funding, facilitation, collaboration of stakeholders, and providing industry information and public education. The ACA also functions as a funding agency, providing over \$1 million annually for other conservation initiatives in Alberta.<sup>15</sup> ACA works with Alberta Sustainable Resource Development (ASRD) and other partners in developing and delivering programs within each of its major business areas.<sup>16</sup>

ACA priorities for 2003-2006 include Population Inventory Data, Collecting and Compiling Data, Implementation of Management, Conservation, or Recovery Plans, Habitat Inventory Data, Data Management System, Human-Wildlife Interactions.<sup>17</sup> Under its habitat program, the ACA runs the Waterfowl Crop Damage Prevention

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<sup>12</sup>See ACA website: <[http://www.ab-conservation.com/your\\_dollars\\_at\\_work/index.asp](http://www.ab-conservation.com/your_dollars_at_work/index.asp)>.

<sup>13</sup>ACA, *Annual Report 2003-2004*, online: <[http://www.ab-conservation.com/about\\_us/reports\\_publications/ACA%20AR.pdf](http://www.ab-conservation.com/about_us/reports_publications/ACA%20AR.pdf)>.

<sup>14</sup>See "About the ACA: Member Groups" online: <[http://www.ab-conservation.com/about\\_us/groups.asp](http://www.ab-conservation.com/about_us/groups.asp)>.

<sup>15</sup>*Supra* note 13 at 7.

<sup>16</sup>See website: <[http://www.ab-conservation.com/about\\_us/aboutus.asp](http://www.ab-conservation.com/about_us/aboutus.asp)>.

<sup>17</sup>*Ibid.* at 35.

Program initiated in 1970 with the principal focus of prevention of waterfowl damage to unharvested grain crops.<sup>18</sup> The Alberta Conservation and Hunter Education Program provides students with a comprehensive resource which facilitates their learning to conserve, protect and enhance Alberta's biological natural resources. The manual is approved as part of the Alberta Education Curriculum and is distributed throughout both the public and private school systems as part of an accredited program in both the Alberta Junior and Senior High School Curriculum. The International Association of Fish and Wildlife Agencies have recognized this manual as the most outstanding of its kind in North America.<sup>19</sup>

The ACA's Grants in Biodiversity Program is run in collaboration with the Alberta Cooperative Conservation Unit (ACCRU) which represents a consortium of Alberta Universities (University of Alberta, University of Calgary and the University of Lethbridge). The ACA's annual contribution to the fund is \$225,000. This program provides research funds to outstanding graduate students and postdoctoral fellows conducting research in Alberta to increase knowledge of the flora and fauna of Alberta.<sup>20</sup> The ACA has formed associations with other organizations to run programs and provide services such as the Cows and Fish. The Cows and Fish program enables the ACA to work with rural landowners to protect riparian habitat.<sup>21</sup> The ACA also produces publications such as *Caring for Shoreline Properties* intended to "promote the preservation and restoration of the natural state of Alberta's lakes and shore lands."<sup>22</sup> It provides information, both legal and ecological, regarding the watershed areas that surround lakes and form lakeshore property.

#### 4.4. Canadian Wildlife Federation

According to the Canadian Wildlife Federation (CWF) website, the CWF is "one of Canada's largest non-profit, non-governmental conservation organizations since 1962."<sup>23</sup> The CWF has over 300,000 members and supporters. Its mandate is to foster awareness and enjoyment of the natural world by encouraging a future in harmony with the natural

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<sup>18</sup>*Ibid.*

<sup>19</sup>See website: <[http://www.ab-conservation.com/projects/project\\_details.asp?project=297](http://www.ab-conservation.com/projects/project_details.asp?project=297)>.

<sup>20</sup>*Supra* note 13 at 19.

<sup>21</sup>ACA, "Alberta Riparian Habitat Management Program – Cows and Fish", online: <[http://www.ab-conservation.com/projects/project\\_details.asp?project=62](http://www.ab-conservation.com/projects/project_details.asp?project=62)>.

<sup>22</sup>ACA, *Caring for Shoreline Properties: Changing the Way We Look at Owning Lakefront Property in Alberta* (Edmonton: ACA, 1999), online: <[http://www.ab-conservation.com/reports\\_publications/Caring\\_for\\_Shoreline\\_Properties.pdf](http://www.ab-conservation.com/reports_publications/Caring_for_Shoreline_Properties.pdf)>.

<sup>23</sup>See CWF website: <[http://www.cwf-fcf.org/pages/whoarewe/index\\_e.asp?section=1&page=108&language=e](http://www.cwf-fcf.org/pages/whoarewe/index_e.asp?section=1&page=108&language=e)>.

order.<sup>24</sup> CWF's education and information programs are aimed to promote wise use of the planet's resources. Its conservation and environmental education programs such as WILD School, Backyard Habitat, Golden Gardens, Oceans Day, National Wildlife Week, and Communities for Wildlife programs are intended to inspire Canadians to take on wildlife projects, such as planting innumerable trees, building amphibian ponds, and putting up nesting structures for declining songbirds. CWF's Project WILD integrates wildlife conservation with all school subjects at all grade levels.<sup>25</sup> CWF also supports research and recovery programs that aim to remove species off the list of wildlife at risk and provides financial support for projects conducted by other organizations.<sup>26</sup>

CWF prepares instructional packages for use in classrooms, and has a website targeted specifically at educators.<sup>27</sup> Through its Communities for Wildlife program, the CWF promotes grass-roots wildlife conservation by urging community members nationwide to come together to undertake wildlife habitat projects in public areas.<sup>28</sup> The CWF resource centre responds to thousands of requests for information from students and conservation educators every year.<sup>29</sup>

#### 4.5. Ducks Unlimited Canada

Ducks Unlimited Canada (DUC) is an affiliate of the Ducks Unlimited (DU) organization that has representation throughout North America. DUC concentrates its efforts on wetland habitat although its mandate includes upland habitat. Since 1938, DUC has established over 7,100 habitat conservation projects and has helped to conserve a total of 10 million hectares or 24.8 million acres of land across Canada.<sup>30</sup> DUC's conservation efforts take many forms which include Research Guiding Conservation, Conservation Efforts, Education, and Policy.<sup>31</sup>

DUC engages in wetland conservation work that is guided by scientific, environmental research. The Institute for Wetland and Waterfowl Research (IWWR) is

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<sup>24</sup>*Ibid.*

<sup>25</sup>*Ibid.*

<sup>26</sup>*Ibid.*

<sup>27</sup>See website: <<http://www.wildededucation.org>>.

<sup>28</sup>See website: <<http://www.cwf-fcf.org/pages/wildprograms/wildprogramscommunities>>.

<sup>29</sup>See website: <<http://www.wildededucation.org/resources/addresrc.asp>>.

<sup>30</sup>See the DUC, *2004 Annual Report* at 3, online: <[http://www.ducks.ca/aboutduc/news/annual\\_report/pdf/ar2004.pdf](http://www.ducks.ca/aboutduc/news/annual_report/pdf/ar2004.pdf)>.

<sup>31</sup>See website: <<http://www.ducks.ca/aboutduc/how/index.html>>.

DUC's scientific research arm. The IWWR directs, evaluates and modifies DUC's conservation programs and practices.<sup>32</sup> DUC delivers wetland and environmental education programs to teach Canadians about the value of wetlands and conservation. DUC's education programs include Greenwing (a youth education program for preschoolers, elementary kids and teens), Adopt-A-Class (whereby sponsors such as community groups, corporations, foundations and individuals fund DUC youth education for school classes and youth groups), Teacher Resources (a free curriculum-based education resources for teachers to use in class), and wetland interpretive centres (instructive places for classroom and public education).<sup>33</sup> DUC also partnered with ePALs and Green Street to offer online wetland and environmental education programs.<sup>34</sup> DUC reached almost 90,000 students and more than 9,000 educators with their programs and educational materials. Almost 1,000 educators in Canada and another 300 from the United States and around the world downloaded the DUC wetland education curriculum from their web site.<sup>35</sup>

DUC's policy development process focuses on four major components which include monitoring policies, assessing the impact of these policies, building strategic relationships to develop or change policies, and developing science-based justifications to support new policies and programs.<sup>36</sup> DUC also uses Direct Habitat Programs to preserve or restore quality habitats through fee simple purchase, easement, management agreement and agricultural extension programs.<sup>37</sup> It contributes to sustainable agricultural land use<sup>38</sup> and to urban pursuits. An example of the latter is DUC's partnering with the Provincial Museum of Alberta on the museum's new Wild Alberta exhibit and partial sponsorship of the construction of two dioramas to emphasize the diverse and valuable functions that wetlands and other aquatic ecosystems play in the province. As well, DUC provides ongoing technical and financial support for youth-based education programs associated with the Wild Alberta Gallery for the next five years.<sup>39</sup>

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<sup>32</sup>*Ibid.*

<sup>33</sup>*Ibid.*

<sup>34</sup>*Ibid.*

<sup>35</sup>*Supra* note 30 at 9.

<sup>36</sup>See website: <<http://www.ducks.ca/aboutduc/how/policy.html>>.

<sup>37</sup>*Supra* note 30 at 7.

<sup>38</sup>*Ibid.* at 8.

<sup>39</sup>*Ibid.* at 15.

#### 4.6. Land Stewardship Centre of Canada

The Land Stewardship Centre of Canada describes itself as a “one-window” service, an electronic clearinghouse and free educational referral service, designed for land stewards everywhere.<sup>40</sup> Users interested in a stewardship topic, such as enhancing wildlife habitat, improving water quality, or ensuring the long-term productivity of the soil, can search the Centre by keyword to obtain a listing of resources, programs and organizations that could be of assistance. It focuses on Alberta but is broadening its scope to include more of the other Western Canada provinces.

#### 4.7. Manitoba Habitat Heritage Corporation

Manitoba Habitat Heritage Corporation (MHHC) was established as a Crown Corporation by the *Manitoba Habitat Heritage Act*<sup>41</sup> in 1986 to “Conserve, restore and enhance fish and wildlife habitat”. MHHC does this through cooperative partnerships with private landowners, farm organizations, corporations, conservation groups and government agencies.<sup>42</sup> MHHC focuses on private land and offers incentives to private landowners to maintain ecosystem health and biodiversity. MHHC works through three major program areas: North American Waterfowl Management Plan (discussed later in this chapter), Woodlot Management, and Riparian Stewardship. MHHC works primarily as a funding body, receiving funds from the Province to invest in fish and wildlife habitat initiatives.<sup>43</sup>

MHHC conserves habitats throughout the region by cooperative agreements, leases, donations or direct ownership. Over 11,000 acres of wildlife habitat have been secured as a result of donated lands and conservation agreements.<sup>44</sup> MHHC has entered into more than 2,500 agreements with landowners, conservation agencies and other organizations. As of March 2003, MHHC owned or held cooperative agreements with landowners for 147,754 acres of habitat on 2,534 parcels of land.

The Manitoba Agro Woodlot Program operated by MHHC assists landowners and small-scale operators with training, woodlot management and agro-forestry planning services that help them to sustain or enhance woodland wildlife habitat and diversify

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<sup>40</sup>See website: <<http://www.landstewardship.org>>.

<sup>41</sup>*Manitoba Habitat Heritage Act*, C.C.S.M., c. H3.

<sup>42</sup>See website: <<http://mhhc.mb.ca/>>.

<sup>43</sup>*Ibid.*

<sup>44</sup>See website: <<http://mhhc.mb.ca/landdon/index.html>>.

farm income.<sup>45</sup> The program provides woodlot inventory and assessment services, helps to develop management plans, provides tree-planting support and delivers hands-on skills training workshops. The program emphasizes small-scale harvesting as a means of rejuvenating wooded stands and enhancing diverse wildlife habitat.<sup>46</sup>

#### 4.8. Nature Canada (formerly Canadian Nature Federation)

Nature Canada, one of Canada's leading conservation groups, was founded in 1939 and within a decade grew into the membership-based Canadian Audubon Society. In 1971, the focus expanded again and the name changed to Canadian Nature Federation. In 2004 it changed its name to Nature Canada. The organization has 40,000 individual supporters (members and donors). It boasts ten provincial affiliates, 107 member organizations and 249 other nature clubs.<sup>47</sup> In 2004, Nature Canada launched a five-year strategic plan to rebuild a nature ethic within Canadians through broad public outreach efforts and specific educational programs, such as its NatureWatch series,<sup>48</sup> to deliver an integrated protected areas campaign intended to safeguard the maximum area possible under federal jurisdiction including national parks, national wildlife areas, migratory bird sanctuaries, national marine conservation areas, marine wildlife areas, and marine protected areas,<sup>49</sup> to lead the national Green Budget Coalition to promote financial subsidies for conservation and ensure adequate federal funding to achieve Canada's nature conservation goals,<sup>50</sup> and to advance an effective Canadian Nature Network – an alliance of like-minded organizations – by helping to build capacity among regional and local naturalists while concentrating on conservation issues of national concern.<sup>51</sup> In 2003, the Green Budget Coalition achieved an unprecedented success when 50 percent of their recommendations were implemented in the February 2003 federal budget, which committed \$3 billion towards environmental protection and climate change, including \$74 million for the park recommendations.<sup>52</sup>

Nature Canada has formed partnerships for various initiatives both locally and internationally. It is a Canadian co-partner in BirdLife International, a global partnership

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<sup>45</sup>See MHHC, *Annual Report 2002/2003*, online: <[http://mhhc.mb.ca/pdf/annualreport2002\\_03.pdf](http://mhhc.mb.ca/pdf/annualreport2002_03.pdf)>.

<sup>46</sup>*Ibid.* at 15.

<sup>47</sup>CNF, *Annual Report 2003-04* at 4, online: <<http://www.cnf.ca/pdf/AR0304.pdf>>.

<sup>48</sup>CNF, *Building the Nature Nation* at 8, online: <[http://www.cnf.ca/pdf/Nature\\_Nation.pdf](http://www.cnf.ca/pdf/Nature_Nation.pdf)>.

<sup>49</sup>*Ibid.* at 9.

<sup>50</sup>*Ibid.* at 11.

<sup>51</sup>*Ibid.* at 13.

<sup>52</sup>See CNF website: <<http://www.cnf.ca/about/history.html>>.



of organizations dedicated to safeguarding birds and their habitats. Its Important Bird Areas (IBA) Program is an important tool for conserving birds and biodiversity from coast to coast and globally. As well, it has encouraged the establishment of new national parks, the protection of existing parks, and the safeguarding of natural areas across the country. Through the three-year Parks and People program, Nature Canada has worked with Parks Canada to transfer knowledge to a new generation of environmental stewards. In 2001 Nature Canada served on the advisory committee for the Ministerial Roundtable on Ecological Integrity of Canada's National Parks.<sup>53</sup> Finally, Nature Canada has developed education programs for schools and the public, and participated in international habitat programs.

#### 4.9. North American Waterfowl Management Plan

The North American Waterfowl Management Plan (NAWMP) is an action plan of the United States, Canada and Mexico to conserve migratory birds throughout the continent. NAWMP's overall objective is to return waterfowl populations to their 1970s levels by conserving wetland and upland habitat. The United States and Canada signed the plan in 1986 and Mexico joined in 1994. The NAWMP is a partnership of federal, provincial/state and municipal governments, non-governmental organizations, private companies and many individuals. The Plan initiates and carries out numerous projects in the three countries that contribute to the protection of habitat and wildlife species across the North American continent. A number of NAWMP projects focus on stewardship tools to attain the Plan's overall objectives. Some examples are:<sup>54</sup>

- ***Prairie Habitat Joint Venture*** – This Manitoba, Saskatchewan, Alberta and Peace Parkland area of British Columbia project has led to substantial land stewardship successes. It urges and assists farmers and other landowners to convert marginal cultivated lands to grasses, legumes, trees and shrubs to improve waterfowl, shorebird and landbird habitat as well as to promote sustainable land use. Funding of nearly \$50 million over 15 years has resulted in over 2.1 million acres being dedicated under the program.
- ***The Eastern Habitat Joint Venture*** – This Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Quebec and Ontario project focuses on enhancement, management, evaluation and stewardship relating to bird habitat in eastern Canada. Funding of over \$21.5 million over the last 15 years has resulted in over 758 million dedicated acres.

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<sup>53</sup>*Ibid.*

<sup>54</sup>Unless otherwise noted, all examples are from the NAWMP, *Canadian Habitat Matters 2004 Report*, online: <<http://www.nawmp.ca/pdf/HabMattersE.pdf>>.

- ***The Canadian Intermountain Joint Venture*** – The Canadian Intermountain Joint Venture relates to British Columbia and the Rocky Mountain area of Alberta. The project was established to address the needs of waterfowl and other birds in the area. The area includes grasslands, sagebrush steppe system, Rocky Mountains, plateaux and sub-boreal forests. The area provides important habitat for waterfowl as well as over 70 landbird and shorebird species. The project focuses on the effects of resource based industries on these populations including forestry, cattle ranching, agriculture, mining and hydroelectric power generation. The project acquires and restores wetland and upland habitat. The project advocates stewardship, outreach, and educational activities. The stewardship aspect emphasizes working with industry partners and urging incorporation of stewardship principles into land management practices.
- ***The Pacific Coast Joint Venture*** – The Pacific Coast Joint Venture is an international project of coastal British Columbia, Alaska, Washington, Oregon, California and Hawaii. The coastal habitat wetlands and estuaries are of significant importance to migrating and wintering waterfowl, shorebirds and landbirds. The project aims at minimizing the effects on this habitat from intensive agriculture, aquaculture, forest production and expanding urban development. Joint venture activities include acquisitions, including fee purchase, conservation easement and Crown foreshore transfers, wetland and riparian area restoration and enhancement, and other stewardship programs. Funding of almost \$60 million over the last 15 years has resulted in almost 97,000 dedicated acres for the Canadian Intermountain and Pacific Coast joint ventures combined.
- ***Western Boreal Program*** – This project of DUC and other conservation agencies studies the effects of industrial activity, including oil and gas, forestry, mining, agriculture, hydroelectric and other development pressures on western Canada's boreal wetland ecosystems. The project concerns more than three million square kilometres in five provinces and two territories. Canadian funding of almost \$20 million over 17 years has enabled DUC to conduct GIS satellite-based landcover inventory and mapping, scientific biological and chemical analyses, as well as to undertake traditional knowledge inventories and directed research. The project's ultimate objective is the conservation of key wetlands systems in the western boreal forest through land acquisition, stewardship projects with landowners and resource developers and through legal policy changes. The project is guided by the philosophy that the better the information, the better the land-use decisions.
- ***Species Joint Ventures*** – The NAWMP carries out three species joint ventures: Arctic goose, black duck and sea duck. Each joint venture pertains to the migration route and habitat of the particular species. Migration routes and habitat can include Canadian territories and provinces, U.S. states and Mexican states. The objective of each joint venture is to help reverse the decline of the species.

Total funding over 17 years for the three joint ventures of over \$35 million has enabled scientific research, educational and stewardship programs as well as efforts to influence hunting and harvesting law and policy changes.

- **Provincial Programs** – Each province of Canada has its own NAWMP projects.

In British Columbia, the Canadian Intermountain and Pacific Coast Joint Ventures has been actively working towards a balance between the needs of birds and wildlife and socio-economic landscape values. The Pacific Estuary Conservation Program has secured a number of important wetland, riparian, and stream habitat properties along the recently constructed Vancouver Island Highway.

Alberta carries out a number of NAWMP projects that promote and provide incentives for land stewardship. Historically, conservation efforts have focused on listed threatened and endangered wildlife, flora and fauna of local or regional interest, in addition to migratory birds. The NAWMP recently has been focussing on integrated watershed initiatives including work on a demonstration watershed and plans to support and partner with provincial watershed initiatives.

Saskatchewan focuses on conserving and restoring North American grasslands. A high proportion of Saskatchewan's endangered and threatened plant and animal species depend on native prairie but only 17 percent of the original native prairie in Saskatchewan remains.<sup>55</sup> Conservation activities include scientific research, assessments and entering into conservation easements and voluntary stewardship agreements with landowners.

Manitoba recently has added securing land through conservation easements – agreements that run with the land and protect natural biological diversity and landscape features such as wildlife habitat (see Paper #5 of this series). Securing land is very important in this wetland abundant area. NAWMP programs have secured thousands of acres of wetlands and associated upland habitat through long-term lease and purchase agreements and conservation easements.

Significant among Ontario's many NAWMP related stewardship projects is Bog-to-Bog. This joint partnership project focuses on an area close to Ottawa which was once covered with forests, wetlands and waterways. Most of the wooded areas and wetlands have been cleared or drained and only unconnected natural areas remain. Bog-to Bog seeks to partially rectify this by protecting remaining significant wetlands and restoring natural linkages.<sup>56</sup> Other NAWMP

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<sup>55</sup>See the NAWMP *Canadian Habitat Matters 2002 Report* online: <<http://www.nawmp.ca/pdf/chm2002-2-e.pdf>>.

<sup>56</sup>*Ibid.*

conservation activities include acquisitions, restorations and working with landowners to better manage wetlands and riparian habitat.

An important Quebec's NAWMP program involves a two-year agreement between the Quebec Ministry of Environment and DUC to secure wetlands on private land. These include marshes on the north shore of the St. Lawrence River, Baie St-Francois in Lake Pierre, the Brampton marshes and Riviere du Sud. As well, new inter-governmental/non-governmental partnership will facilitate developing wetland and upland conservation.

Nova Scotia is a mosaic of diverse habitats including salt marsh, eelgrass flats, saline ponds, sandy beaches and small islands. These habitats host some of Eastern Canada's highest densities of wintering Canada geese and American black ducks and other migratory birds.<sup>57</sup> NAWMP in Nova Scotia seeks to secure habitat as demand for recreational coastal properties, urban expansion and other human-related disturbances increase.

A key NAWMP New Brunswick initiative is the protecting of coastal wetlands in Musquash. To date, 364 hectares of salt marsh have been secured by New Brunswick Eastern Habitat Joint Venture.

Newfoundland and Labrador contain large areas of wetlands. As well it hosts sandy beaches and dune systems frequented by many migratory bird species including the endangered piping plover.<sup>58</sup> NAWMP activities include assisting communities in developing municipal stewardship agreements with the province under which municipalities pledge to be good stewards of natural resources. The agreements identify significant wetlands and commit municipalities to take measures to conserve them.

A highlight in Prince Edward Island Eastern Habitat Joint Venture program is the successful Livestock Watering and Fencing Program whose goal is to have all livestock fenced from the Island's watercourses and wetlands.

#### **4.10. Prairie Farm Rehabilitation Administration**

A 1935 Act of Parliament established the Prairie Farm Rehabilitation Administration (PFRA) in response to widespread drought, farm abandonment and land degradation of the 1930s. For almost 70 years the PFRA has been helping the rural community improve land and resources through rehabilitation and conservation management. Assistance takes the

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<sup>57</sup>*Ibid.*

<sup>58</sup>*Ibid.*

forms of technical and financial help. A number of PFRA programs have either an objective or a side benefit of improving wildlife habitat. A significant example is PFRA's Shelterbelt Program. The PFRA distributes trees and shrubs free of charge to farmers in Alberta, Saskatchewan, Manitoba and British Columbia for shelterbelt planting on farms and fields. The shelterbelts create wildlife habitat as well as provide for soil conservation, snow management and crop stabilization.<sup>59</sup>

#### **4.11. Stewardship Portal**

The Stewardship Portal is a voluntary stewardship initiative carried out by a committee representing stewardship sectors throughout Canada.<sup>60</sup> Wildlife Habitat Canada (discussed later in this chapter) acts as an interim host during the Portal's development stages. Some of the services offered or to be offered by the Stewardship Portal are:

- a searchable directory of funders that support stewards and stewardship projects throughout Canada;
- self-registry stewardship organizations directory;
- library of web resources on stewardship;
- self registry directory of stewardship demonstration projects;
- case studies that provide detailed information on stewardship projects;
- stewardship publication;
- interactive stewardship forums;
- interactive events calendar; and
- mapping tools of interest to land stewards.

#### **4.12. Wildlife Habitat Canada**

Wildlife Habitat Canada is a national, non-profit, conservation organization established in 1984 by Environment Canada, provincial wildlife agencies and non-governmental conservation agencies.<sup>61</sup> It works in partnership with landowners, communities,

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<sup>59</sup>PFRA website: <<http://www.agr.gc.ca/pfra>>.

<sup>60</sup>See Stewardship Canada website: <<http://www.stewardshipcanada.ca>>.

<sup>61</sup>See WHC website: <<http://www.whc.org>>.

governments, non-government organizations, and industry to improve wildlife habitat. One of its key programs is to provide grants to support habitat conservation initiatives across Canada.<sup>62</sup> The revenues and royalties from the sale of the conservation stamp and print fund WHC's habitat conservation programs. This stamp is purchased by waterfowl hunters to validate their Migratory Game Bird Hunting Permits, as well as by print purchasers, stamp collectors, and individuals interested in contributing to conservation, enhancement and restoration of wildlife habitat in Canada. Over the past 20 years, stamp sales have raised over \$30 million for hundreds of wildlife habitat conservation projects across the country. The organization actively promotes and advances stewardship. For example, it offers an annual Urban Habitat Stewardship Award that recognizes Canadians within urban communities that demonstrate a commitment to stewardship and to recognizing other values of a healthy urban landscape.

#### 4.13. World Wildlife Fund Canada

World Wildlife Fund Canada (WWF) was founded in 1967. The WWF is widely viewed as a leader in the protection of wildlife and wild places both in Canada and abroad, enjoying the active support of more than 50,000 Canadians.<sup>63</sup> WWF employs a range of tools to achieve its conservation results such as field research, scientific mapping, policy initiatives, market solutions, and public education. Through its Endangered Species Recovery Fund, WWF Canada supports field research and recovery projects aimed at protecting Canadian species on the species at risk list. The new Conservation Science and Solutions Fund also funds species at risk research while also supporting projects designed to help establish new protected areas and others that address the impacts of toxic chemicals on wildlife.<sup>64</sup>

WWF Canada works with government, industry and other conservation organizations to achieve conservation results. During its Endangered Spaces Campaign that ran from 1989 to Canada Day 2000, WWF formed over 100 long and short-term partnerships and enjoyed the support of over 300 conservation organizations. These partnerships were crucial in the establishment of more than 1,000 new or expanded protected areas, covering 38 million hectares of wilderness.<sup>65</sup> As well, WWF has partnered with Domtar Inc., Abitibi-Consolidated Inc., and the Forest Products Association of Canada to advance sustainable forestry practices, and forest protected areas.<sup>66</sup> In 2004, WWF-

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<sup>62</sup>See website: <<http://www.whc.org/2005StampLaunchHancock.htm>>.

<sup>63</sup>See WWL-Canada website: <<http://www.wwf.ca/AboutWWF/WhoWeAre/Default.asp?lang=EN>>.

<sup>64</sup>*Ibid.*

<sup>65</sup>*Ibid.*

<sup>66</sup>WWF *Annual Review 2004* at 4, online: <<http://assets.panda.org/downloads/wwfintar005.pdf>>.

Canada also partnered with Environment Canada to award more than \$750,000 to help launch 56 new projects across Canada.<sup>67</sup>

Through its “Advocacy with Excellence” program, WWF strives to influence decision making in the interest of conservation.<sup>68</sup> The program identifies twelve concepts that enable it to achieve advocacy excellence.<sup>69</sup> These include non-partisanship, scientific emphasis, cooperation, and accountability. Its successes include a commitment in 1996 by the federal and territorial governments to establish community-initiated protected areas in advance of northern development.<sup>70</sup> The WWF directs most (about 79 percent) of its revenue (donated funds, investment earnings, product sales, promotions and fees) to conservation projects. From the Breakdown of Expenditures for 2004, roughly 80 cents on every dollar goes to conservation projects which include program implementation, research and grants, conservation awareness and lobbying. In 2004, WWF spent \$13.2 million on conservation.<sup>71</sup>

According to their 2004 annual report, the WWF was responsible for the creation of over 1,000 new protected areas on land, over 40 million hectares of protected forest, over 500 endangered species field projects, over 50 Inuit and First Nation partnerships, and the largest freshwater reserve in the world. As well, the WWF has developed a science-based ranking of the earth’s most biologically outstanding terrestrial, freshwater and marine habitats. These habitats are called the Global 200 Ecoregions, nine of which are in Canada.<sup>72</sup>

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<sup>67</sup>*Ibid.* at 15.

<sup>68</sup>See WWF-Canada website: <<http://www.wwf.ca/AboutWWF/WhoWeAre/Advocacy.asp>>.

<sup>69</sup>*Ibid.*

<sup>70</sup>*Supra* note 63 at 4.

<sup>71</sup>*Ibid.* at 30.

<sup>72</sup>*Ibid.* at 3.





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