

Position Description

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| Position Title: | Director General, Species at Risk Act |
| Position Number: | 31733 |
| Department: | Fisheries and Oceans |
| Sector: | Oceans, Habitat & SARA |
| Classification: | EX-3 |
| Supervisor's Title: | ADM, Oceans, Habitat & SARA |
| Location: | Ottawa, Ontario |
| Date: | November 13, 2007 |

General Accountability:

Accountable for the analysis of *Species at Risk Act* and the development of related policies, strategies and procedures, provides interpretations of the Act, and resolves implementation issues. Provides authoritative advice for senior management and the Minister on key aspects of the legislation, decisions to be taken by the Minister, recommendations from the Minister to the Minister of Environment and to Cabinet on listing, and other SARA matters. Coordinates all aspects of SARA implementation and delivery across DFO, including recovery plan development, and with other core departments. Negotiates and integrates the scientific and socio-economic analysis required for all species proposed for listing under SARA. Collaborates with OGDs, the provinces/territories, and First Nation and other stakeholder groups on SARA-related policy development, procedures, implementation issues, coordination and networking initiatives. Develops bilateral cooperation agreements with the provinces and territories. Manages the national SARA priority-setting and budgetary process, and manages and controls budget tracking and accountability activities.

Organizational Structure:

This is one of four senior executive positions reporting to the Assistant Deputy Minister Oceans, Habitat and SARA. The other three positions are Director General, Oceans, Director General, Habitat Management and the Director, Program Planning and Coordination.

Reporting to the DG, SARA, is the following senior position:

Director, Species at Risk Secretariat (Staff of 5):

Accountable for: the development of a centre of expertise and a focal point for species at risk issues within DFO and the government; establishing and maintaining a comprehensive strategic planning, analysis and advice capacity to support the DFO's species at risk priority setting, long-range planning and decision-making processes and associated SARA funding allocations across the Department; applying a results-based management approach to the measurement of progress towards the achievement of strategic goals related to the implementation of SARA; establishing a focal point for the efficient flow of quality advice, information and communications to the Minister regarding species at risk policy and program planning and delivery; providing advice

and services as an underpinning for senior management decision-making on key species at risk initiatives; supporting the development and implementation of communications strategies to effectively advance and promote the broad program policy and objectives of the Act; providing corporate oversight to ensure ongoing environmental scanning, and stakeholder consultation, to inform program policy and program planning processes; managing the provision of proactive briefings, advisory and support services to the ADM, Oceans, Habitat and SARA, and the DG, and until July 2007, the Deputy Minister's Senior Advisor on Species at Risk, as well as the Minister, Deputy Minister, and Senior Associate Deputy Minister; leading the coordination of strategies and approaches on species at risk issues and relations with Act partners (DOE and Parks); establishing and sustaining strong horizontal linkages to ensure the commonality and consistency of DFO messaging and horizontal interaction/integration on species at risk issues; and coordinating the management of species at risk issues of national and international significance by ensuring horizontal linkages and effective communications with key partners.

Furthermore, the DG functionally manages 75 full-time SARA regional staff and approximately 95 additional A-base positions performing SARA-related work. This involves playing a key role in the allocation of the resources, in the selection of priorities working closely with all the staff and the program coordinators across the program, and in providing resources and direction for delivery of SARA across the department.

Nature and Scope:

The Department of Fisheries and Oceans is engaged in the development and delivery of policies and programs in support of Canada's economic, ecological and scientific interests in oceans and inland waters and the safe, efficient and environmentally sound movement of commercial and other traffic over Canada's oceans and inland waterways. The Department supports the sound management of the fishery with an extensive enforcement program. DFO is also responsible for the development of operational programs and policies, standards, directives and cost recoverable services related to the legislated mandate of the Canadian Coast Guard and the management of major scientific and technical activities related to the management of renewable fisheries habitats and resources, and aquatic and oceans research and management programs of national and international consequence. These programs are delivered through six operational centres across Canada: Newfoundland and Labrador, Maritimes, Gulf, Quebec, Central and Arctic, and Pacific.

As custodian of fresh water and marine resources, the Department is charged with the responsibility of supporting the Minister in his/her government-wide leadership role for related federal responsibilities. There is an increased emphasis on encouraging the development of a sustainable oceans industry through appropriate policies, programs and regulations. This requires the Department to focus on mechanisms for the sustainable development of all oceans resources and the inclusive management of these resources working in cooperation with other public and private agencies at international, federal, provincial/territorial and municipal levels, and in harmony with the *Oceans Act* and the recently approved Oceans Action Plan.

For its part, the Oceans, Habitat and SARA Sector provides corporate leadership: in the design and coordination of strategic policy development and planning frameworks, approaches, programs, initiatives and regulations to support and advance the Minister's government-wide legislated responsibilities with respect to the management of coastal and oceanic resources and environments; in the development and implementation of policies, plans, programs and regulations related to the management of fresh water and marine environments to facilitate the sustained economic use of both the renewable and non-renewable resources in a safe environmentally-sound manner; in the development of effective, integrated responses to the economic opportunities and the environmental and social challenges presented by the oceans environment; and in the analysis of *Species at Risk Act* and the development of related policies, strategies and procedures, the provision of interpretations of the Act as it applies to aquatic species, and the resolution of implementation issues.

Within this context, the Director General, Species at Risk Act, is accountable for the development and implementation of policies with respect to, and the coordination for the implementation and delivery of, the *Species at Risk Act* (SARA) for aquatic species. The *Species at Risk Act*, which came fully into force in June 2004, is designed to protect against the disappearance of natural organisms and ensure the survival of wildlife species and our natural heritage. It provides a framework for determining those species which are a priority for action and processes to be followed to protect a species. It identifies ways governments, organizations, and individuals can work together and establishes penalties for those who do not obey the law. Although the Minister of Environment is the lead Minister for the legislation, he/she works closely with the Minister of Fisheries and Oceans who is the "competent Minister" under the legislation for all aquatic species in Canada. The ADM, Oceans, Habitat & SARA, through the DG, SARA, provide leadership to DFO in the assessment of the status of species and the implications of listing/ not listing such species under the Act. The DG, SARA, provides critical support to the ADM, Oceans, Habitat & SARA, with respect to his/her responsibilities for providing and defending such advice to Senior officials and the Ministers of Fisheries and Oceans and Environment.

The Committee on the Status of Endangered Wildlife in Canada (COSEWIC), an independent committee of wildlife experts and scientists from federal, provincial and territorial governments, universities, and non-government organizations, is responsible for identifying species at risk. A decision to place on a legal list, and thus protect, a species from harm is taken by Cabinet on the advice of the Minister of Environment and in the case of aquatic species based upon the advice of the Minister of Fisheries and Oceans. Once listed, it is illegal to catch, harm, possess, otherwise molest or damage the habitat of an endangered species unless specifically allowed under a scientifically-based recovery strategy. Such decisions can have far reaching social and economic implications for communities, industry and other stakeholders, including Aboriginal Groups.

The DG, SARA, provides strategic and corporate leadership of the Department's responsibilities associated with SARA. He/she directs the analysis of SARA and the development of related policies, strategies and procedures, the provision of interpretations of the Act as it applies to aquatic species, and the resolution of implementation issues. The incumbent manages the

development and recommendation of authoritative advice for the ADM, Oceans, Habitat & SARA, senior management (Departmental Management Committee), the Deputy Minister and the Minister, on key aspects of the legislation, decisions to be taken by the Minister, and recommendations from the Minister to the Minister of Environment and to Cabinet on listing and other matters.

In addition, the DG provides Department-wide leadership and coordination for all aspects of SARA implementation and delivery, including recovery plan development. In this regard, the DG directs the review and approval of the composition of recovery teams and of the design of recovery strategies and action plans, and oversees the timeliness and quality of key deliverables under the legislation, such as permits and other authorizations. He/she is also responsible for the negotiation and integration of scientific and socio-economic analysis required for all species proposed for listing. This involves the managerial coordination of related activities across all Regions and Sectors and the functional management of the seventy-five full-time SARA regional staff and the approximately ninety-five additional A-base positions performing this work. As well, the incumbent manages the Ministerial briefing and approval process, the aggregation of input from all stakeholders, and the provision of related advice regarding socio-economic implications, provincial concerns, and other issues.

Furthermore, the DG manages the associated consultation mechanisms and activities to ensure an open, transparent process of working with affected parties, Canadians and stakeholders on recovery measures, as a key component of SARA implementation and delivery. Critical consultations are held with a wide range of stakeholders, including OGDs, central agencies, the provinces – especially with regard to fresh water species (where management of the species has in many cases been delegated to the provinces and territories but the Minister of Fisheries and Oceans remains ultimately accountable), First Nations – as stipulated in the legislation, Wildlife Management Boards with land claim agreement provisions, and other NGOs and groups. He/she plays a key role in ensuring Ministers are informed as to the outcome of the consultations with Aboriginal groups, stakeholders, provinces and territories when making decisions.

Another critical element of the work is the necessity to work collaboratively with a wide cross-section of stakeholders. For instance, the DG supports the ADM in collaborating with Environment Canada and Parks Canada in the management of the Cabinet decision-making process for groups of species with respect to listing and the posting of recovery strategies and other material on websites for public comment and information. The DG also works collaboratively with Environment Canada, Parks, and the provinces and territories on SARA-related policy development, procedures, implementation issues, coordination and networking initiatives, and with stakeholder groups and organizations such as the Fisheries Council of Canada, the Electricity Association and other interests to represent the Department on SARA issues, address concerns, and respond to their issues and inquiries. There is, as well, extensive interdepartmental committee and decision-making work and federal/provincial/territorial dialogue through Deputy Minister and Ministerial Committees.

In addition, the DG leads the development and negotiation of bilateral cooperation agreements with the provinces and territories specifying the terms under which the jurisdictions work

together on SARA. The incumbent also negotiates, coordinates and integrates collaborative support from the Science Sector with regard to the scientific underpinnings for rationales and decisions, Fisheries Management with respect to the management implications and impacts on industry and coastal communities of listings, and the Policy Sector regarding the regulatory process, machinery of government, socio-economic analysis, and federal/provincial-territorial relations. Furthermore, the DG works closely and collaboratively with others within and outside the Department at a number of levels, including the Central Agencies (Finance, Treasury Board, and PCO) and colleagues in other jurisdictions.

The DG also manages the ADM's financial and budgetary responsibilities in regard to the implementation of SARA. For instance, he/she provides leadership and guidance for the related national SARA priority-setting and budgetary process (involving \$18 M in special dedicated funds), leads the allocation processes, manages the negotiation of accountability accords for delivery with responsibility center heads, leads the in year re-allocation decision process, and manages and controls the budget tracking and accountability activities. In addition, the incumbent plays a leadership role regarding the Department's annual expenditures, estimated at \$8.7 M, of A-base funding on SARA under the discretion of RDGs and Sector ADM's over and above the SARA funding. As well, the DG leads development of a financial plan and approach to stabilize and improve the funding for the program for the future, in collaboration with Environment Canada and Parks.

The DG plays a key functional management role with respect to the 75 full-time SARA regional staff and approximately 95 additional A-base positions performing SARA-related work. SARA resources are divided annually and around \$8 million is allocated to support the 75 SARA FTEs across the department who are located in sectors and regions by the SARCEP Committee and through the establishment of Service Level Agreements with the RDGs, ADMs and sector heads on the annual delivery of the SARA program. The DG plays a critical role in the allocation of the resources, in the selection of priorities working closely with all the staff and the program coordinators across the program, and in providing resources and direction for delivery of SARA across the department. As new species are identified or the workload changes in a given program or region, it is necessary to adjust funding to match the location of species or the requirements for additional work. This is a significant role for the DG and his staff and relates closely to the actual work and projects. There is also an important policy linkage element to the work and the requirement for the provision of guidance, as well as a necessity to develop and manage many operational linkages to the work coming forward from all these staff.

The accountability for the management of the aquatic elements of SARA presents a number of significant challenges for the DG. The strength and inflexibility of the legislation, including the rigidity and brevity of its legislated timelines, as well as the government's inexperience in its application, place critical demands on the incumbent. Significant scientific research, extensive consultations and wide-ranging, in-depth analysis are required within tight deadlines. The far-reaching socio-economic implications for a broad cross-section of stakeholders and the need to identify and quantify these impacts and present them to the Minister is also challenging. Application of the legislation has a pronounced political importance for the Minister and can also be controversial insofar as the provinces and stakeholders are concerned.

As well, there is significant legal risk associated with this legislation and this program. The legislation is unique in that it stipulates a number of mandatory requirements for the Department and the Minister with established timelines for posting information, adhering to formal regulatory process steps, making GiC decisions, involving others, consulting, particularly with affected parties and especially Aboriginal people and their boards, and is thus subject to legal challenge if these requirements are not met or are late in being actioned. Accordingly, there is always a high degree of legal risk involved in processing many aspects of SARA, in providing advice, and in providing interpretations of the legislation. The DG is required to establish and maintain a very close relationship with Justice and with the regulatory bodies in government, as well as PCO and Treasury Board. Currently, the government is encountering a number of legal challenges, with an even greater number anticipated in the future.

Furthermore, the sheer volume of species under active consideration for listing and the scientific complexities of the work provide challenges in the management of this program. (Close to one hundred species are expected to require consideration for listing in the next several years). There are, in addition, challenges associated with the need to access additional funding, the complexity of many of the financial arrangements, the necessity to constantly redistribute funds to meet evolving priorities, and the requirement to scrupulously track the disbursement of funds. He/she is also required to make critical recommendations with respect to the implementation of special provisions of the Act with regard to the emergency listing of species deemed to be at imminent risk of extinction, with the associated controversial and difficult social-economic considerations.

Another challenge is the number of demands arising from the broad horizontality of the program. A major challenge for the DG in this regard, is to support the ADM in obtaining broadly-based consensus to deliver this horizontal program in a timely and consistent way across the Department, to a large extent with resources that do not report directly to the ADM. In addition, DFO does not have the lead on many of the issues - many of the issues also involve Environment Canada and Parks.

The DG also plays a strong communications role. He/she is the national, departmental spokesperson on most of the high level SARA policy or operational issues and is often required to manage and respond to high profile issues on behalf of the Minister with regard to the media. The issues frequently involve a large polarization of views among stakeholders and concerned individuals.

Dimensions:

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| Number of Direct Staff: | 6 |
| Number of Functional Staff: | 76 |
| Salary and Operating Budget: | \$864,000 |
| National SARA Program: | \$18 M (Coordinated by DG) |
| Expected New Resources: | \$ 8.2 M/30 Additional FTEs |
| G & C Transfer | <u>\$ 1.65 M</u> |
| Total Program: | \$27.85 M/105 FTEs |

Specific Accountabilities:

1. Directs the analysis of SARA and the development of related policies, strategies and procedures, the provision of interpretations of the Act as it applies to aquatic species, and the resolution of implementation issues.
2. Provides authoritative advice and recommendations for the ADM, DMC, the Senior Associate DM, DM and the Minister on key aspects of the legislation, decisions to be taken by the Minister, recommendations from the Minister to the Minister of Environment and to Cabinet on listing, and other SARA matters.
3. Provides Department-wide leadership and coordination for all aspects of SARA implementation and delivery, including recovery plan development, and with other core departments.
4. Negotiates and integrates collaborative support from the Science Sector, Fisheries Management, and the Policy Sector regarding the SARA regulatory process, machinery of government issues, scientific analysis, socio-economic analysis, industry implications, and federal/provincial-territorial relations.
5. Provides critical input and support for the Ministerial briefing and approval process, aggregates input from all stakeholders, and provides expert advice regarding socio-economic implications, provincial concerns, and other issues related to SARA.
6. Collaborates with Environment Canada and Parks Canada in supporting the Cabinet decision-making process for groups of species with respect to listing and the posting of recovery strategies and other material on websites for public comment and information.
7. Collaborates with DOE, Parks, and the provinces/territories on SARA-related policy development, procedures, implementation issues, coordination and networking initiatives, and with First Nation, other stakeholder groups and other interests, to represent the Department on SARA issues, address concerns, and respond to their issues and inquiries.
8. Develops and negotiates bilateral cooperation agreements with the provinces and territories specifying the terms under which the jurisdictions work together on SARA.
9. Leads the national SARA priority-setting and budgetary process, allocation processes, the negotiation of accountability accords for delivery with responsibility center heads, the in year re-allocation decision process, and budget tracking and accountability activities.
10. Plays a leadership role regarding DFO's annual expenditures of A-base funding on SARA under the discretion of RDGs and Sector ADM's over and above the SARA funding.

11. Develops a financial plan and approach to stabilize and improve the funding for the SARA program for the future, in collaboration with DOE and Parks.
12. Manages of the Department's legislative and regulatory responsibilities for protecting fish habitat under the *Fisheries Act*, as well as ensuring the application of the *Species at Risk Act* as an integral part of oceans and habitat policies and programs.

Approved by:_____Date_____