

NORTHWEST TERRITORIES

SPECIES AT RISK

COMMITTEE

NWT Species at Risk Committee (SARC) RULES OF CONDUCT May 29, 2014

As provided for in Section 22 of the *Species at Risk (NWT) Act* (hereinafter referred to as “the Act”): “22. (1) SARC may make rules respecting its meetings, including quorum, and the general conduct of its activities.”

1. FUNCTION OF THE SARC

The Species at Risk Committee (SARC) was established to assess the status of species that may be at risk in the Northwest Territories (NWT). The SARC shall carry out its functions on the basis of the best available information, including Aboriginal traditional knowledge, community knowledge and scientific knowledge, on the biological status of a species and the existing and potential threats to and positive influences on the species and its habitat (*from section 17 of the Act*). Species assessments will be via a priority basis and use objective biological criteria.

2. STRUCTURE OF THE SARC

The SARC is composed of not more than 15 members. Members must be appointed for a term not exceeding 5 years, however, reappointment for one or more terms is possible. Appointments must be as follows (*from sections 18-19 of the Act*):

- Each co-management board may appoint one member;
- Government of Canada (Canada) may appoint one member;
- Minister of Environment and Natural Resources (ENR) may appoint the other members unless there is an agreement under Section 144 of the Act.
 - If there is an agreement under Section 144, the Government of Canada may appoint an additional member and the Minister of ENR may appoint the other members.

Each SARC member must have significant expertise of species, habitat, northern ecosystems or conservation drawn from Aboriginal traditional knowledge, community

knowledge or scientific knowledge. All persons or organizations appointing members shall be satisfied that the proposed member has this expertise before making the appointment (*from section 19(4) of the Act*).

Appointments will be discussed among the Management Authorities to ensure that SARC has, to the extent possible, expertise in respect of all species and all areas of the NWT, including expertise derived from Aboriginal traditional knowledge, community knowledge and scientific knowledge (*from section 19(2) of the Act*).

Members may have a designated alternate. Alternates must meet the qualifications for membership as provided for in Section 19(4) of the Act.

Biographies of members and alternates are to be maintained by the Species at Risk Secretariat (Secretariat). Abbreviated versions may be made available to the public upon request.

SARC members shall designate one member as their Chairperson (*from section 18(2) of the Act*). Their term shall be two years and can be renewed.

SARC members shall designate one member as their Alternate Chairperson. Their term shall be two years and can be renewed.

Sub-committees and their roles may be established by the SARC.

3. ROLES OF THE SARC

The primary roles of the SARC are to prepare a species assessment schedule, to oversee and approve species status reports, to assess and reassess the status of species, and to produce an annual report. Details on these roles are provided below.

Assessment schedule

Prepare and submit assessment schedule (*from section 29 of the Act*)

- SARC shall prepare an assessment schedule identifying each species to be assessed, and stating when its status is to be assessed. The assessment schedule will be prepared in accordance with the direction and criteria provided by the Conference of Management Authorities (CMA). SARC will submit the assessment schedule to the CMA for approval **by July 1** in each year.
- The CMA shall review and approve the assessment schedule by September 30 in each year. It may be approved as submitted by SARC, with changes made by SARC at the CMA's request, or with changes made by the CMA.
- SARC may revise the assessment schedule at any time, and the CMA shall review the revised assessment schedule and approve it as

submitted by SARC, with changes made by SARC at the CMA's request, or with changes made by the CMA.

- SARC shall make an approved assessment schedule available to the public.

Species that must be included in the assessment schedule (*from sections 25-26 of the Act*)

- The CMA or a Management Authority may refer a species to SARC for assessment. SARC shall assess the status of a species that is referred in this way.
- The CMA or Management Authority referring the species shall provide reasons for requesting the assessment and, if the species is a distinct population, provide reasons why that distinct population should be assessed.
- SARC shall provide the reasons of a Management Authority to the other Management Authorities. SARC shall also make the reasons of the CMA and of a Management Authority available to the public.

Other species that may be included in the assessment schedule (*from sections 25 and 27 of the Act*)

- SARC may assess the status of a species that SARC considers may be at risk.
- Any person or body may apply to SARC for an assessment of a species and shall provide reasons for requesting the assessment. SARC may assess the status of a species that is the subject of such an application. If SARC rejects an application, SARC shall notify the applicant of the rejection and the reasons for it.

Prioritization of species for the assessment schedule (*from section 28 of the Act*).

- SARC shall develop criteria for establishing assessment priority.
- SARC shall periodically review these criteria with the CMA. SARC shall make these criteria public.

Species status reports

Arrange for the preparation of a report (*from section 30 of the Act*)

- SARC may arrange for the preparation of a species status report.
- If SARC considers that an existing report prepared by any person or body meets all or some of the requirements of a species status report, SARC may incorporate all or part of the report into the species status report.

Establish guidelines (*from sections 28(1c) and 30(3-4) of the Act*)

- SARC may establish guidelines respecting a species status report. A species status report must include:
 - the best available information, including Aboriginal traditional knowledge, community knowledge and scientific knowledge, on the biological status of the species and the existing and potential threats to and positive influences on the species and its habitat;
 - everything the guidelines require to be included in a species status report;
 - the results of the reviews described below that relate to the status of the species; and
 - any other information that SARC considers relevant.
- SARC shall develop and periodically review with the CMA the type of information to be included in a species status report.

Have status reports reviewed (*from section 30(5-6) of the Act*)

- Before approving a species status report, SARC shall request that it be reviewed and that comments be provided to SARC within six months on the completeness and accuracy of the information in it. SARC may, at the request of a reviewing person or body, grant an extension of the six-month period.
- SARC must request review and comments from the Management Authorities.
- If the species is found in or has been extirpated from an area that is subject to a land claim by an Aboriginal organization that has not been settled, SARC must request review and comments from that Aboriginal organization.
- SARC may request review and comments from any other person or body that has knowledge respecting the species or its habitat.

Approve status reports (*from sections 30(1) and 30(7) of the Act*)

- On being satisfied with a species status report, SARC shall approve it.
- SARC shall approve a species status report before assessing the status of a species.

Assessment of species

Timeline for assessments (*from section 31(3-4) of the Act*)

- Within **one year** after approving a species status report, SARC shall assess the status of the species, provide the assessment to the

Management Authorities, and make the assessment available to the public.

- The Conference may, at the request of SARC, grant an extension of the one-year period.

Develop objective biological criteria for assessment and review with CMA (from section 28(1b) of the Act)

- SARC shall develop and periodically review with the Conference objective biological criteria for assessing the status of a species and for categorizing a species.

Information to be used for assessment (from section 31(1) of the Act)

- SARC shall assess the status of a species based on:
 - the approved species status report;
 - the objective biological criteria referred to above; and
 - any information on the biological status of the species provided to SARC in writing by the Conference or a Management Authority after the species status report is approved.

Information not to be used for assessment (from section 31(2) of the Act)

- In assessing the status of a species, SARC shall not consider any socio-economic effects or any possible consequences of the assessment if it is implemented.

Things to be included in an assessment (from section 32 of the Act)

- In an assessment of the status of a species, SARC must categorize the assessed species as:
 - a data deficient species,
 - a species not at risk,
 - a species of special concern,
 - a threatened species,
 - an endangered species,
 - an extirpated species, or
 - an extinct species;
- The assessment must also include existing or potential threats to and positive influences on the species and its habitat as identified by SARC in making the assessment.
- The assessment may include measures to conserve the species and its habitat.

Provide assessment to CMA and make it public (from sections 33(1-2) of the Act)

- SARC shall provide an assessment to the Management Authorities for their consideration. SARC shall also provide the following together with the assessment:
 - the reasons for the assessment;
 - the approved species status report; and
 - any information on the biological status of the species provided to SARC in writing by the CMA or a Management Authority after the species status report was approved.
- When it provides an assessment to the Management Authorities, SARC shall also make all these items available to the public.

Provide written clarification to CMA and make it public (*from section 34 of the Act*)

- A Management Authority may, within 60 days after it receives an assessment, request written clarification from SARC respecting the assessment or the reasons for it (other than information about the assessment process that led to the assessment), the approved species status report, or any information on the biological status of the species provided to SARC in writing by the Conference or a Management Authority after the species status report was approved.
- SARC shall provide the clarification requested, in writing, to the Management Authorities within **30 days** after receiving the request. SARC shall make available to the public any written clarification that it provides to the Management Authorities.

Provide advice to the CMA (*from section 35(3) of the Act*)

- SARC shall provide advice to the CMA relating to the assessment if requested by the CMA.

Reassessment of species

When SARC must reassess a species

- SARC shall reassess the status of a listed species in sufficient time to allow the species to be dealt with before the listing expires (*section 47 of the Act*). The term of listing for a species is normally 10 years (*section 44(1) of the Act*). After SARC provides a reassessment, it can take up to 15 months for the species to be listed or relisted (*sections 51 and 53 of the Act*). This means species need to be reassessed within **8 years and 9 months** after their initial listing.
- SARC shall reassess the status of a species sooner than described above if the CMA or a Management Authority refers the species to SARC for a reassessment. In this case, the CMA or Management

Authority shall provide reasons for requesting the reassessment (*from section 48 of the Act*).

- SARC shall reassess the status of a species sooner than described above if it is required by the management plan or recovery strategy for the species (*section 47 of the Act*).

When SARC may reassess a species (*from sections 47 and 49 of the Act*)

- SARC may reassess the status of a species if information becomes available that SARC considers may change the status of the species, or if there is evidence of a significant change in the biological status of the species or in the existing or potential threats to or positive influences on the species or its habitat.
- Any person or body may apply to SARC for a reassessment of a species and shall provide reasons for requesting the assessment. SARC may reassess the status of a species that is the subject of such an application. If SARC rejects an application, SARC shall notify the applicant of the rejection and the reasons for it.

Annual report

Submit an annual report to the CMA (*from section 23 of the Act*)

- SARC shall submit an annual report to the CMA by **July 1** in each year.

Things to be included in the annual report (*from section 23 of the Act*)

- The annual report will include a record of the following for the previous fiscal year:
 - species identified by SARC for assessment or reassessment;
 - species referred to SARC for assessment or reassessment;
 - species required to be reassessed by SARC;
 - species in respect of which an application for assessment or reassessment was made to SARC;
 - species under assessment or reassessment by SARC; and
 - species assessed or reassessed by SARC.
- The annual report will also include an ongoing record of each species assessed or reassessed by SARC, which identifies the assessment or reassessment and the date on which it was made.
- For a species that is to be assessed or reassessed, the annual report must identify the date the assessment or reassessment is expected to be completed.
- For a species that has been assessed or reassessed, the annual report must identify the date on which the assessment or reassessment was made.

- In the case of the rejection of an application made to SARC, the annual report must identify the date of and reasons for the rejection.

4. ROLES OF THE SARC CHAIRPERSON

The Chairperson shall ensure that meetings proceed in an orderly fashion, maintaining the principles of independence and integrity upon which the SARC is based.

The Chairperson will serve as primary spokesperson for the SARC for correspondence, news media and the general public. From time to time, other SARC members or alternate members may give media interviews in languages other than English on behalf of the SARC. Where a specific species is being discussed, SARC may also designate a member or alternate other than the Chairperson as spokesperson.

The Chairperson may approve the SARC annual report after soliciting input from the rest of the SARC.

The Chairperson term shall be two years. The Chairperson may be reappointed for one or more terms.

The role of the Alternate Chairperson is to support the Chairperson in his or her duties as needed. The Alternate Chairperson functions as the Chairperson in the Chairperson's absence. The Alternate Chairperson term shall be two years. The Alternate Chairperson may be reappointed for one or more terms.

5. ROLES OF THE SECRETARIAT

The Species at Risk Secretariat (the Secretariat) is composed of the Species at Risk Implementation Supervisor and the Species at Risk Coordinator. The Secretariat provides support to the SARC but is not part of the SARC.

The staff of the Secretariat are employees in the public service. The Secretariat takes direction from the Minister of ENR in accordance with guidelines established by the CMA. The Minister of ENR shall consult with the SARC in respect of resources required by the Secretariat (*from section 24 of the Act*).

The Secretariat provides professional, technical, administrative, clerical and other assistance to the SARC and coordinates and administers the preparation of species status reports. The roles of the Secretariat are outlined in more detail below.

SARC Meetings

- Coordinate, organize and provide administrative support for SARC meetings including:
 - arranging meeting logistics,
 - developing agendas,

- developing and distributing meeting materials including presentations, species status report summaries, and assessment forms;
- preparing and distributing a formal record of meeting proceedings and assessment results.

Documentation

- Develop and periodically review ‘rules of conduct’ and other documents at the request of the SARC.
- Develop and periodically review criteria for establishing assessment priority, and criteria for assessing and categorizing species status.
- Prepare an annual assessment schedule and workplan for SARC based on referrals for assessment from the CMA, General Status Ranking process, and other relevant sources; and coordinate approval by the CMA.
- Develop and periodically review guidelines and templates for species status reports.
- Prepare an annual SARC report including a record of species assessed and those identified for assessment, for submission to the CMA.
- Document SARC assessments and reasons.
- Prepare and distribute species assessments and accompanying documents to management authorities.
- Manage documentation for and track appointments to SARC.
- Prepare and distribute SARC correspondence.

Status reports

- Maintain a list of species experts for the preparation of species status reports.
- Manage the preparation, review, consultation, revision, and distribution of status reports and additional information provided for each species to be assessed by SARC.
- Review species status reports for completeness and adherence to guidelines.

Communications

- Act as the primary point of contact for public enquiries with respect to SARC and species assessment.
- Develop, periodically review, and distribute public information materials with respect to SARC and species assessment.
- Develop and update material for a public web-site and publish SARC documents in accordance with requirements under the *Species at Risk (NWT) Act*.

Other

- Track timelines and extensions for SARC activities.
- Manage and provide administrative support to SARC sub-committees.

- Prepare budget estimates, annual financial reports and plans, and maintain financial records for SARC.
- Arrange and administer honoraria, expense payments, contracts and contribution agreements for SARC activities including preparation of species status reports.

6. SARC OPERATIONS AND PROCEDURES

SARC operations and procedures are in keeping with those used in other jurisdictions and federal species at risk legislation.

Criteria

Criteria used by the SARC to prioritize species for assessment can be found in SARC's '*Checklist to prioritize species for assessment*'.

In assessing the status of a species, SARC shall not consider any socio-economic effects or any possible consequences of the assessment if it is implemented.

Species status reports

The review and revision process for draft species status reports shall be as follows:

1. The Secretariat will review a draft of each component for completeness and adherence to guidelines, and will ensure that changes are made as appropriate;
2. SARC and other knowledgeable persons identified by SARC will be asked to review the draft components for completeness and accuracy of the information in them. Upon receipt of comments, the Secretariat will ensure that changes are made as appropriate and will package the components together;
3. The Management Authorities and relevant Aboriginal organizations will be asked to review the draft status report for completeness and accuracy of the information in it, as required under section 30(5) of the Act. Upon receipt of comments, the Secretariat will ensure that changes are made as appropriate;
4. The Secretariat shall ensure that a final draft is forwarded to members of the SARC a minimum of one month prior to the meeting at which the report is to be approved.
5. SARC will hold a conference call prior to the assessment meeting to approve the status report or to identify any final changes that are needed before approval; The Secretariat will ensure that changes are made if needed;
6. SARC approves the species status report.

All SARC members are expected to thoroughly review species status reports before the assessment meeting.

Annual reports

The Secretariat shall prepare a draft annual report for SARC, circulate the draft to members, and ask for comments. If no significant issues are raised, the Chairperson may approve the annual report on behalf of the SARC.

Meetings

SARC will meet in person a minimum of once per fiscal year. Additional meetings, if not in person, shall be performed through teleconferences, the internet, or other telecommunication devices that permit all persons participating in the meeting to communicate with each other.

Quorum will be met by 50% + 1 of the appointed members or their alternates and will be the minimum required to hold a meeting. However, every effort will be made to convene meetings only when all members can be present. Members must participate in a meeting in order to be counted for quorum so that all may have the benefit of sharing information and discussing issues with the others.

To promote free discussion by SARC members when assessing the status of species, discussions and decision-making are confidential and details of these proceedings are not to be disclosed. No one shall use any recording device unless permission is obtained from the Chairperson.

If a SARC member or alternate is an author of a species status report, he/she shall not participate in decision-making during the assessment of that species.

Guests and Observers

SARC meetings are not open to the public.

From time to time, SARC may invite guests to its meetings to provide expertise or otherwise assist with the work of SARC. Guests may participate fully in meetings but shall refrain from decision-making. Guests may be paid an honorarium and may be reimbursed for reasonable expenses. Meeting materials and translation services may be provided as appropriate.

Other than designated alternates and guests, any person who wishes to attend a SARC meeting as an observer must submit a written request stating his/her reasons and the possible benefit to SARC. SARC will make the appropriate decision regarding attendance and availability of materials prior to the meeting. Permission from SARC is valid for only one meeting at a time. Observers may address the SARC when recognized by the Chairperson. Observers do not participate in SARC decisions.

All requests for guests and observers to attend meetings shall be forwarded to the Secretariat. The Secretariat shall track all such requests and circulate them to the

SARC. Decisions on attendance of guests and observers will be made by SARC by consensus wherever possible.

Guests and observers will be asked to sign a declaration form indicating they will abide by principles of impartiality and confidentiality. All final assessment decisions will be made by the Committee *in camera*.

Members' conduct

Each SARC member shall exercise his or her discretion in an independent manner and not as a representative of the person or body appointing him or her, or of any other person or body (*from section 20(1) of the Act*).

SARC members will contribute to status assessment deliberations to the best of their knowledge and ability. When solicited, SARC members will advise writers of status reports of known sources of information, guide report writers to appropriate contacts within their field of knowledge, and provide regional expertise on the status of species and threats to species.

SARC members will refrain from publicly attributing comments to their fellow members and from disclosing details of decision-making. Members will maintain confidentiality about Committee assessments until these are announced by SARC. Members will maintain confidentiality about all communications of the Committee, including deliberations by the SARC, until the results of these deliberations have been publicly disclosed by the Chairperson of SARC.

Conflict of interest

Every SARC member or alternate must avoid situations in which the person has a personal interest sufficient to influence, or appear to influence, the objective exercise of that person's authority.

In cases where the appointed member or their alternate has an actual or potential conflict of interest with respect to a particular matter under consideration by the SARC or its sub-committees, the person shall disclose the situation to the Chairperson without delay and prior to any discussion of that matter. Conflicts of interest declared in meetings shall be recorded in the minutes for the meeting. The person with the real or potential conflict of interest shall not participate in the discussion unless asked to provide information, shall refrain from decision-making, and may be asked to leave the room during deliberations on the matter.

7. SPECIES AT RISK COMMITTEE DECISIONS

All decisions are to be derived on a consensus basis wherever possible. In the event that consensus is not reached, a minimum two-thirds majority (not counting abstentions) is required. Only members or their designated alternates, including the Chairperson,

may vote. When both a member and their alternate are present, only one of the two may vote.

Species assessments will always be done in meetings with quorum and by consensus wherever possible. As noted above, species assessment proceedings are confidential.

Decisions on other questions may be made outside of regular meetings via email. A deadline for voting will be set and all votes will be acknowledged by the Secretariat. Decisions made outside of meetings will be tracked by the Secretariat and reviewed at the next meeting so that they are included in the minutes.

Species assessment decisions of the SARC are not legally binding and are to serve as advice and recommendations to the CMA.

8. PUBLIC REPORTING

SARC shall make the following information available to the public:

- SARC Rules of Conduct;
- Criteria for establishing assessment priority;
- Objective biological criteria for assessing the status of a species and for categorizing a species;
- The type of information to be included in a species status report;
- The approved assessment schedule;
- The reasons of the CMA or a Management Authority requesting a species for assessment;
- The assessment of a species within one year after approving a species status report; and
- Any written clarification provided to the Management Authorities.

When SARC provides an assessment to the Management Authorities, the following additional information will be made available to the public:

- The assessment;
- The reasons for the assessment;
- The approved species status report; and
- Any information provided to SARC by the CMA or a Management Authority on the biological status of the species after the species status report was approved.

9. HONORARIA & EXPENSES

Honoraria for the SARC will be in accordance with the Government of the Northwest Territories (GNWT) Financial Administration Manual Directive 1818 for regulatory or complex boards. Members employed in the public service are not paid honoraria. Salaried employees of Management Authorities do not receive honoraria. Salaried observers do not receive honoraria. The Department of Environment and Natural

Resources (ENR) will pay honoraria to members or their alternates (those not receiving salary) according to the following guidelines (a half day is equivalent to 3.5 hours):

Attend a face-to-face SARC meeting	Full day
Participate in a SARC conference call	Half day
Prepare for a SARC meeting or conference call (except assessment meetings)	Half day
Review status reports at early draft stage and provide meaningful feedback* to Species at Risk Secretariat	Full day for each Scientific Knowledge Component, Traditional and Community Knowledge Component, or combined report
Review status reports at final draft stage and provide meaningful feedback* to Species at Risk Secretariat	Full day for each species
Prepare for a SARC assessment meeting (including reading status reports)	Full day for each species being assessed
Travel to or from a SARC meeting	Half day for each travel day
Report on a SARC meeting to appointing organization	Half day
Other work on behalf of SARC as approved by the Species at Risk Secretariat	Per half day, as approved by Secretariat

*Meaningful feedback may consist of the following:

- identifying specific strengths and/or weaknesses in the report
- providing specific answers to questions asked in the request to review
- suggesting specific edits to the text of the report

Additionally, through the Secretariat, the Department of ENR will cover travel (airfare, mileage, taxis, shuttles), accommodation and daily per diems (for incidentals and meals not provided) for SARC members to attend meetings consistent with current GNWT duty travel and per diem rates. Additional expenses (such as rental cars, per diem when meals were provided, etc.) must be pre-approved by the Secretariat.

If a member or alternate has confirmed his/her attendance to a face-to-face meeting, but is absent from the meeting without just cause, he/she must make all reasonable efforts to cancel travel and accommodation arrangements. If a member is absent without just cause from a meeting for which he/she has confirmed attendance, travel

costs and honorarium will not be paid. "Just cause" will be determined on a case-by-case basis. This policy shall also apply to other conferences or workshops attended on behalf of the SARC.

Effective August 1, 2012, SARC members who require an honorarium payment for any reason must submit a SARC Honorarium Claim to the Secretariat. The Secretariat will forward the claim to the respective organization for processing.

10. REVIEW

These rules of conduct will be reviewed annually by SARC.