



JAN 28 2022

Mr. Chad MacPherson  
General Manager  
Saskatchewan Stock Growers Association  
ssga@sasktel.net

Dear Mr. MacPherson:

Thank you for your correspondence of June 16, 2021, addressed to my predecessor, the Honourable Jonathan Wilkinson, with which you provide the resolutions from the Saskatchewan Stock Growers Association's 108th Annual General Meeting, including four that fall under Environment and Climate Change Canada's mandate. I regret the delay in responding.

The resolutions of the Annual General Meeting demonstrate meaningful dialogue among the members of the Saskatchewan Stock Growers Association with respect to important environmental, agricultural and economic issues.

Environment and Climate Change Canada shares your organization's interest in prairie grasslands, which are some of Canada's most at-risk ecosystems. More than 60 species at risk (e.g., the swift fox, the Poweshiek skipperling butterfly and the small white lady's slipper) depend on this habitat. Well-managed cattle ranches play a key role in stewardship of the prairie grasslands. I am pleased to be able to count on the Association as a partner in conservation.

Resolution #3 notes that term conservation easements are not currently eligible under the federal Ecological Gifts Program despite their potential as a conservation tool. The Department agrees that conservation easements are an important tool for conserving biodiversity and protecting natural features. In Saskatchewan, conservation easements can be permanent or granted for a specified time. The term of the easement can be negotiated between the grantor and the holder (the 1996 *Conservation Easements Act*, last amended by the *Statutes of Saskatchewan* in 2010).

The Ecological Gifts Program is administered by Environment and Climate Change Canada under the *Income Tax Act* of Canada. Through this program, a landowner may donate land (fee simple) or a partial interest in land (conservation easement, covenant or servitude) to a qualified recipient who is then responsible

.../2

for protecting the gift in perpetuity. For the land to be considered an ecological gift, it must meet the Canada Revenue Agency's definition of gift ([www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/receiving-gifts/what-a-gift.html](http://www.canada.ca/en/revenue-agency/services/charities-giving/charities/operating-a-registered-charity/receiving-gifts/what-a-gift.html)):

- A gift must be given freely.
- A receipt can only be issued for a gift of property.
- The donor must not receive an advantage.
- The donor cannot retain control.
- The donor cannot choose a specific beneficiary.
- The conditions of the gift must be met.

A loan of property does not qualify as a gift ([www.canada.ca/en/revenue-agency/services/charities-giving/charities/charities-giving-glossary.html#lnprprt](http://www.canada.ca/en/revenue-agency/services/charities-giving/charities/charities-giving-glossary.html#lnprprt)). A loan of property involves granting a right to use property for a period of time. Since there is no transfer of property, it does not qualify as a gift and a receipt cannot be issued.

Ecological gifts must therefore be made in perpetuity. Given the Canada Revenue Agency's statement that a loan of property does not qualify as a gift, a term conservation easement would not be eligible as an ecological gift through the Ecological Gifts Program as it would involve granting a right to use property for a specified period of time.

Furthermore, for lands to be counted toward Canada's Target 1 goal, the definition of protected area or other effective area-based conservation measure (OECM) must be met. This can be determined by using the Decision Support Tool ([www.conservation2020canada.ca/accounting](http://www.conservation2020canada.ca/accounting)), which establishes pan-Canadian standards for nine criteria. Canada recognizes sites as terrestrial OECMs when the following nine criteria, and the associated standards, are met:

- The area has clear geographic boundaries.
- The governing authorities have the means to control activities within the boundaries and the mechanism is not easily reversed.
- The governing authorities have an obligation to conserve the area.
- Conservation is achieved year-round.
- Conservation is maintained on the long term;
- Conservation objectives override or are not threatened by other site objectives.
- Site goals are sufficient to lead to conservation of biodiversity.
- No governing authorities threaten the conservation of biodiversity.
- Biodiversity is conserved in situ.

Given that term conservation easements are not managed for the long term, and the term of the easement would have a fixed end date, term conservation easements cannot contribute toward Canada's Target 1 goal. Permanent conservation easements could qualify.

Resolution #4 states the Committee on the Status of Endangered Wildlife in Canada's (COSEWIC's) assessment and recovery planning processes should be updated to reflect the status of the species entire population. As you are no doubt aware, COSEWIC is an independent committee that is arm's length to government with a mandate to assess wildlife species under the *Species at Risk Act*. The COSEWIC assessment process already considers the status of the species' entire population, including outside of Canada. However, due to both biological conservation principles and legal principles, the process primarily reflects the status of the species population in this country.

Paragraph 15(1)(a) of the *Species at Risk Act* mandates COSEWIC to assess the status of each wildlife species considered by this committee to be at risk and, as part of the assessment, to identify existing and potential threats to the species. Furthermore, paragraph 15(1)(c.1) requires COSEWIC to indicate whether a wildlife species migrates across Canada's boundary or has a range extending across the country's boundary.

Therefore, when determining a wildlife species assessment status, COSEWIC first examines the Canadian status in isolation. Then it considers the potential for "rescue" from extra-regional subpopulations (e.g., from across an international boundary). Rescue effect is defined as the immigration of gametes or individuals that have a high probability of reproducing successfully, such that extirpation or decline of a wildlife species can be mitigated. If the potential for rescue is high, the risk of extirpation may be reduced.

COSEWIC has standard guidelines for modifying a status assessment based on rescue effect. These guidelines consider the status of the species population in Canada and abroad. The guidelines allow COSEWIC to consider, during the assessment process, several conditions that could affect a wildlife species' population. COSEWIC follows the precautionary principle; therefore, it will take the more cautious approach in the case of uncertainty.

For Resolution #13, the need for additional funding as part of the next Canadian Agricultural Partnership for the development of agricultural carbon protocols is mentioned. The Government of Canada is developing the Federal Greenhouse Gas Offset System to encourage cost-effective domestic greenhouse gas emissions reductions or removals from activities that go beyond legal requirements and business-as-usual practices, and that are not covered

by carbon pollution pricing in sectors such as agriculture, forestry and waste. The federal government recognizes the important role Canadian farms have to play in reducing greenhouse gas emissions through implementing conservation activities or adopting new management practices or technologies. Inclusion of the agricultural sector in the Federal Greenhouse Gas Offset System remains a priority for Environment and Climate Change Canada.

To be eligible to generate offset credits, projects will be required to achieve real, additional, quantified, verified, unique and permanent reductions of greenhouse gases, and follow an approved federal offset protocol. Environment and Climate Change Canada will engage with stakeholders, technical experts, as well as representatives from provinces and territories, and Indigenous organizations in the development of offset protocols.

In Resolution #16, the elimination of single-use plastic is noted, so is the need to invest in research to investigate the development of environmentally friendly agricultural plastic alternatives.

In May 2021, “plastic manufactured items” was added to Schedule 1 to the *Canadian Environmental Protection Act, 1999*. The order does not specify any particular management approach to address plastic manufactured items. Rather, it allows the Government of Canada to use the Act to enact regulations to change behavior at key stages in the life cycle of plastic products (e.g., design, manufacture, use, disposal and recovery) in order to reduce plastic pollution and create the conditions for achieving a circular plastics economy. This includes the proposal to ban or restrict six categories of single-use items (checkout bags, straws, cutlery, stir sticks, ringed beverage carriers, and food service ware made of problematic plastics), and the proposed measure to establish minimum recycled content requirements for plastic products. A discussion paper outlining these proposals can be viewed at [www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/plastics-proposed-integrated-management-approach.html](http://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/plastics-proposed-integrated-management-approach.html). This discussion paper also provides an overview of the process the Government of Canada will apply to address single-use plastic manufactured items.

Other approaches are being used to advance Canada’s zero-plastic waste goals. The Government has adopted a comprehensive approach to meet its target of zero-plastic waste by 2030. Important aspects of the approach include investing in research through Canada’s Plastics Science Agenda, innovation through the Canadian Plastics Innovation Challenges, and community action through the Zero Plastic Waste Initiative. Environment and Climate Change Canada is working in partnership with organizations and industries to develop methods to

reduce plastic waste and increase the rate of value recovery of waste plastics in Canada. The federal government is working in collaboration with provincial and territorial governments to ensure producers are responsible for the waste their products generate. The goal is to work with all sectors of the economy, including packaging, textiles, electronics, construction materials, automotive and others, to keep plastics in the economy and out of the environment. For more information, please visit [www.canada.ca/zero-plastic-waste](http://www.canada.ca/zero-plastic-waste).

The Government of Canada is looking closely at ways to increase the sustainability of plastic packaging and single-use plastics. More sustainable solutions can include using alternative items that are reusable, recyclable, and/or made from recycled material.

Research and innovation on alternative materials is ongoing. The Government of Canada has provided funding support for bioplastics research and innovation activities through a number of federal departments and agencies, including Natural Resources Canada, the National Research Council of Canada, and Agriculture and Agri-Food Canada. For example, Natural Resources Canada and Agriculture and Agri-Food Canada are sponsoring Innovation Challenge: Improved Compostability of Bioplastics under Canada's Innovative Solutions Canada program.

Furthermore, Agriculture and Agri-Food Canada's activities include working with Cleanfarms, a national non-profit industry stewardship organization. Cleanfarms will receive up to \$1.1 million through the Canadian Agricultural Strategic Priorities Program to develop a strategy to responsibly manage the estimated 60 000 tonnes of plastic waste generated on Canadian farms every year.

The Canadian Agricultural Strategic Priorities Program falls under the purview of the Minister of Agriculture and Agri-Food. I understand that you also sent your correspondence to the Honourable Marie-Claude Bibeau, who provided you with a response about the issues that she is responsible for.

I appreciate your sharing the important work of the Saskatchewan Stock Growers Association on issues around biodiversity and conservation. Please accept my best regards.

Sincerely,



The Honourable Steven Guilbeault, P.C., M.P. (il/lui/he/him)