

ASSESSING PRIVATELY- CONSERVED AREAS FOR ALIGNMENT WITH PATHWAY TO CANADA TARGET 1 **ALIGNMENT GUIDE**



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A guidance document to help land trusts determine if a privately-conserved parcel is a *Protected Area*, an *Other Effective Area-based Conservation Measure (OECM)*, or neither

Prepared for the
Canadian Land Trust Working Group

Is your privately-conserved parcel a *Protected Area* or an *Other Effective Area-based Conservation Measure*, or neither?

This straightforward Guide helps you determine that by comparing your conservation area directly to the guidance from both the *IUCN / World Commission on Protected Areas* and *Canada's Pathway to Canada Target 1*.

This Alignment Guide walks you through identifying the evidence you need to support conclusions that your conservation area aligns with *IUCN* and *Pathway to Target 1* guidance.

This Alignment Guide is specific to the two main tools land trusts and conservancies use: *conservation easements / covenants* and *fee-simple conservation areas*.

This Alignment Guide is not complex, and after going through it once, you'll identify numerous efficiencies – you likely have most of what you need already in place!

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Introduction

As we move beyond the more traditional notion of what is a conservation area, counting what we have actually protected becomes more difficult. The importance of including privately-conserved land, indigenous protected and conserved areas, and other effective area-based conservation measures is widely recognized. However, because these approaches employ a greater variety of techniques and tools, trying to define an archetype is extremely challenging.

From a 'counting' perspective, it thus becomes harder to say what is "in" and what is "out."

Perhaps for the same reasons, it also becomes more important to do so. A line on a map does not conserve biodiversity, and all conservation area managers are being called on to show actual *outcomes* and *effectiveness*. Demonstrating conservation is becoming more about providing *evidence* of conservation, and less about the simple existence of a protective mechanism.

For private land conservation organizations, the dilemma is that most guidelines for identifying conservation areas target the more traditional public-land conservation circumstances, relying on examples and evidence that are not applicable to privately-conserved lands.

This guide focuses on that gap.

It provides direction on how to illustrate and provide evidence that a given privately-conserved parcel aligns with the *Protected Area* or *Other Effective Area-based Conservation Measure* criteria.

It relates the protected area (PA) and other effective area-based conservation measures (OECM) guidance from both the *IUCN* and the *Pathway to Canada Target 1* to the most common private land conservation tools (fee-simple acquisition and conservation easements/covenants). The guide then gives direction on the *evidence* that should be in hand to make that case, using examples that relate specifically to private land conservation.

After walking a project through these decision matrices, a private land conservation area owner / manager should be able to demonstrate if a conservation area is a Protected Area, an Other Effective Area-based Conservation Measure, or neither.

How To Use This Alignment Guide

The process of conducting an assessment is straightforward. The Decision Guides takes the internationally-accepted elements of the definitions of both Protected Areas (PAs) and Other Effective Area-based Conservation Measures (OECMs), and breaks them apart. The user then takes a privately-conserved area, and assesses it against the guidance criteria provided for each. For each criterion, the Decision Guide identifies the documentation and support that must be provided as *evidence* the conservation area satisfies that criterion.

STEP ONE:

- Start with the *Protected Area* Decision Guide.
- The *Other Effective Area-based Conservation Measure* Decision Guide should be used only if it is determined the Protected Area designation is not appropriate.

STEP TWO:

- Have the *Evidence and Support* worksheet in hand
- Work through each criterion in the *Decision Guide 1 – Protected Area Alignment*.
- Based on the guidance, determine if the conservation area being assessed does or does not satisfy the criterion, and mark down your conclusion on the *Evidence and Support Worksheet*.
- When directed to, refer to the support information in the Appendices to get more help on what documentation or evidence is needed / valid.
- Add explanatory notes that (e.g.) more clearly identify where the evidence is, indicates if documents will be attached, references specific sections of documents if needed, etc.

STEP THREE:

- Review the worksheet to see if every criterion has been satisfied
- If not
 - Identify areas where bolstering documentation and evidence is necessary / appropriate
 - Identify areas where bolstering policies and practices is necessary / appropriate
 - Make a determination if you want to assess the conservation area against *Decision Guide 2 – Other Effective Area-based Conservation Measures Alignment*.
- If every criterion has been satisfied, move to Step Four.

STEP FOUR:

- Prepare the evidence package.
- Compile copies of the required documentation in one package.
- Have the Executive Director, Board Chair, or equivalent sign an affidavit that certifies:
 - Their oversight of the assessment,
 - The existence of all identified documentation,
 - The intent to manage the property/agreement for the long-term conservation of nature, and
 - A promise to notify CPCAD of any material changes in the conservation area, including a change in fee-simple ownership, a change in the conservation agreement / covenant agreement, or a change in the management regime that would affect this assessment.
- Attach the affidavit to the worksheet.

Finding Efficiencies

For each conservation area, every criterion in the Decision Guide will have to be addressed, which seems daunting at first.

However, it will be apparent after walking your first conservation area through the guide that there are numerous efficiencies to be had, meaning future assessments may not take very long at all.

You Already Have Most, If Not All, of This

This is an exercise of 'gathering' evidence more than generating new documents and adopting new practices.

Even if you do need to make policy or practice changes, these will tend to be additions to an existing approach. More often than not, it will involve formalizing a current practice, or bolstering an existing policy.

You Can Create Templates

Every conservation area is different, and has to be assessed on its own merits. However, you will find after one trip through the Decision Guide, some of the wording or amendments needed to align with *Pathway to Canada Target 1* are repeated.

If you conduct your business in a consistent way, it will be helpful to identify these repetitions and 'template' them to the degree that you can. These might include:

- Typical conservation easement clause modifications
- Typical management plan amendments
- Consistent wording for biodiversity elements
- Standardized wording for worksheet 'rationales'
- Industrial access risk assessment
- Standard affidavit structure

Some Documents and Evidence Satisfy Many Criteria

You will repeatedly find that a document or practice satisfying one criterion may also satisfy several other criteria. The following are the documents and practices most likely to satisfy multiple criteria:

FOR CONSERVATION EASEMENTS / COVENANTS

- **Adopt the representative** CLTA Standards and Practices, either in board-level policies, or specific to the proposed Protected Area or OECM (see *Representative Land Trust Standards and Practices* in the Appendices).
- Clearly **state the conservation values** of the property in the conservation easement / covenant agreement, ensuring they speak to the elements of in situ biodiversity identified by the IUCN (see *Evidence for In Situ Biodiversity Conservation Focus* in the Appendices).
- Ensure a **baseline report** is created for each property that **identifies biodiversity elements** on the property that align with the CBD / IUCN definition, and that there is a **requirement for on-going monitoring** of those elements.
- If the conservation area is to be a Protected Area, ensure the terms of the conservation easement / covenant identify that **conservation of in situ biodiversity is the primary**, or one of the primary¹, management objectives.
- If the conservation area is to be an Other Effective Area-based Conservation Measure, ensure the terms of the conservation easement / covenant identify that, while **conservation of in situ biodiversity is not a primary** objective, pursuit of the primary objective(s) **will in fact result in effective biodiversity** outcomes.
- If the conservation area has been **certified as an Ecological Gift**, it would satisfy the following criteria for a Protected Area:
 - Clearly defined geographical space
 - Recognized (by the federal government)
 - Dedicated (by virtue of the binding clauses of an Ecological Gift certification)
 - Long-term (requirement for perpetual conservation)
 - Conservation of nature (certification assesses its contribution to biodiversity conservation)
- **Provincial programs that certify** the conservation area as ecologically valuable conservation would similarly satisfy the above criteria.

¹ "One of the primary" means there may also be other primary objectives, but pursuing those cannot confound the objective of nature conservation.

FEE SIMPLE OWNERSHIP

- **Adopt the representative** CLTA Standards and Practices, either in board-level policies, or specific to the proposed Protected Area or OECM (see *Representative Land Trust Standards and Practices* in the Appendices).
- Clearly **state the conservation values** of the property in the property's management plan, ensuring they speak to the elements of in situ biodiversity identified by the IUCN (see *Evidence for In Situ Biodiversity Conservation Focus* in the Appendices).
- Ensure a **baseline report** is created for each property that **identifies biodiversity elements** on the property that align with the CBD / IUCN definition, and that there is a **requirement for on-going monitoring** of those elements.
- If the conservation area is to be a Protected Area, ensure the terms of the management plan identify that **conservation of in situ biodiversity is the primary**, or one of the primary², management objectives.
- If the conservation area is to be an Other Effective Area-based Conservation Measure, ensure the terms of the management plan identify that, while **conservation of in situ biodiversity is not a primary** objective, pursuit of the primary objective(s) **will in fact result in effective biodiversity** outcomes.
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² "One of the primary" means there may also be other primary objectives, but pursuing those cannot confound the objective of nature conservation.

Decision Guide 1 – Protected Area Alignment

Clearly defined geographical space

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“Includes land, inland water, marine and coastal areas or a combination of two or more of these. ‘Space’ has three dimensions, e.g. as when the airspace above a protected area is protected from low-flying aircraft or in marine protected areas when a certain water depth is protected or the seabed is protected but water above is not: conversely subsurface areas sometimes are not protected (e.g. are open for mining). ‘Clearly defined’ implies a spatially defined area with agreed and demarcated borders. These borders can sometimes be defined by physical features that move over time (e.g. river banks) or by management actions (e.g. agreed no-take zones).”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“No PPA-specific considerations”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“there is a geographically defined area”

ASSESSMENT

Considerations for Land Trusts and Conservancies

- The property, and/or the area subject to conservation restrictions/prescriptions must be clearly spatially defined.
- It must be clear if there are air rights and/or sub-surface rights held by parties outside the conservation area ownership and management.
- Pathway to Canada Target 1 makes it clear the simple existence of a sub-surface right held by an industrial interest does not, in and of itself, preclude a property from satisfying this criterion.

Evidence and Support

Documentation examples

- GIS shapefile of property
- Land title or deed
- Legal land description
- Metes and bounds description
- Ecological Gift Certification
- (see *Addressing Other Rights and Tenures in the Appendices* for guidance on providing evidence of likelihood and intention)

Recognized

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“Implies that protection can include a range of governance types declared by people as well as those identified by the state, but that such sites should be recognized in some way (in particular through listing on the World Database on Protected Areas – WDPA).”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“PPAs might be recognized in a number of different ways:

- Legislation that declares a PPA part of the national or subnational protected area system with all attendant legal obligations.
- Legislation that declares a PPA part of the national or subnational protected area system but with fewer obligations.
- Legal agreements such as easements or covenants that are recognized by national governments.
- Broader legal or quasi-legal agreements, such as easements or covenants, that may fall short of full recognition of a PPA by the national government but ensure long-term commitment to land or water conservation.
- Recognition by a national or subnational association of PPAs with guidelines and inventory (see below) provided that the association is recognized by outside experts (e.g. WCPA regional chairs).
- Recognized on authoritative international databases (e.g. WDPA) – probably via a national-level process (see for example UK country review).
- Ownership by an NGO with a legal structure that obligates conservation.
(NB. Inclusion within international designations (e.g. Ramsar, Biosphere) or other designations of significance (e.g. key biodiversity areas) can strengthen the security of a PPA but is not sufficient in and of itself).”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“Protected areas may fall within a spectrum of governance types, including governments (federal, provincial, territorial and local/municipal), shared, private individuals or organizations, Indigenous Peoples, and/or local communities.”

ASSESSMENT

Considerations for Land Trusts and Conservancies

- Lands owned in fee-simple by a land trust or conservancy that has a biodiversity conservation mandate would satisfy this criterion.
- Areas subject to a conservation easement / covenant, enabled under provincial or territorial legislation, and with a biodiversity conservation focus would satisfy this criterion.

Evidence and Support

Documentation examples

- Mission statement of the land trust or conservancy showing conservation of nature is a primary mandate
- A legally enacted conservation easement / conservation covenant
- Legal title to a property showing ownership by the land trust or conservancy
- Ecological Gift Certification

Dedicated

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“Implies specific binding commitment to conservation in the longterm, through e.g.:

- International conventions and agreements
- National, provincial and local law
- Customary law
- Covenants of NGOs
- Private trusts and company policies
- Certification schemes.”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“Showing ‘dedication’ can be more difficult in PPAs than in other governance types. Where the owner has no legal control over wildlife or ecological processes (e.g. fire management) that impact the ability to achieve desired conservation outcomes, ‘dedication’ can be shown through:

- Formal agreements with the government agencies that have legal control to ensure that conservation values are maintained; or
- Publicly available longterm management plans with indication of dedication to conservation; or
- Other recognition processes.
 - For example, in the case of voluntary conservation commitments recognition by a national or subnational association of PPAs with guidelines and inventory can help provide additional evidence of the site’s dedication to management which meets the IUCN definition of a protected area. It may be possible in the future for such associations to be additionally recognized by outside experts (e.g. WCPA regional chairs or the WCPA PPA Specialist Group).”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

No specific guidance

ASSESSMENT

Considerations for Land Trusts and Conservancies

- In the IUCN direction, 'dedicated' can be interpreted as meaning 'binding.' The challenge here for land trusts and conservancies is to show that the terms of the conservation device (whatever that might be) are in fact binding.
- The examples given by the IUCN include two relevant for land trusts and conservancies: *policies of private trusts*, and *covenants of NGOs*.
- For conservation easements / covenants, 'dedicated' would relate to the terms of the agreement, which would need to show that land use activities are constrained/required in a binding way and for the purposes of promoting nature conservation.
- For fee-simple properties, this would relate to the policies of the organization and the management plan for the property, which would need to show that land use activities are constrained/required in a binding way for the purposes of promoting nature conservation.
- [Note that these criteria reference the need for "long term" conservation; that will be addressed further down]

Evidence and Support

Documentation examples

- Policies of the land trust or conservancy that indicate adherence to the relevant Canadian Land Trust Standards and Practices (see *Representative Land Trust Standards and Practices* in the Appendices)
- Approval or accreditation by a provincial certification program focused on biodiversity conservation
- Financial support from a provincial or federal program that requires proof of biodiversity conservation intent.
- Management plan for the property which outlines or references the elements of biodiversity, and the actions that will be taken to preserve them (see *Evidence for In Situ Biodiversity Conservation Focus* in the Appendices)
- Ecological Gift Certification

Managed

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)
“Assumes some active steps to conserve the natural (and possibly other) values for which the protected area was established; note that ‘managed’ can include a decision to leave the area untouched if this is the best conservation strategy.”
IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)
“PPAs should have a written statement of an intention to manage for conservation outcome and some means of monitoring progress towards these goals (even if private ownership and management may make PPA planning and management less formal).”
Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)
No specific guidance

ASSESSMENT

Considerations for Land Trusts and Conservancies
<ul style="list-style-type: none">• The IUCN guidance specifies that the PA must be under some sort of active management regime that is supportive of the biodiversity values of the property.• Management plans that follow the relevant Canadian Land Trust Standards and Practices would satisfy this criterion (see <i>Representative Land Trust Standards and Practices</i> in the Appendices).• The IUCN guidelines recognize this may be less formal for Privately Protected Areas, meaning the restrictions and prescriptions created as part of a conservation easement could satisfy this criterion.
Evidence and Support
Documentation examples <ul style="list-style-type: none">• Management plan for the property that follows the relevant Canadian Land Trust Standards and Practices, and (in the case of conservation easements/covenants) is attached to the easement agreement or (in the case of fee-simple ownership) is filed at the

land trust or conservancy's office

- Conservation easements/covenants with a biodiversity conservation purpose, and whose restrictions and prescriptions collectively prioritize conservation of the identified elements of biodiversity on the subject property
- (see *Evidence for In Situ Biodiversity Conservation Focus* in the Appendices for elaboration on 'elements of biodiversity')
- (see *Management Intention* in the Appendices for direction on providing evidence of management intent)

Through legal or other effective means

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“Means that protected areas must either be gazetted (that is, recognized under statutory civil law), recognized through an international convention or agreement, or else managed through other effective but non-gazetted means, such as through recognized traditional rules under which community conserved areas operate or the policies of established non-governmental organizations.”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“De facto or de jure tenure should be clearly defined (even if the package of tenurial rights and responsibilities constituting the ‘area’ that is managed as a PPA is diverse and unconventional). The control of rights over land or water use are rarely in the hands of one person, organization or government ministry – and thus tensions often arise when different rights holders have different objectives for the use of those rights.

For any area to fit the definition of a protected area the current use of the area should be conservation – and the intent should be that the conservation objective is for the long term.

Where specific management is necessary to achieve the stated conservation outcome and rights-holders may require a particular management style in order to satisfy their requirements. Managers of sites should be aware of any rights of use which are not in their control, and efforts should be made to ensure that use does not impact these conservation outcomes.”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“Protected areas must be “gazetted (that is, recognized under statutory civil law), recognized through an international convention or agreement, or else managed through other effective but non-gazetted means, such as through recognized traditional rules under which community conserved areas operate, or the policies of established NGOs.”

ASSESSMENT

Considerations for Land Trusts and Conservancies

- IUCN guidance states this criterion is satisfied if the property is “managed through other effective but non-gazetted means, such as ... the policies of established non-governmental organizations.”
- If there is an unusual collection of non-government rights-holders (private companies, individual landowners, conservation organizations, water utilities, etc.), that should be made clear.
- IUCN guidance is that “the current use of the area should be conservation – and the intent should be that the conservation objective is for the long term.”

Evidence and Support

Documentation examples

- For fee-simple properties, a statement in the management plan that indicates the land trust or conservancy’s primary management objective for the property is nature conservation
- For conservation easements, a clause in the agreement that shows that nature conservation will be the primary objective behind the chosen restrictions and prescriptions
- Clear documentation on the tenure and rights-holders associated with the property
- Indication of the low likelihood of any industrial activity that might significantly affect the conservation values of the property (see *Addressing Other Rights and Tenures* in the Appendices)
- For conservation easements, mortgage postponements as necessary to ensure any bankruptcy proceedings will give primacy to the conservation easement
- Board-level policies committing the organization to the relevant Canadian Land Trust Standards and Practices (see *Representative Land Trust Standards and Practices* in the Appendices)

To achieve

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“Implies some level of effectiveness – a new element that was not present in the 1994 definition but which has been strongly requested by many protected area managers and others. Although the category will still be determined by objective, management effectiveness will progressively be recorded on the World Database on Protected Areas and over time will become an important contributory criterion in identification and recognition of protected areas.”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“No PPA-specific considerations (but see section on Management).”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“Protected areas require effective means to control activities that could have an impact on biodiversity. As a minimum, governing bodies must establish means to effectively exclude environmentally damaging industrial activities and infrastructure.”

ASSESSMENT

Considerations for Land Trusts and Conservancies

- The consideration of rights held by entities not part of the conservation agreement is included in “through legal or other effective means” for the IUCN, and under “to achieve” for Pathway to Canada Target 1.
 - Thus satisfying the former criterion in that respect, can be assumed to satisfy this criterion in that same respect
- ‘Effectiveness’ in the protected areas assessment realm is intended to move from simply measuring ‘protection’ to measuring if the protection has been effective. Thus, it is increasingly relying on the trio of 1) clear management goals, 2) relevant baseline data, and 3) robust on-going monitoring.

Evidence and Support

Documentation examples

- For conservation easements, introductory clauses and restrictions/prescriptions requiring land use activities support nature

conservation as the primary goal

- For fee-simple properties, a management plan that lists nature conservation as the primary goal, and management activities that are supportive of that goal and its primacy
- Property-specific baseline report listing relevant elements of biodiversity (see *Evidence for In Situ Biodiversity Conservation Focus* in the Appendices)
- Organization's baseline report policy
- Property-specific monitoring reports
- Organization's monitoring policy
- Evidence of low likelihood of non-sustainable industrial activity
- (see *Addressing Other Rights and Tenures* in the Appendices)

Long-term

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“Protected areas should be managed in perpetuity and not as a short-term or temporary management strategy. Temporary measures, such as short-term grant-funded agricultural set-asides, rotations in commercial forest management or temporary fishing protection zones are not protected areas as recognized by IUCN.”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“PPAs should demonstrate **an intent to conserve ‘in perpetuity’**, or at least ‘long-term’ (a period of at least 25 years). PPAs can face particular challenges in ‘proving’ long-term conservation. In a few countries, PPA declaration brings legal obligations for long-term protection, putting PPAs on equal footing to state-run protected areas. Where this is not the case, long-term **intent** can be demonstrated through:

- PPA status transcending changes of ownership, through easement, covenant, wills, etc.
- Where formal agreements relating to PPAs are short-term they should be tied to commitment to long-term protection (e.g. renewable agreements or long-term stated objectives) and ending of agreements should never prohibit continuation of PPA status.
- Some form of long-term monitoring to ensure adherence to conservation intent.
- Active or passive management practices being applied in order to safeguard the integrity of natural resources present in the PPA, that are validated by local or regional units of a national association of PPAs with guidelines and a national inventory.”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“The intention for protected areas is to conserve them for the long-term. For further clarity, “long-term” is understood to include instances where mechanisms for conservation do not allow for commitments in perpetuity (i.e., privately protected areas) but there is clear evidence of intent to maintain protection through renewal (protection should be in place by default, unless actively removed) or future adoption of more permanent mechanisms.”

ASSESSMENT

Considerations for Land Trusts and Conservancies

- Management regimes must focus on a perpetual time frame, meaning even if agreements have a limited term, the management goals should clearly show the intent is for perpetual protection of the conservation values
- Term-limited agreements should ideally include an expectation of renewal, but at the very least not prevent it
- IUCN guidance for long-term suggests agreements be in place a minimum of 25 years
- IUCN identifies title-registered conservation easements and covenants as supportive of this criterion
- IUCN guidance makes reference to “a national association of PPAs with guidelines and a national inventory”; Canada’s closest analogue to this is the Canadian Land Trust Standards and Practices
- Ecological Gift certification would satisfy this criterion (indicating national recognition, a requirement for perpetuity, and limits on changes in use)
- PT1 direction to consider “future adoption of more permanent mechanisms” would include policies for disposition of fee-simple lands requiring a conservation easement be placed on the property first.

Evidence and Support

Documentation examples

- Management plan showing management intent is long term conservation of nature (see *Management Intention* in the Appendices)
- For fee-simple properties, property disposition policies which ensure perpetual conservation
- For conservation easements / covenants, a grant in perpetuity, or a term of at least 25 years indicating an intent for the conservation of nature to be on-going, and/or an assumed renewal of the agreement
- Monitoring policy requiring regular monitoring of the property’s biodiversity conservation values
- Board commitment to the relevant parts of the Canadian Land Trust Standards and Practices (see *Representative Land Trust Standards and Practices* in the Appendices)
- Ecological Gift Certification

Conservation

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“In the context of this definition conservation refers to the *in-situ* maintenance of ecosystems and natural and semi-natural habitats and of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“No PPA-specific considerations.”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“The overriding purpose of a network of protected areas is to increase the effectiveness of in situ biodiversity conservation. Individual protected areas can aim to conserve biodiversity as a whole or can have conservation objectives targeting single species or habitats, impose seasonal restrictions in order to achieve protection objectives (management category IV), or allow non-industrial sustainable activities to occur in a portion of the protected area (management category VI), provided that these activities do not negatively affect the overall conservation”

ASSESSMENT

Considerations for Land Trusts and Conservancies

- PT1 guidance suggests the protected area should, along with the network of protected areas, “increase the effectiveness of in situ biodiversity conservation”
- PT1 guidance directs that protected areas “can aim to conserve biodiversity as a whole or can have conservation objectives targeting single species or habitats ...”
- PT1 guidance notes that PAs can allow “non-industrial sustainable activities”, so long as these do not “negatively affect the overall conservation.”
- IUCN guidance recognizes habitats in PAs may be natural or semi-natural, and that species may be domesticated or cultivated, meaning the parcel may contain/support native vegetation or naturalized vegetation, native wildlife or naturalized wildlife,

provided the area contributes to conservation of *in situ* biodiversity

- What is meant by non-industrial sustainable activities³ is unclear, but other IUCN guidance around Category VI Protected Areas suggests this includes “low-level non-industrial use of natural resources compatible with nature conservation”, and that it is “not designed to accommodate large-scale industrial harvest”
- IUCN guidance references a standard for Category VI protected areas that at least two thirds (66%) of the area is maintained in a natural condition (Worboys et al 2015, Dudley 2008)
- The IUCN direction on OECMs gives a much more robust definition of what is ‘biodiversity conservation’, and likely represents a clearer guideline (see *Evidence for In Situ Biodiversity Conservation Focus* in the Appendices)

Evidence and Support

Documentation examples

- For a conservation easement/covenant, clear indication in the agreement of the biodiversity elements which the easement/covenant was created to protect, and a direct lineage between that intent and the restrictions /prescriptions in the agreement
- For a fee-simple property, clear indication within the management plan of the biodiversity elements which the plan is designed to protect, and a direct linkage between that intent and the requirements of the plan
- Ecological Gift Certification
- (see *Evidence for In situ Biodiversity Conservation Focus* in the Appendices for elaboration on ‘elements of biodiversity’)

³ *One With Nature* makes reference to ‘industrial’ activities, but does not define that term. Other parts of the document suggest that the recreation industry, forest industry, agriculture industry, and housing industry are not considered to be “industrial”. Dictionary definitions of “industry” refer to the processing of raw materials and factory manufacturing, but *One With Nature* likely would want to include the extraction of raw materials (mining of various types), too. The use of the phrase “environmentally damaging industrial activities” likely indicates the underlying intent, but as noted above, several industries with potentially damaging practices seem to be excluded. The phrase “non-industrial sustainable activities” is used to reference what might be allowable, but again in absence of a definition of what are “industrial’ activities,” it is unclear what would be “non-industrial” activities.

Nature

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“In this context nature *always* refers to biodiversity, at genetic, species and ecosystem level, and often also refers to geodiversity, landform and broader natural values.”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“No PPA-specific considerations.”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

[contained within “Conservation’ above]

ASSESSMENT

Considerations for Land Trusts and Conservancies

- Whereas the previous criterion relates to the act of *conserving*, this criterion relates to ensuring conservation is focused on biodiversity.
- Private land conservation can take several forms, not always including conservation of in situ biodiversity. For inclusion in Pathway to Canada Target 1 accounting (and the CPCAD database), a conservation area will have to show “conservation” means, or includes, conservation of in situ biodiversity.
- (see *Evidence for In Situ Biodiversity Conservation Focus* for elaboration on what ‘biodiversity’ and ‘in situ conservation’ mean)

Evidence and Support

Documentation examples

- Conservation values in conservation agreement and/or management plan references relevant elements of biodiversity
- Baseline documentation that identifies elements of biodiversity
- Regional wildlife assessments, species management plans, government conservation strategies, and/or biodiversity assessments showing the property’s biodiversity value

- Ecological Gift Certification
- (see *Evidence for In Situ Biodiversity Conservation Focus* for elaboration on what 'biodiversity' and 'in situ conservation' mean)

Associated ecosystem services

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)
“Means here ecosystem services that are related to but do not interfere with the aim of nature conservation. These can include provisioning services such as food and water; regulating services such as regulation of floods, drought, land degradation, and disease; supporting services such as soil formation and nutrient cycling; and cultural services such as recreational, spiritual, religious and other non-material benefits.”
IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)
“No PPA-specific considerations.”
Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)
No specific guidance

ASSESSMENT

Considerations for Land Trusts and Conservancies
<ul style="list-style-type: none">• While these have been emphasized at the international level (CBD, IUCN), they are not in Canada.• While providing evidence of these contributions may be valuable in many ways, Pathway to Canada Target 1 criteria make it clear they will have no material impact on the inclusion of a conservation area in the CPCAD as a Protected Area or an OECM.
Evidence and Support
Documentation examples <ul style="list-style-type: none">• N/A

Cultural values

BACKGROUND

IUCN Protected Area (PA) Guidance (Dudley 2008, Stolton et al 2013)

“Includes those that do not interfere with the conservation outcome (*all* cultural values in a protected area should meet this criterion), including in particular:

- those that contribute to conservation outcomes (e.g. traditional management practices on which key species have become reliant);
- those that are themselves under threat.”

IUCN Privately Protected Area (PPA) Guidance (Stolton et al 2014)

“Many PPAs were created to ensure a legacy – this is a cultural value that is an important aspect of these PPAs.”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

No specific guidance

ASSESSMENT

Considerations for Land Trusts and Conservancies

- While these have been emphasized at the international level (CBD, IUCN), they are not in Canada.
- While providing evidence of these contributions may be valuable in many ways, Pathway to Canada Target 1 criteria make it clear they will have no material impact on the inclusion of a conservation area in the CPCAD as a Protected Area or an OECM.

Evidence and Support

Documentation examples

- N/A

Decision Guide 2 – Other Effective Area-based Conservation Measures⁴ Alignment

A geographically defined area

BACKGROUND

OECD Guidance (IUCN WCPA 2019)

“Geographically defined area implies a spatially defined area with agreed and demarcated boundaries, which can include land, inland waters, marine and coastal areas or any combination of these. In exceptional circumstances, boundaries may be defined by physical features that move over time, such as river banks, the high water mark or extent of sea ice—see Box 2.

While the size of OECMs may vary, they should be of sufficient size to achieve the long- term *in-situ* conservation of biodiversity, including all ecosystems, habitats and species communities for which the site is important. “Sufficient size” is highly contextual and is dependent on the ecological requirements for the persistence of the relevant species and ecosystems.

Box 2: A closer look at geographical space - Geographical space has three dimensions; this requires any governance or management regime for a two-dimensional area also to account for the third (vertical) dimension if all the biodiversity of the area is to be effectively conserved *in-situ*. Designations of protected areas or OECMs will often have limits in the third dimension (e.g. only apply to a certain depth underground or below the water surface, or have an altitude limit to allow passage of commercial aircraft). This has become particularly controversial in marine protected areas, where vertical zoning for commercial purposes undermines conservation outcomes, disrupts ecological connectivity, and creates monitoring and enforcement challenges. For both protected areas and OECMs, the height and depth dimensions need to be consistent with effective conservation management to protect the full range of native biodiversity. In consequence, IUCN has a strong presumption against vertical zoning of OECMs.”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“a geographically defined area”

ASSESSMENT

⁴ Though the disassembly of the definition here reflects some minor differences from the actual wording of the definition, it is based on how the IUCN made this disassembly in their ‘annotated definition’ of OECMs (IUCN WCPA 2019)

Considerations for Land Trusts and Conservancies

- IUCN suggests boundaries can be demarcated by features which move over time (river banks, high water marks) in exceptional cases
- OECM direction goes beyond Protected Area requirements and gives direction on size (suggests size should be sufficient to protect in situ biodiversity)
- IUCN directs that sub-surface or above-ground dimensions “need to be consistent with effective conservation management to protect the full range of native biodiversity”
- The property, and/or the area subject to conservation restrictions/prescriptions must be clearly spatially defined.
- It must be clear if there air rights and/or sub-surface rights held by parties outside the conservation area ownership and management.
- Pathway to Canada Target 1 makes it clear the simple existence of a sub-surface right held by an industrial interest does not, in and of itself, preclude a property from satisfying this criterion.

Evidence and Support

Documentation examples

- GIS shapefile of property
- Land title or deed
- Legal land description
- Metes and bounds description
- Ecological Gift Certification
- [see *Addressing Other Rights and Tenures* for guidance on providing evidence of likelihood and intention]

Other than a protected area

BACKGROUND

OECD Guidance (IUCN WCPA 2019)

“OECDs can contribute in their own right to area-based targets for terrestrial, freshwater and marine conservation. This means that areas that are already designated as protected areas or lie within protected areas **should not also be recognised or reported as OECDs**. While protected areas and OECDs are mutually exclusive at any point in time, both protected areas and OECDs have value for biodiversity conservation. Some OECDs may become recognised as protected areas if, for example, nature conservation becomes the primary management objective, or where the area already meets the definition of a protected area and the governing authority now requests its recognition.”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

No specific guidance

ASSESSMENT

Considerations for Land Trusts and Conservancies

- A given parcel/project should be run through “Decision Guide 1 – Protected Area Alignment” first, and only run through this Decision Guide if the property does not satisfy the Protected Area guidance, or the governance agency (the land trust or conservancy) does not want the property reported as a Protected Area.

Evidence and Support

Documentation examples

- N/A

Governed

BACKGROUND

OECD Guidance (IUCN WCPA 2019)

“Governed implies that the area is under the authority of a specified entity, or an agreed upon combination of entities. OECMs can be governed under the same range of governance types as protected areas, namely:

1. Governance by governments (at various levels);
2. Governance by private individuals, organisations or companies;
3. Governance by Indigenous Peoples and/or local communities; and
4. Shared governance (i.e., governance by various rights holders and stakeholders together) (Dudley, 2008; Borrini-Feyerabend *et al.*, 2013).

As with protected areas, the governance of OECMs should be equitable and reflect human rights principles recognised in international and regional human rights instruments and in national legislation, including relating to gender equity and Indigenous Peoples. Governance mechanisms should be effective in maintaining biodiversity.

Any recognition or reporting of OECMs governed by Indigenous Peoples and/or local communities should be based on self-identification and requires the free, prior and informed consent of those traditional governance authority(ies).”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“OECMs are to recognize the same spectrum of governance types as protected areas as outlined by IUCN. These include governance by governments, shared governance, governance by private individuals or organizations, and governance by Indigenous Peoples and/or local communities.” (*NB: One With Nature gives the same direction for both “governed” and “managed”*)

ASSESSMENT

Considerations for Land Trusts and Conservancies

- Land trusts and conservancies would have to demonstrated that the property is “under the authority of a specified entity, or an agreed upon combination of entities”
- Both the IUCN and the PT1 recognize that governance of an OECM by a land trust or conservancy is a valid form of governance
- The references to “authority of ... an agreed-upon combination of entities” and “shared governance” would include conservation

easements / covenants (where landowners and land trusts / conservancies share governance).

- Reporting of OECMs to international or national databases is required by the IUCN to be based on “self-identification” and to have the “free, prior and informed consent of the governance authority”, meaning the land trust or conservancy would be responsible for reporting, but in the case of a conservation easement / covenant would require the landowner’s consent

Evidence and Support

Documentation examples

- Evidence of the organization having been registered as a charity with the purposes of holding land or interests in land for ecological conservation
- Clauses in conservation agreement, or subsequent release by landowner, allowing for the OECM to be reported to CPCAD

Managed

BACKGROUND

OECD Guidance (IUCN WCPA 2019)

Managed specifies that the area is being managed in a way that delivers positive and sustained long-term biodiversity conservation outcomes. Relevant authorities, rightsholders and stakeholder should be identified and involved in management. Unlike protected areas, OECMs do not require a primary objective of conservation, but there must be a direct causal link between the area's overall objective and management and the *in-situ* conservation of biodiversity over the long-term. "Managed" can include a deliberate decision to leave the area untouched - see the example of historic ship wrecks explained in Box 3. Management of OECMs should be consistent with the ecosystem approach, with the ability to adapt to achieve expected long-term biodiversity conservation outcomes and to manage emerging new threats. Accordingly, the management of OECMs should include "effective means" of control of activities that could impact biodiversity, whether through legal measures or other effective means (such as customary laws or binding agreements with the landowners). To the extent relevant and possible, management should be integrated across OECMs and surrounding areas.

An area where there is no management regime is not an OECM, even though its biodiversity may remain intact. For example, unmanaged areas of the high seas, areas under military conflict, and other areas currently in a natural or near-natural state should not be considered as OECMs in the absence of a management regime that provides effective and enduring *in-situ* biodiversity conservation."

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

OECMs are to recognize the same spectrum of governance types as protected areas as outlined by IUCN. These include governance by governments, shared governance, governance by private individuals or organizations, and governance by Indigenous Peoples and/or local communities. (NB: One With Nature gives the same direction for both "governed" and "managed")

ASSESSMENT

Considerations for Land Trusts and Conservancies

- [though this criterion includes the characteristics of "positive outcomes" and "sustained longterm", those are covered in more detail below, so omitted here; instead the focus is on demonstrating the existence of a viable management regime]

- This is the critical criterion for distinguishing between a Protected Area versus an Other Effective Area-based Conservation Measure: whether nature conservation is the primary management objective (see *Protected Areas vs OECMs, Distinguishing Between Protected Areas and OECMs* in the Appendices)
- While private OECMs need not have nature conservation as the primary management objective, there does need to be a causal link between the management objective(s) and conservation of the elements of biodiversity (see *Evidence for In Situ Biodiversity Conservation Focus* in the Appendices for elaboration on ‘elements of biodiversity’)
- There must be evidence of a management regime – simply being a biodiverse property is not enough
- The IUCN identifies “binding agreements with landowners” as constituting an “effective means of control of activities that could impact biodiversity”

Evidence and Support

Documentation examples

- Management plan for the property whose guidelines and requirements collectively serve to conserve the identified elements of biodiversity on the property, and (in the case of conservation easements/covenants) is attached to the easement/covenant agreement or (in the case of fee-simple ownership) is filed at the land trust or conservancy’s office
- Conservation easements/covenants, which may not have a biodiversity conservation purpose, but whose restrictions and prescriptions collectively serve to conserve the identified elements of biodiversity on the subject property,
- (see *Evidence for In Situ Biodiversity Conservation Focus* in the Appendices for elaboration on ‘elements of biodiversity’)
- (see *Management Intention* in the Appendices for direction on providing evidence of management intent)

Positive outcomes for biodiversity

BACKGROUND

OECD Guidance (IUCN WCPA 2019)

OECDMs should be **effective** at delivering the *in-situ* conservation of biodiversity in the long-term. Specifically, there should be a clear causal association between the management and biodiversity outcomes, with mechanisms in place to address existing or anticipated threats (see Mathur et al. 2017 for guidance on identifying and managing threats).

Environmentally damaging industrial activities and infrastructure development should not occur in OECDMs. This is consistent with IUCN recommendation 102 (WCC-2016- Rec-102-EN), passed at the World Conservation Congress in Hawaii. This recommendation calls on governments and relevant authorities “to adopt and implement policies that restrict environmentally damaging industrial activities and infrastructure development that may have negative impacts on any areas of particular importance for biodiversity and ecosystem services that are identified by governments as essential to achieving the Aichi Biodiversity Targets”.

Environmentally- damaging industrial activities include, for example, industrial fishing and forestry, mining, oil and gas extraction, industrial agriculture, and environmentally damaging infrastructure, such as dams, roads and pipelines. These threats should be avoided. This applies both to environmentally damaging activities inside OECDMs and also to those outside the area but impacting on the OECDMs.”

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

“OECDMs require effective means to control activities that could impact biodiversity. As a minimum, governing bodies should establish means to effectively manage activities that would disturb biota and the biotic zone.”

ASSESSMENT

Considerations for Land Trusts and Conservancies

- Despite the name, the focus of the IUCN and PT1 in this criterion involves very little to do with measuring outcomes, and instead asks only whether “environmentally damaging industrial activities and infrastructure” is present
- The need here is to demonstrate that the governing authority has (as per the IUCN) adopted and implemented policies that “restrict environmentally damaging industrial activities and infrastructure development that may have negative impacts on any areas of particular importance for biodiversity and ecosystem services” and (as per PT1) established “means to effectively manage

activities that would disturb biota and the biotic zone.”

- Because of the variety of interests likely to exist on a private OECM property, there is also a need to demonstrate that future “environmentally damaging industrial activities and infrastructure” is unlikely
- Note that neither the IUCN nor PT1 consider large-scale or pervasive recreational activity to constitute an industry with negative effects, but land trusts should include such considerations in their assessments
- (see *Management Intention* in the Appendices for direction on providing evidence of management intent)
- (see *Addressing Other Rights and Tenures* in the Appendices) for direction on demonstrating acceptable levels of likelihood and drafting industrial access policy)

Evidence and Support

Documentation examples

- Clear documentation on the tenure and rights-holders associated with the property
- Indication of the low likelihood of any industrial activity that might significantly affect the conservation values of the property (see *Addressing Other Rights and Tenures* in the Appendices)
- Board-level policies committing the organization to the relevant Canadian Land Trust Standards and Practices (see *Representative Land Trust Standards and Practices* in the Appendices)
- Industrial access policies restricting the ability to pursue or allow environmentally damaging industrial activity (see *Addressing Other Rights and Tenures* in the Appendices)
- Policies regarding the allowable ‘threshold’ of environmentally damaging industrial activity (see *Addressing Other Rights and Tenures* in the Appendices)

Sustained long-term

BACKGROUND

OECD Guidance (IUCN WCPA 2019)

The governance and management of OECMs is expected to be **sustained** and deliver the **long-term** effective *in-situ* conservation of biodiversity. Short-term or temporary management strategies do not constitute an OECM. For example, a commercial fishing closure that stays in place only until an overfished area recovers, is not an OECM. IUCN's guidance is that the factors that govern and manage an OECM should be expected to be ongoing and for the long-term.

Effective conservation outcomes may arise from strict protection or certain forms of sustainable management consistent with the CBD definitions of "*in-situ* conservation" and "biodiversity". However, most areas managed for industrial production, even if they have some biodiversity benefits, should **not** be considered as OECMs. Sustainably managed commercial fisheries and commercial forests, for instance, should be reported under Aichi Target 6 and 7, respectively, or other appropriate targets.

On the other hand, sites with a range of management approaches, including seasonal arrangements (e.g. sites managed for migratory bird species) may qualify as OECMs if the seasonal measures are part of a long-term overall management regime that results in the year-round *in-situ* conservation of biodiversity for which the site is important. In some cases short-term regulatory instruments, renewed continuously, may provide *de facto* long-term measures.

Management of OECMs should be consistent with an ecosystem and precautionary approach, with the ability to adapt to maintain biodiversity outcomes long-term and to address potential new threats. Practical steps should be in place for monitoring and reporting on the effectiveness of OECMs (see Section 4).

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

"The intention for OECMs is to conserve them for the long-term. For further clarity, the requirement of "long-term" is understood to include instances where mechanisms for conservation do not allow for commitments in perpetuity (e.g., requirement for regular land use plan reviews) but there is clear evidence of intent to maintain protection through renewal or future adoption of more permanent mechanisms."

ASSESSMENT

Considerations for Land Trusts and Conservancies

- Short-term seasonal protection mechanisms will not qualify as OECMs, unless they are part of a larger, long-term, conservation initiative
- Management regimes should focus on a perpetual time frame, meaning even if agreements have a limited term, the management goals should clearly show the intent is for perpetual protection of the conservation values
- Term-limited agreements should be structured to renew, or show clear evidence of an expectation of renewal
- IUCN guidance for long-term suggests agreements be in place a minimum of 25 years
- Ecological Gift certification would satisfy this criterion as it requires perpetual conservation
- PT1 direction to consider “future adoption of more permanent mechanisms” would include policies for disposition of fee-simple lands requiring a conservation easement be placed on the property first.

Evidence and Support

Documentation examples

- Management plan showing management intent is long term conservation of nature (see *Management Intention* in the Appendices)
- For fee-simple properties, property disposition policies which ensure perpetual conservation
- For conservation easements / covenants, a grant in perpetuity, or a term of at least 25 years indicating an intent for the conservation of nature to be on-going, and/or an assumed renewal of the agreement
- Monitoring policy requiring regular monitoring of the property’s biodiversity conservation values
- Board commitment to the relevant parts of the Canadian Land Trust Standards and Practices (see *Representative Land Trust Standards and Practices* in the Appendices)
- Monitoring policy requiring regular monitoring of the property’s elements of biodiversity conservation
- Ecological Gift Certification

In-situ conservation of biodiversity

BACKGROUND

OECM Guidance (IUCN WCPA 2019)
<p>“The CBD defines <i>in-situ conservation</i>, with respect to biodiversity, as: <i>The conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties. (CBD Article 2).</i></p> <p>Other effective area-based conservation measures should deliver biodiversity outcomes of comparable importance to, and complementary with, those of protected areas. This includes their contribution to ecological representation, coverage of areas important for biodiversity and associated ecosystem functions and services, connectivity and integration in wider landscapes and seascapes, as well as management effectiveness and equity requirements.</p> <p>OECMs are expected to achieve the conservation of nature as a whole, rather than only selected elements of biodiversity. The CBD definitions of “biodiversity” and “<i>in-situ</i> conservation” clearly recognise that a single species can only exist <i>in-situ</i> as part of an interconnected web with other species and the abiotic environment. Therefore conservation measures targeting single species or subsets of biodiversity should not allow the broader ecosystem to be compromised. Recognising the linkage between biological and geological diversity, “geodiversity” may also be an important management focus in OECMs.”</p>
Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)
<p>“OECMs are expected to contribute to the conservation of biodiversity as a whole. However, specific conservation measures for an area may target single species or subsets of biodiversity, or may impose seasonal restrictions, in order to achieve protection objectives. These areas may qualify as OECMs, provided they are governed and managed in ways that protect broader ecosystem components and processes year-round.”</p>

ASSESSMENT

Considerations for Land Trusts and Conservancies
<ul style="list-style-type: none">• OECMs and Protected Areas define ‘in situ conservation of biodiversity’ in the same way

- The concept of 'biodiversity/nature as a whole' occurs repeatedly in IUCN and PT1 discussions; the key elements here are that the importance of conserving an interconnected system, and caveats on efforts to conserve a single species or system
- There is latitude for domesticated or cultivated species as a conservation focus, but this refers to 'naturalized' species tied to the location where they evolved
- A challenge exists in the repeated reliance on definitions of '*biodiversity*' to explain what are acceptable '*conservation*' activities

Evidence and Support

Documentation examples

- For a conservation easement/covenant, clear indication in the agreement of the biodiversity elements which the easement/covenant was created to protect, and a direct lineage between that intent and the restrictions /prescriptions in the agreement
- For a fee-simple property, clear indication within the management plan of the biodiversity elements which the plan is designed to protect, and a direct linkage between that intent and the requirements of the plan
- Ecological Gift Certification
- (see *Evidence for In situ Biodiversity Conservation Focus* in the Appendices for elaboration on 'elements of biodiversity')

Biodiversity

BACKGROUND

IUCN OECM Guidance (IUCN WCPA 2019)

“Given the explicit link between OECMs and **biodiversity conservation outcomes**, it is a clear requirement that OECMs must achieve the effective and sustained *in-situ* conservation of biodiversity. While approaches for identifying the important biodiversity elements of such areas vary according to national, subnational, and local circumstances, global guidance now exists for identifying Key Biodiversity Areas and for describing areas such as Ramsar Sites and Ecologically and Biologically Significant Marine Areas. The biodiversity conserved by an OECM can occur in areas within and beyond national jurisdiction.

Recognition of an OECM should include the identification of the range of biodiversity attributes for which the site is considered important and be based upon the best available knowledge—see Box 4. These key biodiversity values, as well as the broader conservation values of OECMs, should be described and tracked over time.

Box 4: A closer look at biodiversity

OECMs should effectively protect one or more of the following elements of native biodiversity:

- Rare, threatened or endangered species and habitats, and the ecosystems that support them, including species and sites identified on the IUCN Red List of Threatened Species, Red List of Ecosystems, or national equivalents.
- Representative natural ecosystems.
- High level of ecological integrity or ecological intactness, which is characterised by the occurrence of the full range of native species and supporting ecological processes. These areas will be intact or be capable of being restored under the proposed management regime.
- Range-restricted species and ecosystems in natural settings.
- Important species aggregations, including during migration or spawning.
- Ecosystems especially important for species life stages, feeding, resting, moulting and breeding.
- Areas of importance for ecological connectivity or that are important to complete a conservation network within a landscape or seascape.
- Areas that provide critical ecosystem services, such as clean water and carbon storage, in addition to *in-situ* biodiversity conservation.
- Species and habitats that are important for traditional human uses, such as native medicinal plants, in addition to *in-situ* biodiversity conservation.

In this context, an intensively managed farm with a small proportion of the original native plants and birds will likely not be an

OECM. Conversely, an area of native grassland, dominated by native plants, and having healthy populations of a large variety of native birds and mammals, might well be an OECM if a lower-intensity management and governance regime ensure these outcomes over the long-term. Just as for protected areas, there may be instances where an OECM is especially important for protecting a particular threatened species by protecting the entire ecosystem. As climate change alters ecosystems, understanding of what is natural and effective in a particular place may also change. OECMs may need to be recognised and managed with adaptation to climate change in mind.

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

No specific guidance

ASSESSMENT

Considerations for Land Trusts and Conservancies

- The IUCN direction on OECMs gives a much more robust definition of what is ‘biodiversity conservation’ than that for Protected Areas, and likely represents a clearer guideline; land trusts and conservancies should be prepared to show how a project targets these biodiversity elements
- The IUCN directs that OECMs should effectively protect one or more of these elements; however, protection efforts for a single element, still need to indicate the relevance to protection of the wider system
- IUCN guidance directs that OECM management plans should reference how they will change as the climate changes.
- Conservation agreements and management plans need to explicitly state what elements of biodiversity they are protecting.

Evidence and Support

Documentation examples

- The enabling clauses and restrictive terms of a conservation easement / covenant which specifically target one or more of these elements.
- The principles and required actions of a management plan attached to a fee-simple parcel owned by a land trust or conservancy which specifically target one or more of these elements.
- A regional conservation plan or strategy, encompassing the privately-protected parcel, which specifically targets one or more of these elements.

Ecosystem functions and services

BACKGROUND

OECM Guidance (IUCN WCPA 2019)

“Healthy and functioning ecosystems provide a range of services. **Ecosystem functions** are an integral part of biodiversity, and are defined as the biological, geochemical and physical processes that take place or occur within an ecosystem. **Ecosystem services** include provisioning services such as food and water; regulating services such as regulation of floods, drought, land degradation and disease; and supporting services such as soil formation and nutrient recycling. Protection of these ecosystem functions and services may be a frequent rationale for the recognition of OECMs. However, management to enhance one particular ecosystem service should not impact negatively on the site’s overall biodiversity conservation values.

Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)

No specific guidance

ASSESSMENT

Considerations for Land Trusts and Conservancies

- While these have been emphasized at the international level (CBD, IUCN), they are not in Canada.
- While providing evidence of these contributions may be valuable in many ways, Pathway to Canada Target 1 criteria make it clear they will have no material impact on the inclusion of a conservation area in the CPCAD as a Protected Area or an OECM.

Evidence and Support

Documentation examples

- N/A

Cultural, spiritual, socio-economic, and other locally relevant values

BACKGROUND

OECM Guidance (IUCN WCPA 2019)
“OECMs include areas where the protection of key species and habitats and management of biodiversity may be achieved as part of <i>cultural, spiritual socio- economic and other locally relevant values</i> and practices. In such cases, it will be essential to ensure the recognition and protection of the linkages between biological and cultural diversity and associated governance and management practices that lead to positive biodiversity outcomes, such as customary sustainable uses of biodiversity (CBD Article 10c). Conversely, management for cultural, spiritual socio-economic or other locally relevant values within an OECM should not impact negatively on biodiversity conservation values.
Pathway to Canada Target 1 Guidance (One With Nature, PT1 2018)
No specific guidance

ASSESSMENT

Considerations for Land Trusts and Conservancies
<ul style="list-style-type: none">• While these have been emphasized at the international level (CBD, IUCN), they are not in Canada.• While providing evidence of these contributions may be valuable in many ways, Pathway to Canada Target 1 criteria make it clear they will have no material impact on the inclusion of a conservation area in the CPCAD as a Protected Area or an OECM.
Evidence and Support
Documentation examples <ul style="list-style-type: none">• N/A

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