

FINAL REPORT ON WHAT WAS SIAD

Consultations Between:

**Stewardship and Advocacy Groups in British Columbia & Yukon
and
Fisheries and Oceans Canada**

**about
Development and Implementation of the
Environmental Process Modernization Plan**

**12-14 March, 2007
Victoria, British Columbia**

Consultations planned, designed, facilitated and reported by:



Delaney and Associates Inc.
... durable solutions in a complicated world ...
www.rmdelaney.com

**Pacific Region
Advocacy and Stewardship Groups / DFO Workshop
A Workshop to Discuss the
Environmental Processes Modernization Plan
March 12-14 2007**

The purpose of this report is to document discussions and recommendations by the stewardship and advocacy community of British Columbia and the Yukon pertaining to the Environmental Process Modernization Plan (EPMP). Discussions took place at the Bear Mountain Resort, north of Victoria on Vancouver Island, on 13-14 March 2007. These discussions included members of the British Columbia and Yukon stewardship and advocacy community and staff from the Fisheries and Oceans Canada (DFO) Habitat Management programme. The bulk of the report is a summary of discussions that took place during the meeting. There was a recorder present to type a summary and confirm words and meaning as the discussions progressed, however, this is not a verbatim report, rather a summary of what was said by participants.

In most cases the questions or comments are attributed to participants. However during the morning session of day one exchanges between participants were quite “brisk” and the recorder was not always able to capture the attribution. It should be noted that participants represent and spoke on behalf on their organizations and community members who sent in their concerns and comments to the participant in order to have their voices brought forward at the workshop. Questions and replies have been enumerated for ease of reference.

Those sections in this report that have a green banner are sections that are authored by the facilitator. Words that are written in *italics* have been added by the facilitator for the purpose of clarity. Sections with a blue banner are summaries of words that belong to participants. The word “participant” refers to all parties to the discussion, including stewardship and advocacy community members as well as DFO staff.

This report (session reports) was created in real time. Participants were provided a copy of the report at the end of day one and again after the lunch hour on day two, in order to develop their recommendations. At that time several participants provided feedback on the way their statements had been documented and their feedback has been incorporated into this document.

Since the objective of the workshop was to develop and present recommendations to DFO that seek to improve the EPMP, sentences that contained recommendations or the potential to develop recommendations were bolded and underlined to support the day two afternoon session when participants developed recommendations. This formatting has been left in the report for future reference.

During the closing plenary there were general discussions about next steps and reporting format. The point was raised that because the stewardship and advocacy communities had met to discuss the EPMP with the Department does not mean that they “buy into” the process and wanted to make this point in the report. By consensus, a process was agreed that a number of participants would draft a brief preamble to the report and circulate it for comments prior to inclusion in the report. These words have been included below.

On March 14th and 15th 2007, representatives of the Pacific Region’s stewardship and advocacy communities convened near Victoria to discuss the content and delivery of its Environmental Process Modernization Plan with Fisheries and Oceans Canada (DFO)..

The Pacific Region has a long and unique history of environmental advocacy (Greenpeace, 1971) and community involvement (Salmonid Enhancement Program, 1977). For thirty years, various agencies within DFO have supported Aboriginal and non-Aboriginal communities to undertake strategic enhancement, restoration activities and training citizens in stream monitoring.

Today, the Department relies on tens of thousands of volunteers to meet Regional objectives on public awareness, stock assessment/enhancement and habitat restoration.

In this context, representatives attending the March/07 engagement articulated the following values and truths as central to the engagement report, and to the future of the Department’s relationship with community: The combined years of direct experience working with fish, fish habitat and government agency’s of the group totaled 597 years.

1. **Reciprocity** – As the Department relies on community to meet Regional objectives concerning public awareness, stock assessment/enhancement and habitat restoration, it has their responsibility to, in turn, enforce the Fisheries Act. Community recognizes this fiduciary responsibility as the Department’s end of the bargain. Reciprocity is not defined as the Department’s right to download responsibilities to community partners. Rather, it is recognized as working in partnership with the community to achieve mutual goals.
2. **Participation and Approval** – Delegates appreciate this opportunity to engage with the Department, and recognize this opportunity as a significant change in direction – especially at the National level, moving from information exchange to true consultation. At the same time, the Department should not view this participation as a sign of approval concerning the present form of the EPMP, its components (Risk Management Framework, Habitat Compliance Modernization, etc.) or its development process.

3. **True Integrated Planning** – The Pacific Region community, trusting the Department to fulfill its mandate to enforce the Fisheries Act, is trained and prepared to monitor projects affecting fish and fish habitat, and to provide information concerning decisions on compliance enforcement issues. In fact, the successful delivery of any habitat monitoring strategy depends on the experience and expertise of the Region’s community partners.

4. **Funding and Human Resources – Fisheries and Oceans Canada’s community partners in the Pacific Region acknowledge a 20 year history of fluctuating budgets** a continuing trend to increasing budget cuts as well as staffing cut, this has occurred **in spite of** the ceaseless continuation of **fishery enforcement issues and a substantial increase in destruction to fish and fish habitat**. Contrary to the Region’s current perspective, **the result has been a severe negative impact on both the Department’s ability to maintain a basic level of service, and the morale of Regional staff and community stewards**. It is time for Fisheries to regain its financial ability to get the job done well.

On 16 February 2006, the Habitat Management Program (HMP) of Pacific Region hosted a half-day information session, in Vancouver, about the Environmental Process Modernization Plan (EPMP) for various advocacy and stewardship groups (David Suzuki Foundation, Sierra Legal Defence, Salmon Enhancement and Habitat Advisory Board, Pacific Streamkeepers, Ducks Unlimited, etc). A number of concerns were identified during that session, including the need for more meaningful consultation with this well informed community. In follow-up correspondence with Marine Conservation Caucus, The Salmon Enhancement and Habitat Advisory Board (SEHAB) and other representatives within the community, DFO agreed to a future workshop to discuss the EPMP in detail.

In May 2006, HMP launched a Communications and Engagement Strategy to increase the level of awareness and understanding about the goals of the EPMP both inside and outside the department. As part of this strategy the EPMP was included as an item in the DFO regional consultation plan, information packages were developed and provided to stakeholders and bilateral meetings were convened to address specific concerns.

At the national level, during the spring and summer of 2006, the Habitat Protection and Sustainable Development Directorate (HPSD), in Ottawa was planning a national engagement of stewardship and advocacy groups to discuss the EPMP. In collaboration with the Canadian Environmental Network (CEN) HPSD established an Organizing Team comprised of CEN and DFO members. The national event took place in Ottawa in October, 2006 and it was decided to identify "lessons learned" from that event and use a similar approach in Pacific Region.

On 5 October, 2006, SEHAB was invited to work with HMP to help organize a workshop that would bring together members of the stewardship and advocacy community **to increase the level of understanding about the EPMP, discuss specific concerns and to develop recommendations on how the department could improve the programme.** SEHAB appointed their Communications Committee Chair, Zo Ann Morten (acting on behalf of the Pacific Streamkeepers Federation), to liaise with DFO for this purpose, since she was also a participant at the national-level workshop on 11-12 October, 2006.

Planning and organizing for the Pacific event was conducted through an organizing team made up mostly of representatives from BC advocacy and stewardship groups (see Annex A). The Organizing Team was co-chaired by Zo Ann Morten (SEHAB) and Bonnie Antcliffe (DFO). The two co-chairs worked with a public engagement specialist (Delaney and Associates Inc. of Ottawa, who had also helped to organize and facilitate the Ottawa event.) to establish a planning process for the engagement. The process included:

- The co-chairs worked with the consultant to establish engagement design parameters (dates, duration, general location, number, profile of participants and operating assumptions);
- The consultant researched the stewardship and advocacy communities in BC and the Yukon to create a distribution list of potential participants;
- A general call was put out to the community inviting membership to the Organizing Team (OT) – all who volunteered were accepted;
- A national liaison member was added from the National Fish Habitat Coordinating Committee (Olga Schwartzkopf);
- A series of five OT teleconferences were convened between 27 November, 2006 and 5 March, 2007 to advance planning for the engagement;

- The consultant used regional correspondence and papers to develop an issue paper to scope the discussions;
- The issue paper was circulated to the broad community for comment and issue prioritization;
- The OT used issue paper feedback from the community to identify three key issues for discussion at the workshop: the scientific basis of the EPMP, cumulative effects and monitoring & compliance - these set the agenda for the workshop
- The OT confirmed with DFO those issues where they could affect change through this engagement;
- The OT developed a preliminary agenda and workshop participant selection criteria - this was based upon the CEN criteria minus a couple of questions;
- A Participant Selection sub-committee was formed of Community members from the OT;
- An announcement and invitation was distributed to the general Community and placed on the SEHAB website; www.sehab.org
- Background documentation about the EPMP was also placed on the SEHAB website;
- Applications were received and vetted by the Participant Selection sub-committee and then approved by the OT;
- A deadline extension was required to attract the targeted regional representation and stewardship / advocacy distribution;
- DFO fully sponsored the engagement by financing the consultant / facilitator, venue, travel and accommodation for participants.

Discussions during the workshop proceeded according to the agenda. General discussions at the beginning of the workshop took longer than anticipated to ensure that all participants were totally familiar with the EPMP. Also, the community required time, which was not allocated in the agenda, to enunciate general concerns about the EPMP. The discussions can be described as: background and context-setting, expressions of concern by the community, explanation and responses by DFO staff and the development of recommendations. Although sometimes brisk and emotionally charged the tone of exchanges between the community and DFO staff was always respectful, professional and pointed towards finding solutions and creating recommendations that would lead to improved habitat protection. The group did achieve the objective of developing a series of recommendations in each of the issue areas as summarized in the order they were presented on pages 19-23.

About this Report	i
Preamble	ii
Executive Summary	iii
Pre-Workshop Social Event	1
Day-One Morning Session / Background and Progress to Date	1
Day-One Afternoon Session / Soundness of Science	3
Day-One Afternoon Session / Cumulative Effects	10
Day-Two Morning Session / Monitoring and Compliance	12
Day-Two Afternoon Session / Last Call for Recommendations	17
Day Two Afternoon Session / Summary of Recommendations	18
Organizing Team Members	Annex A
Workshop Participants	Annex B
DFO Presentations	Annex C

The workshop officially began at 08:30 on Tuesday, 13 March, 2007. During the previous evening, however, participants gathered and dined together. There was no official programme during this event.

Background and Progress to Date

The facilitator, Richard Delaney, opened the session at 8:30 a.m. and welcomed the group. He began introductions, which were followed by other members of the facilitation and organizing team.

One participant from each group introduced his/her table (see Annex B). This included posting of participants' expectations for the workshop and years of direct experience for reference at the conclusion of the workshop.

One group acknowledged the workshop location as traditional First Nations (FN) land and that the groups together held 576 years of experience in stewardship and habitat management.

The facilitator gave an overview of the agenda and housekeeping details, including an introduction to Lorraine Vlak, who is looking after workshop expense claims for participants and who explained the process to participants.

A series of brief presentations were given, in order to provide background to the workshop. See Annex C for DFO presentations. An overview of the national ENGO consultation forum was provided by Olga Schwartzkopf; no slides were used for this presentation.

Bonnie Antcliffe

Bonnie gave a brief presentation and highlighted the need to share information about where the department is going as far as habitat protection is considered. She gave a historical overview of how the workshop came into being, starting with the initial information session Feb 2006. During October 2006, there was a national workshop in Ottawa with the department and members of the ENGO community. This was an informational session. In the fall of 2006, there was a series of fall consultation, which included these and other issues. The issues that came out of these sessions were documented. At the recent SEHAB Friday Night Forum (February 2007), participants talked about EPMP for three and a half hours. The issues raised there are included in the issues of this workshop.

The organizing team (OT) has worked for the past four months to identify and clarify the key issues from the community. Bonnie thanked the members of the organizing team and gave each member a token of appreciation.

Zo Ann Morten

Zo Ann stressed that the workshop is a chance to share a vast amount of experience with the department and to affect change; this is not just an information session. This workshop, moreover, dovetails with other initiatives talking place, including national initiatives. This is the first regional workshop, as part of the national process, which will be helpful to other regions. She explained the process by which people became OT members. A general invitation was extended, and those who replied became part of the team, participating as equal members.

Zo Ann explained how, at the national workshop in October 2006, it became clear to many people that DFO can't solve every problem; the scope of the department's mandate is huge. It became clear, for example, that the department had to reach out and garner support for habitat protection from all stakeholder groups and this is the reason behind the operating statements.

The issue paper for this workshop, which aimed to identify workshop issues and our agenda, was likewise very broad. The list of issues, therefore, was put to the community for ranking from this we tallied to get the top three issues. The top three issues became the issues to be addressed at the workshop, as determined by the ENGO / stewardship community throughout British Columbia and the Yukon. The scope was narrowed in this way, so that the workshop could actually accomplish something specific. This agenda-building process has included a huge number of people; the people in the room are responsible to get information back to those people who could not attend. Zo Ann believes this to be a great accomplishment. This is the agenda that the Community has brought forward. The following question was asked in the planning stage: Can we affect change on these issues with the department? The OT is confident that the workshop issues will facilitate the development of recommendations that could affect change within the EPMP policy/process.

Olga Schwartzkopf

Olga gave an overview of the national initiative and the emerging priorities from that committee work. It is clear that nationally local priorities vary based on the respective roles of the provincial territorial governments, but the general priorities were the same, that is that all regions want the federal government to maintain its authority over fishbearing waters, fresh and marine. Out of the October 2006 meeting, came a call for an on-going national forum, the National Fish Habitat Coordinating Committee (NFHCC). One of their first duties was to identify up to three priority issues to be addressed in the short term. As it turns out, these issues are essentially the same as those identified during the recent SEHAB Friday Night Forum. Olga also informed the group that NFHCC has asked for submissions for membership for an organizing committee to organize a national workshop on the role of science in decision-making.. This is a priority across Canada. Other two issues are cumulative impacts and training and awareness.

Peter Delaney

Peter gave a historical overview from the regional perspective; i.e. ENGO regional session in February 2006; national ENGO workshop in October 2006; regional sessions in October – December 2006 (about 10 sessions across BC).

He gave a brief overview of what the department has heard during information and consultation sessions to date, at the regional level (i.e. as relates to consultations, EPMP, operational statements, science, enforcement) One gap is the relative absence of involvement with First Nations; he noted that there is work to be done here. He also gave a summary of issues arising from the national ENGO workshop, which is very consistent with what was heard at the regional level.

Patrice Leblanc

Bonnie invited Patrice to provide a DFO national overview.

The department has been working with a group of conservation NGOs (he identified groups) that formed a national coalition to support on-going communication, consultation, coordination and collaboration about habitat management. He provided some information about priorities that the coalition is working on, which dovetail with some of the issues for this workshop. He is hoping to develop a website to share all of this information more broadly. Patrice made a commitment to make sure that people do get that information. There are eight, national/regional organizations and one group sitting now as an observer (but will be included on the team) on the coalition. The national ENGO Habitat Management Coordinating committee noted by Olga is a separate

initiative with ENGOs and there is no formal agreement as yet, but one is being formalized in terms of governance.

Several comments and questions were asked of Patrice; for example: These groups (i.e. the coalition members) have their own specific objectives, which are not necessarily those of the broader environmental community. Is this consultation? Patrice talked about two years of meetings with various groups, who agreed to collaborate and consult. The facilitator interrupted the discussion and got the group's agreement to table this as an issue for possible follow-up, in the interest of moving forward with the agenda.

Issue for Follow-up

It is clear that there is an emerging governance structure that will attempt to formalize consultations among various broad (environmental) groups. Some participants were concerned that if these groups were limited to stewardship for the purpose of consulting and communicating in technical and operational issues, they felt that this leaves little or no room for ENGOs to advocate in the areas of policy and regulation. There was a commitment from DFO to follow-up on this point by getting information back to people about the emerging governance structure, to ensure that all important areas for consultation and feedback are included and particularly to clarify how regional efforts will feed into these initiatives. Zo Ann offered to liaise with Bonnie / Peter on this point.

The facilitator concluded this session with an overview of the workshop process and received agreement from the group about this. Of special note is the fact that the group will work in plenary to develop recommendations around the three issue areas: Sound Science, Cumulative Effects and Monitoring & Compliance. He informed the group that the department had made a written commitment to consider in a meaningful way the recommendations that come forward from this group.

Soundness of Science Issue

Bonnie gave a slide presentation on the risk management framework and the risk matrix, as a lead-in to the discussion around the science and cumulative effects issues.

The risk management guide was highlighted, along with a number of other documents, including the operational statements. Referenced documents will be posted (when finalized, if applicable) on the SEHAB website; most are already on the DFO Science website. Packages of the operational statements were distributed, including the "Practitioners' Guide to Risk Management".

Question and Answer Session:

1. Does the health of the stock affect the level of risk?
 - a. The sensitivity of the habitat is the prime consideration. The primary application is using the risk matrix to apply to fish habitat.
2. What about habitat restoration projects?
 - a. Yes, could use the matrix and operational statements to provide guidance.
3. How well is the EPMP process working? How well is it working in British Columbia?
 - a. A lot of the covered activities are not carried out in our province. Plus, larger programmes take longer to get the tools up and running.
4. Regarding the concept of continuous improvement, how is the department anticipating emerging needs (e.g. climate change)? What kind of processes are in place?

- a. (Patrice) There are two parts. The first part is the programme itself. There are other elements that will be added over time, e.g. integrated planning and ecosystem approach. The second part is monitoring effectiveness and using a feedback mechanism to re-design/improve. In terms of anticipating, we need the DFO Science people to help out. Some concrete examples include work with the forestry sector in connection with the pine beetle disaster. People are trying to learn from these types of things. The agricultural sector is another area where a number of things are going on. As well, there are things going on with the Forestry Service and the Ministry of the Environment. There are a number of monitoring programmes; for e.g. riparian stream crossings. Also, Patrice noted that every three years, each policy goes up for review. The department collects information and gets feedback and may go into a process of revising.
5. Regarding species at risk issues, there is a disconnect between what the department does regarding fish and implications for other species. Things can get approved and the decisions have resulted in huge impacts to other species because fish were not affected. This is a real impediment to protecting species other than fish. This is a huge concern. Comment?
 - a. Operational statements cover fish habitat and are not intended to cover species other than fish, other jurisdictions, etc. They support staff to make decisions on the ground. This point requires a huge educational effort. DFO does not authorize projects; we make recommendations and provide authorizations on fish habitat.
6. **Issue:** How can this situation be corrected / addressed?
7. What exactly do you mean by partnership?
 - a. This is a general issue; for example, we worked with B.C. Hydro to identify specific activities. Water course alteration in the Maritimes is another example. There is no general definition for partnership. These are arrangements to streamline, to get stakeholder to work with us to protect habitat. Yes, a partnership could include monitoring for effectiveness. There are pros and cons.
8. Zo Ann talked about how can they do science-based “drive-by” permit monitoring of development projects? She made the comment that now it seems as though there has been a change from authorizing a HADD to saying that proponents are not causing a HADD.
9. **Issue:** This will lead to confusion on the legal side of things.
10. Looking at the risk matrix, it appears that all is well and good, but what IS fish habitat and who determines this? The majority of damage-producing projects are causing damage to what the province and the department might not consider fish habitat. The result has been that hundreds of streams in B.C. have been destroyed. How is the department going to deal with that?
 - a. (Patrice) There is a legal definition in the FA of fish habitat.
 - b. DFO does have some solid legal advice on this.
 - c. The department needs to provide a database or maps to illustrate fish habitat, almost like a classification of fish habitat. The science sector will need to help with this.

11. But, the department has never challenged this. The laws have been written as though it is only fish habitat if the government identifies it as such.
 - a. Patrice said he hears people and acknowledges that this has been raised several times. The department needs to improve the definition.
12. (Bonnie) The intent of the operational statements is that they are applied to readily identified fish habitat. They are basically letters of advice written as if there is fish habitat and that they should be applied. If not, the onus is on proponents to demonstrate the absence/presence of fish habitat.
13. Several other comments were given about the definition of fish habitat.
14. (Carl) In the Yukon, people are working with lots of information to define fish habitat, including more First Nations to support information, e.g. local sightings, various information components.
15. (Olga) What is the effectiveness of letters of advice?
 - a. (Bonnie) This is part of the monitoring the department is doing on the no net loss policy. The department does recognize the monitoring piece and the emphasis will be on the monitoring of the operational statements effectiveness. Suspect that they will be more effective. No, we don't have the analysis done.
16. For a lay person, a science explanation would be really useful for things like streamlining and operational statements. People talk about improving fish and fish habitat. How do these follow? What is improvement? **A glossary of terms would be really helpful, to confirm meaning is the same for everyone.**
 - a. (Patrice) this is a good point.
17. The policy definition of fish habitat is good, and includes maintaining natural ecological processes. Is this real; is this happening?
 - a. The department is driving toward an integrated approach, but is not involved in everything. Other departments and jurisdictions have responsibilities. We do need to look at broader processes, including CEAA.
18. (Jack) There is a concern around living in "the land of a thousand cuts". It seems that there is / will be a more streamlined process, but without fish and fish habitat being more protected than it is today. How do we reduce these thousand cuts in the near future; for example, we don't hear about more people being hired?
 - a. (Bonnie) We will have some discussion tomorrow about resource allocation and priority issues, including, for example, that around major projects and contaminated sites. (Patrice) The department does have to make the case internally for resource allocation of about one billion dollars. This is a long, parliamentary process. As far as the program goes, there were less than 100 people several years ago working in the program; there are now about 500 people. For the department to be successful, people must go to their MPs. The bureaucrats can't find extra money.
19. Fishery pressure on fish is so great that fish habitat isn't the only issue. Fish are not able to adapt. Comment?
 - a. The department has a Wild Salmon Policy for the region, to serve as a framework. It looks at biological stock assessments, habitat to support salmon, ecological impacts and effects, and integrated resource planning for the

preservation of salmon. This is the process to make the connections between complex issues. This is the strategic part of the work we do; we may need to make the EPMP broader.

20. Comment: We can't forget about the EA process. Projects that trigger CEAA will continue to be assessed within a public process and in detail.

The facilitator gave a brief review of the operating principles. A brief discussion about resource issues and the lack of people on the ground followed.

Summary of the science discussion issues from the morning:

- Effectiveness of monitoring and continuous update/improvement (drive-by observations)
- HADDs that result from projects guided by an operational statement
- Definition of fish habitat
- LOA effectiveness reviewed?
- Common language/understanding – need for a glossary (legal versus science vs operational); use/misuse of acronyms

21. (Carl) The importance of fish habitat to human beings can't be overlooked. The most important observation is the need for educating and making people (government leaders, departments, industry, etc.) aware of what is "under the surface of the water" – not a case of out of sight, out of mind. (Ecosystem approach)
 - a. We need to make sure that people are getting/reading the material available, and also that government people need to understand what ecosystems are. Regarding science, the science is already there in a lot of respects, but people are ignoring it to make decisions. The science has to be used.
22. Another science issue is that the marine side is not captured adequately. What about the consistent application of HADD considerations on the marine side of things? The science is fuzzier on the marine side. A good example is the dumping by the City of Vancouver. This is a HADD, but the municipalities are off the hook. Another example is salmon farms. Authorizations and mitigations happen, but what is the follow-up? There is a trend toward much larger tenures.
 - a. The province is in the middle of re-vamping the waste regulations. The science is being done, but where do we get the good science to determine the marine HADDs that are happening out there.
23. Will there be something about EPMP on the marine side?
 - a. That is the intention.
24. There should be a **requirement to incorporate the impact of climate change on fish as a normal part of doing business.**
25. (Mary-Sue) Science is not being used as relates to fish farming. It is totally dysfunctional because staff has to follow policy to allow fish farms. They are not allowed to say fish farms cause harm; in fact, they actually must promote fish farms. The CEAA process represents a clear conflict of interest.
 - a. Regarding aquaculture, the department uses various approaches. Science staff have been involved in the process.
26. Comment: Regarding the use of science, look at the impacts of hatcheries on fish. Science does not always say the same thing. Who funded the analysis? What is the actual hypothesis? Science is not always robust. We must look to the precautionary principle. Remember that science is not values based. We must be clear about how we use science.

27. (Olga) Does the EPMP actually work? We need to look at the past few years and ask this question. **We need some indicators to determine if the process is working.**
- a. (Patrice) The science is provided by the Science branch, e.g. research group on impacts, compensation and effects and will be getting more. They provide the program with advice, and there is a formal process called the national assessment and regional assessment process. There is a peer review mechanism; this is the basis of decisions.
28. The comment about peer review is questioned.
- a. Patrice clarifies that all primary literature that is published by the department is peer-reviewed to international standards.
29. There is a history of scientists not being listened to. This is a concern/perception that some of this work is not seeing the light of day.
- a. The Science Branch can only speak to this.
30. When in doubt, don't. This is ignored for political expediency.
- a. (Patrice) This is a broader issue. We input the best advice that we can, but decisions are made taking into account other things.
31. Comment: Effectiveness monitoring versus science management. Great to connect all that stuff together, but we need to be sure about the effectiveness of these tools.
32. (Randi) There is a total mistrust; for example, there was the east coast cod fishery and now the west coast salmon is in danger. There is a mistrust of government in general. Habitat takes the back seat to politics and industry and the fact that ultimate decisions are so political in the end. If this is not changed will end up like the east coast
- a. (Bonnie) One of the primary goals of the EPMP is to let people know in advance what the rules are. The guide is publicly available, so are the operational statements. These are the rules and are attempts to be transparent.
33. Comment: (Zo Ann) Our discussions and recommendations need to consider several issues relating to science the EPMP:
- a. Is the EPMP resource based or science based?
 - b. What do we like?
 - c. What do we not like?
 - d. What can be changed fairly easily?
 - e. What needs to happen?
 - f. Where do we need to put some time and effort?
34. (Pamela) The science behind the streamlining process needs to be discussed. What is the justification? There is a lot of frustration in the room. As an example, reviewing the practitioners guide section 2.2. (the purpose) the goal ispart of the problem is that this is a cookie-cutter approach and this doesn't work because there is a high level of variability in the real world. My colleagues are giving feedback about the quality of the work being done out there, both internally and outside of government. These are the people who are submitting the reports that are the methods of assessing whether something is high or low risk. **This is a problem because there is no auditing of work being done and no accountability and responsibility.** This needs to be raised for qualified professionals. There is a lot of traditional thinking out there that is not keeping up with the science that is out there. There is no way of ensuring that people are doing a good job. More detail is not the problem.

35. (Facilitator) What is the recommendation?
36. (Pamela) Looking at the quality of work done by QEPs demonstrates there are a lot of gaps out there, in terms of the quality of the work being done. Need to be doing **audits and holding these professionals accountable**, based upon sound science. Government must be involved in this, along with professional groups.
- (Patrice) Some of you can **review the risk management framework and the operational statements and make recommendations**. Can take these comments and incorporate these into review. DFO and others can get together to **review QEP qualifications** to make recommendations for improvement.
37. (John) The risk management framework isn't even grounded in science. The problem is that we can't grasp the science because there is none; this is about a decision making framework. We can talk about it forever. Where is the science?
- (Bonnie) The EPMP is based on science; e.g. sensitivity of fish habitat.
38. (David Lane) Would like to put forward recommendations relating to science and the EPMP
- establish a five-year review of EPMP and put in place an adequate audit of its effects, so that there is something to audit**
 - there has to be mandatory reporting under the operational statements program**
 - all of the ENGO community needs to have a sense of what is happening; for example, establish committee(s) about streamlining, risk management framework, and operational statements. Must have discussions and input to review current and new tools. Will focus on what this community likes and does not like**
 - this group could sponsor a new operational statement for habitat restoration**
39. (Facilitator) Are we talking just about operational statements?
40. (Zo Ann) No, it's as relates to all of EPMP, where we can make a difference.
41. (Olga) There is monitoring at two levels: 1. There is monitoring that is management and administrative; i.e. did this development do what it promised to do? 2. Then, there is the state of the habitat down the road; i.e. monitoring that is longer term. This is the link between the science and the monitoring. Was that mitigation put in place successful? Only the persons responsible for this can look at this; maybe, there were long-term impacts, and this needs to be looked at.
42. (Fred) In the attempt to be collaborative, **change one word in the FA from selective to responsible fishing.**
43. (Linda) Use the example of a building inspector: this is what I want to do; these are the rules. Things need to be simplified. This all sounds great, but this is just piles of paper being moved around. What concrete actions are being taken?
- (Bonnie) The operational statements might be open to more simple language. The intent was to simplify the process. Who pays? (Patrice) The department tried twice to use "user pays". The department is hindered in this regard.

44. (Gerry) There are limited resources and limited time to respond. The EPMP is an attempt to respond. This is leading to a results-based model, and the department could lose control over what is taking place on the ground. There is a transfer of responsibility and accountability happening.
- (Bonnie) The shift is on the low-risk side, but nothing is changing on the high-risk side. The EPMP is very prescriptive, not results-based. Even the streamlining tools are very prescriptive.
45. (Stefan) I would recommend a **summary of the science about the impacts of logging on streams be sent to the forestry sector**. The province is putting some responsibility on the department. Recommendation: **Increase the relationship between the department and the province. There needs to be set deliverables and accountabilities**. Why are there two sets of regulations for public and private lands?
- (Peter) We do provide this type of information to the sector. There is work that the department is doing.
 - (Jeff) Point of clarification: The FA applies to all lands in Canada.
46. (John) In practice, this is not the case. There must be consistent application of the law. Other examples were given.
47. (Dianne) We need to **review every three years** the science behind the EPMP and whether measures taken are effective. We also need to look at legislation because of conflict in mandates and jurisdictions. We need to look at all these gaps and engage the full community to look at practices and successes. We need a **report card of the department and its ability to protect habitat. We need to establish a baseline and report back**. What are the measures or success and how do we actually do it?
48. (Don) I made a recommendation that **we find measures of success and come up with a three-year plan**. There is some kind of assessment process in place to evaluate EPMP according to Patrice. If so, this group needs to hear about this. Thoughts are coming back to "a thousand cuts".
49. (Jack) I am thinking about **an interactive website that SEHAB could host**, something like a blog. Further to the **glossary, this should be based on science, but also based on values** e.g. no net loss or net gain
50. We need to **see the word proactive** throughout all of the documents. We need to see the proactive will to protect fish habitat reflected. We also need to see closer, collaborative efforts.
51. (Don) We need to make it clear; we need to spell it out, e.g. as relates to net gain. We really need to have **some wording about restoration and improvement to habitat**. This is part of the educational process of everyone.
52. (George) There are not enough people to do the job. I believe that the department is trying to improve the way it does its job. Operational statements are just part of the EPMP. I like the operational statements; they fit in certain areas, e.g. low populated areas. There is a certain rural / urban split. They will be helpful where I come from; they will help a habitat biologist do his / her job. **Regarding reporting, it must be mandatory**.
- (Patrice) With a new FA, we would have it mandatory.

53. (George) Don't believe that this is an advisory letter; would be a way to track what people are doing?
 - a. (Jeff) People don't have to come to the department at all. We don't have the authority to make them come to us.
54. (George) Make it mandatory.
55. (Dianne) Would it be possible to word a regulation to support this.
56. There were several comments about this.
57. (Fred) Told a story that demonstrates the need for equity between all the user groups and how we deliver habitat management.
58. (John) Compensation is a big aspect/driving force behind this. Natural habitat is natural habitat; man-made habitat is man-made habitat. I would like to see a withdrawal from the whole concept of compensation.
59. (Bonnie) What I am really hearing from people is more of a requirement to talk about the effectiveness of the EPMP, rather than the science behind it. We need to get some of that feedback from people. Would people like to hear the presentation about habitat compliance this afternoon, so that we can think about it over night?

Cumulative Effects Issue

Bonnie, with input from Jeff and Bruce, gave a presentation on cumulative effects, in terms of the EPMP, operational statements and other tools, e.g. Oceans Act, CEAA, and a number of other guides, in terms of the management of cumulative effects for both site-specific and broad application.

Question and Answer Session:

1. (Olga) Why are permits being given to run-of-river power projects (where many are being done) but is looked at as many small ones in one small watershed. Kilowatt threshold is the issue, which is provincial decision, but why is this being looked at as individual projects, rather than one big one?
 - a. (Jeff) Small hydro projects on one waterway have been assessed as one project. Some may be above fish residence, with negligible impacts. We may not look at all of them. Where it does trigger CEAA, DFO will look at cumulative effects. DFO is not bound by provincial thresholds. We look at cumulative effects in the context of CEAA (dependent on whether it will cause a HADD; threshold is so great, you would never reach that on a small river)
2. (Jack) I'm curious about beaver dams. This brings up the point that if there is no operational statement available, what happens to that? Go to the province and do what they tell you to do? More and more are being removed with a huge effect on watersheds. The province is not moving in.
 - a. (Jeff) This is being developed as a national template. Sufficient provision to ensure no HADD. Defer to provincial guidance material, but there is still a requirement for an authorization to commit a HADD.
3. (Jack) How will this be monitored?

- a. (Jeff) There is notification activity under the Water Act. DFO does have access to the data base on the notifications. The FA is reactive in how it is written. The Water Act requires a permit to do such and such an activity.
4. (Faye) I heard that possible cumulative effects situations might go through a watershed plan. What / where are these happening?
 - a. (Bonnie) There are a few examples. What's happening in a watershed might have an impact on the sensitivity of the habitat. It's about taking a broader look, in terms of cumulative effects. Some of the local governments are looking at watershed planning.
5. (Pamela) Sited some examples of watershed planning on the mainland.
 - a. (Patrice) This is an area of federal / provincial jurisdiction. DFO should be an equal player in this; we have a significant role. A lot of provinces are getting into this, for example, with watershed planning and watershed planning /stewardship departments, but it's not really being implemented on the ground.
6. (Zo Ann) If you don't know a project is happening, you don't know to monitor; i.e. can't do anything. There is a need for notification. Gave the example of a two-lane bridge and asked whether it is low-risk and, therefore, "you don't need to tell us". Likewise, dredging might start with one person, but then everyone is doing it. Authorizations for HADDs do still need to occur. No mechanism with those types of things. Environmental Review Committees might be helpful in this regard, but they aren't all around anymore.
 - a. (Bonnie) The operational statement for dredging does have conditions. It is for navigation only. It is possible that it could be improved. Fresh eyes to look at these things would be really helpful.
7. (Randy) **Is there a possibility/process to review a certain area to determine if it might too sensitive for anything? We need baselines.** All these little things really add up over time.
8. (David) Gave the example of water licences (provincial level) and continuous allocation despite of advice coming in.
9. (John) Regarding things like logging roads, for example. Is there any plan to issue operational statements for construction or culvert replacement? (No) We know that this is happening, but is it being monitored? How will the EPMP deal with this?
 - a. (Patrice) Some auditing has been done. It's the program that deals with this. The EPMP is a tool to effect change in the way the program is delivered. One company has decided not to install any culverts anymore. There are thousands of culverts installed in Ontario and Quebec alone. It's a major challenge.
10. (John) The biggest challenge is the series of events that accompany the ditch, culvert, etc. Why not take a proactive approach around this and prevent habitat loss; i.e. mechanisms to stop the destruction from happening.
 - a. (Jeff) We've worked for years with the province on this. In B.C., we are also seeing companies avoiding culverts altogether. There have been Section 35.2 authorizations.
 - b. (Bonnie) We might **need to do more monitoring to look at cumulative effects** with this. We need to keep it as a fairly restrictive document, but look more closely at the cumulative effects. Maybe, this is a theme for 2008, for example.

11. (Jeffrey) In terms of ecosystem planning, **we need to review key issues and threats**, and use all available tools to develop a **proactive approach**. We need to get people together and **develop appropriate recommendations**. **Regarding protected areas, we need more explicit effort to identify areas where more proactive protection is required and move forward to protect them.** Integrated resource planning is what is required.
12. (Pamela) I mentioned the need to harmonize with provincial documents. The province is using various guidelines (a series of operational statements); develop with care. Regarding individual power projects, part of the issue has to do with areas above barriers. The problem is they can have cumulative impacts on areas where fish are. Most proponents cannot demonstrate whether or not they are having negative impacts. This is still an outstanding issue. Things that are perceived as low-risk, e.g. road maintenance and beaver dams, often don't get looked at in detail, unless there is local engagement. There is a **need for continuity between the ground-level staff and local experts to confirm that low-risk really is low risk.**
13. (Dianne) **I'd like to see a process/registry where every work is registered** This would help to work with partnership groups, in terms of monitoring. People can help with monitoring, they need to know what *development* is happening.. Criteria can be developed that indicate that a watershed or specific habitat are designated as sensitive and all work in them is registered and stakeholders and stewards are notified. We cannot **be totally web-based**; some people need more direct support, or have barriers to using the web: language, technology, skills, resources.
14. (Don) I support the idea on no low-risk activity that is completely under the radar. Need to create the context for a low-risk activity.
15. (Jack) We **might use the departmental GIS to start recording these things**; e.g. "If three dots come up, that triggers a flag."
16. (John) Some linkage with the province also needed.
17. (George) Regarding road maintenance and logging, I saw a watershed logged using proper techniques with little or no impacts. We **need some way to reinforce positive behaviour**. There are opportunities for collaboration with the department and the community.
18. (Jeff) Piloted habitat biologist (Gum Boot) award.
19. (Gerry) We need **some form of clearing house to keep record of what is going on**; i.e. "enough is enough". Stewardship groups could be used, perhaps. In a number of areas, there are active groups that could be used.
20. (Dianne) Is there **some sort of certification for best practices**?
21. (Jeff) There are various hurdles around certification issues.
 - a. (Patrice) There are some provincial certification programs in place in N.B. and N.S. Various other comments regarding certification programs were made.

Monitoring and Compliance Issue

The facilitator welcomed the group back. He summarized the three main “expectations themes” for the workshop that participants had expressed during the morning of day one and had were posted on the wall. These include:

- a. To be able to develop practical recommendations that will make a difference and be considered by DFO in a meaningful way
- b. To be heard
- c. To better understand the EPMP and how it might help to protect habitat

Dianne reviewed the summary of recommendations that she had distilled from the previous day’s notes and there was brief discussion after which it was agreed to add climate change and document Luanne’s comments about aquaculture concerns.

Bonnie gave a slide presentation on the Habitat Compliance Modernization (HCM).

Question and Answer Session:

1. (George) The workshop outcomes need to have an impact at the national level.
2. (Carl) Regarding classifying watersheds and watershed planning for the long term, (carrying capacity, risk level), this is a good idea. Are we going to start doing this?
3. (Jack) **We need to hear from Ottawa what recommendations are considered.** It needs to be full circle.
4. (Pamela) We’ve baselined things before (e.g. ecosystem sensitivities); there was one in the late 90s; huge amount of expertise around the table to create a compendium for streams, but this information might not even be used in planning; e.g. classification of fish streams; this is supposed to be driving how allocations are being done; a lot of resources gone into them; are they being used?
 - a. (Patrice) There is a lot of information out there to address cumulative effects and there are efforts going on by the national watershed stewardship network; using the risk management framework to set some thresholds at the watershed level will be much quicker than waiting for watershed planning; this is a parallel process to pushing for watershed planning; this is in DFO’s authority level
5. (George) We do have a relationship with DFO Pacific; they do listen, but do not have a relationship at the national level; e.g. EPMP without consultations. I don’t know that at a national level we are being heard; with the community and 30K volunteers; people at HQ need to know about us
6. (Don) It’s very frustrating not to have the **relationship with the province; maybe something that Ottawa can do to help out with this.** Will ask for continued representation on SEHAB.
 - a. (Patrice) Do need to bring them in as soon as possible; they are major players.
7. (Mary-Sue) I agree with Don about the need to have the province at the table; I mentioned climate change yesterday; **I was hoping there could be a requirement to have this considered, as a recommendation.**

8. (Luanne) I would be very disappointed if recommendations don't include fish farms. It must be made clear that fish farms and their approval (and EA process) was not addressed at this meeting.
 - a. (Bonnie) This discussion hasn't been industry specific. The discussion has been on the EPMP as a tool.
9. (Luanne) I understand that we are looking at the process and tools, but the reality is that before this meeting, people understood that fish farms were not going to be discussed. **This should be acknowledged because it is such an important issue.** Without the reluctance to discuss, there would have been more discussion as relates to EPMP. There were several comments about the science. **There is a need to make science independent from the department because of the trust issue.**
10. (Olga) My biggest frustration is the inter-jurisdictional abdication; it doesn't matter what the topic (water, air), it's very frustrating. The federal government has MOUs signed between DFO and the provinces. Why don't the MOUs create a seamless system? We're all concerned about the resource. I am really sick of this. CCME usually has a threshold for various items. We have come to an agreement about those thresholds.
 - a. (Patrice) We are also frustrated, but it takes two. It is often very difficult to get people to the table.
11. (David) The main point is about cumulative effects; we need to say something about it. This is a new approach and there are some big issues that we have danced around. There are no forums dealing with them. We are not having the big picture discussions about those issues. Can cumulative effects be handled with the EPMP? I don't think they can. At what point would you know there is a problem? Don't see that it would happen.
 - a. (Jeff) Not an easy task; it's very difficult to put a mechanism in place.
12. (Luanne) **The recommendation to create a registry would address this.**
13. (Don) A lot of work has been done, but how do we use it?
14. (Zo Ann) How is it being used? We draw a line in the sand to protect important streams that are wild, threatened and endangered, and then we move the line whenever development comes along?
 - a. (Melody) The guidelines were meant to highlight certain areas, but decisions are political not technical. Information is only used if someone wants to use it; advocacy is required, if this is going to be used in decision making. One of the things that has been helpful regarding water shed planning is to start talking about indicators for watershed health; e.g. riparian buffer width. We need to bring that stuff to the table and ask people to use the information.
15. (David) **I would ask that the EPMP report back to all of us on how the EPMP will manage cumulative effects.** (Bonnie: Six to seven tools to manage cumulative effects were discussed on Day One.)
16. (Don) Regarding the continuum and education and stewardship, who is going to do that and who pay for it?
 - a. (Bonnie) We are currently working with Conservation and Protection to determine roles and responsibilities; habitat will lead the monitoring; the relationship with CP differs within the province; 12 new habitat positions coming on line; hope to

have the positions in place by the end of April; compliance monitoring or effectiveness monitoring will require a very strong strategic planning component; we've **heard that the proactive piece is important to this group.**

- b. (Jeff Jung) We do have the community advisory program; will be a connection.
17. (George) The CA program is a fantastic program, but it's very overworked. It's not possible to add anything more to their workload. The area management model is dysfunctional at a regional focus, specifically in my area because of things like retirement. Regarding the 12 positions, people on the ground won't be on the ground. The basic point is that there will be fewer people on the ground in my area. People need to check this out in their own areas, as far as this monitoring position, but what about the other positions? This is a basic problem.
18. (John) Regarding slide 18 and monitoring goal (20%), how does this spin out to budget of Habitat budget in the Pacific? We need some actual perspective on this because we are adding only two new positions. How can two people do an effective job of monitoring?
- a. (Bonnie) To support the shift toward monitoring, we have looked at internal re-allocation. Some of those resources are new and others are internal. The concept is that the 12 are dedicated to the new HCM program, but other practitioners are also shooting toward 20 % monitoring. CP support will also help with this. It's very complex to track from a budgetary perspective because we currently don't break out every activity. This is a summary of the capacity of the 85 people in HM in this region.
19. (Stefan) Would like to put forward two recommendations
- a. **We need cooperation or funding to First Nations and local groups to do most of the monitoring and the 12 positions to do more of the office work; the work is done with people in the field, who are better positioned to do so.**
- b. **Have a yearly summary of the number of court cases and fines that are coming out of the HCM program. We have a powerful act, but people are getting off with major crimes and habitat destruction. Prosecutions could be an indicator of HCM effectiveness.**
- c. (Peter) There are other programs that are doing this. We are trying to work with other programs, e.g. the Forestry Service, to do this work. We do need other ministries involved, with possible auditing of what they are doing. Our 12 can't do all the work.
20. (Olga) Habitat monitoring for compliance and effectiveness, are we monitoring for compliance or effectiveness?
- a. (Bonnie) There are three different types of monitoring: compliance (did what they say); effectiveness (did the measures actually work); status (trends, quality, quantity).
21. (Dianne) **Enforcement and prosecution and litigation CAN move from punitive to proactive.** There are not enough carrots to go around. The continuum is actually a circle; use prosecutions as a proactive tool. The assurance that you will use enforcement and prosecution acts as a deterrent and results in prevention: proactively. Rather than creating uncertainty about whether you will get caught and the gamble something beyond the normal cost of doing business will happen, this crap shoot leads to compliance slippage and an expensive, reactive processes. **Set enforcement target levels.**

22. (Jack) **The department needs to publish information about charges as a deterrent.**
- (Bonnie) The concept is a good one. How do we translate that? We need to be strategic in our annual planning, e.g. so many random audits.
23. (Gerry) I appreciate the 20% effort, but when I look at the development coming to my region, I see most of the effort dealing with HADDs. I don't see a lot of time available because of the number of referrals coming through our area; people will be swamped with the major project work. **Is there any merit in allocating these positions toward a provincial SWAT team to address these issues on a provincial level? It could address monitoring on a random basis, where there are concerns.**
- (Bonnie) That's a great recommendation. Working internally is the first step (HM and CP); the next step is to find out where the province is (partnerships).
24. **Fishery officers need to be able to take their trucks home** or have access to the equipment and resources they need in a timely manner to do their jobs - to have DFO do its job of protecting habitat and the resource, outside of normal business hours.
- (DFO) There are administrative issues at the bottom of this.
25. (Nichole) The proactive approach is education geared to the general citizenry. It's quite effective, but limited by lack of funding. Compliance promotion is a really key piece so people know what is expected of them. **Resources need to be allocated toward this. We need to know that a certain amount is always being put into promotion and education.**
26. (Zo Ann) Regarding education, there was a comment about funding under EPMP, is there **additional money for education**? We need to look into this. Now, people are saying the volunteer community is important, but we can't wish this into being. Most of the information DFO uses comes from summer students. Our information can be much more credible. If you want volunteers to provide information, you must come to them and show them you are interested; you must demonstrate that personal commitment – and not with the web but human to human. **Really need to make sure that monitoring staff know what they are doing; they need more than the PoE diagrams.** (Education needs to be part of that 20%. People need to know where their authority lines are.) **DFO staff should take the two-day streamkeeper course.**
- (Patrice) ERAM Programme and aboriginal program on the education side
 - (Bruce) There will be mandatory training for DFO staff. We will have dedicated staff in the area offices.
27. (Zo Ann) Annual targets set
- (Patrice) Our environmental scan would be used to help with this. We would also work with C&P on this.
28. (George) **SWAT team idea is great and totally doable.** I think Craig Savard is tasked with working on this. This could make a big difference. Dianne's cautionary comment about how to treat volunteers is also very important.
29. (John) I don't want to re-invent the wheel; it's all been done. **I recommend that DFO take 25 % of its total budget and devote it to habitat protection; DFO should hire 100 new compliance and enforcement officers across Canada and enable them to deal with these issues. 2. I recommend that DFO adopt and set a system of administrative fines (set at a level that is a deterrent); fines would go back to the HM regime.**

30. (Jeffrey) With limited resources, the real priority is ensuring that there is an enforcement presence. EPMP might take us in a direction of reduced enforcement. **A certain amount needs to be there for effective compliance enforcement.**
- a. (Bonnie) The C&P proposed reductions in the region were reversed.
31. (Dianne) People need to have the resources to do their jobs.
32. (Don) Regarding the stream keeper course, staff also need to take the **shorekeeper course.** Administrative fines could be very effective. Recommendation: **When the department starts to put resources on the ground, they need to confer with staff in the areas, and also with people working in the communities.** Violations are proactive measures. **Volunteers need to be involved in the development of the strategy to determine how HM and CP will work together.**
33. (Luanne) Regarding fish farms, we need to be able to manage in order to protect wild stocks. Reduce the legal cost issue by issuing licences that can controlling timing for when fish are in the pen.
- a. (Jeff Johansen.) We don't issue licences for aquaculture in B.C.
34. (Olga) I would like to see a list of monitoring tools; there is hardware involved for compliance and effectiveness. The DFO presence on the ground is very important. **I really advocate a visible presence.**
35. (Gerry) Are there protocols for this?
- a. (DFO) Monitoring protocols are being developed; there are working groups that are dealing with these things. Monitors would have inspector status.
36. (Dianne) **I recommend information sharing around these protocols between the department and the community.**

As questions, answers and recommendations for Monitoring and Compliance wrapped up the facilitator suggested that, prior to beginning consolidation / finalization of the recommendations, participants undertake a brainstorming session of recommendations to ensure that everyone who came to the session with ideas for solutions has an opportunity to voice them. These recommendations would then be included as part of the record of what was said and provided to the groups in support of their consolidation exercise.

"Last-call" for Recommendations:

- (Jack) **I want to establish water quality, quantity, and riparian zone parameters that become universal in the country. (science)**
- (Pamela) **I recommend that there be a concerted effort to look at particular case studies where local knowledge is being used by to improve effectiveness of compensation.**
- (John) **Regarding enforcement, there must be documentation, contact and follow-up on the ORR call-in line.**
- (Dianne) **The department must bring back A-based funding for initiatives such as HRCEP and HCSP. EPMP and other policies , needs to have a permanent, persistent and consistent level of adequate support.**
- (Gerry) **Regarding habitat compensation, habitat banking---**

- (Jeff Johansen) Some habitat banking occurs.
- (Carl) **1. I recommend that First Nations traditional knowledge be more accurately identified and changed to local, indigenous knowledge and that it have the same weight as science when management decisions are made. 2. The department needs to provide more information about what is actually happening in the oceans.**
- (Fred) **I recommend that the wild salmon policy be tied to habitat to safeguard genetic integrity and stock diversity.**
- (Don) **I recommend that the concept of reciprocity be written into the executive summary introduction in such a way as to at least begin a conversation between the department and the community. The department needs to find the money to support volunteers; there has to be a commitment. I need to hear what the department is going to do to help the community. They can't do more without assistance. It goes both ways. Look at Zo Ann's example of how little the stream keeper information is being used.** (Zo Ann: We didn't make the problems; we stumbled upon it.)

Recommendation Development / Clarification Process

The group decided to work in small groups, in order to expedite the development and clarification of recommendations. Each small group worked on one of the three issue areas, using the following format.

Steps One:

Establish three teams

- *science*
- *cumulative impacts*
- *monitoring and compliance*

The report on proceedings was copied and distributed, so that small groups could list all the recommendations identified during discussions. DFO staff balanced themselves evenly throughout the teams; organizing team members did likewise. Participants then decided where they wanted to go.

Step Two: *Once in teams they reviewed, refined and consolidated the recommendations taking care not to lose any ideas.*

Step Three: *Prioritize, recommendations and assign a follow-up action as one or more of:*

1. *questions seeking DFO response*
2. *recommendations to DFO*
3. *communicate to others – want feedback*
4. *areas where the community can act independently and then get back to work with DFO*
5. *area where collaboration is possible*

Each small group then reported to the whole group, providing information about the prioritization and expansion of the recommendations in their issue area, based on the action-planning framework. Other participants had the opportunity to ask questions for clarification and to propose additions and modifications.

Cumulative Effects Group (Jack)	
Concern: Losing extensive habitat through accumulating human impacts. The current HMP tools do not assess this process adequately	
STEP ONE	STEP TWO
Review all the recommendations to consolidate them without losing any information, add detail as appropriate and refine where necessary	Mark each of the recommendations as one or more of the following action items: 1. questions seeking DFO response 2. recommendations to DFO 3. communicate to other stakeholders and seek feedback / input 4. the community will act independently and may get back to work with DFO 5. agree to collaborate directly with DFO on next steps
Recommendation	Next Steps
1. Establish conservation objectives to define water quality, quantity, and riparian zone parameters that become universal in the country.	2,4
2. Develop a publicly accessible centralized GIS – based database that records all past and present notifications and authorizations, water allocation and other human activities.	2,3,5
3. Develop an early warning system that shows when a certain area has reached a threshold	2,3,4
4. Begin a process of inter-jurisdictional integrated watershed and aquatic management	2,3,4,5
5. Establish indicators and a monitoring system that measure accumulating impacts (recognizing the need for increased monitoring of accumulating effects)	2,5
6. Engage the stewardship and Aboriginal communities to identify, monitor and report on accumulative effects in order to reach their watershed objectives. Develop opportunities for personal contact	2
7. Maintain a list of areas that require more rigorous review and require authorizations due to accumulating effects	2,5
8. Promote compliance and seek opportunities or activities/processes and use incentives to increase willing compliance and pride in behaviour change	2,3,4,5
9. Recognize and forecast key threats (including process and management gaps) to habitat and stocks and develop strategic plans to address these i.e. Climate change, large numbers of mining applications, IPP's, etc.	2,3,4,5
10. Further investigate/implement improved habitat compensation (watershed-based habitat banking, leveraging, etc)	2,3,4,5
11. Consider the impacts of fishing as an accumulative human impact on habitat and stocks	2
12. Establish the requirement to adequately fund research into climate change on (marine and freshwater) fish and fish habitat and to incorporate the impact as a normal part of doing business.	2

Follow-up comments:

- (Don) Did you mean fish and fish habitat? Yes, and it must also include marine and fresh water.
- (Olga) We had the climate change issue in also. We added a recommendation about funding to the Science sector in the department.
- (Jack) So, we can add a requirement to ensure adequate funding to Science.

Monitoring and Compliance Group (Nichole and Don)	
Note: The group categorized their recommendations into training, resources, and implementation/enforcement. They developed action items/timeline for each recommendation, but did not prioritize.	
Recommendation	Next Steps
1. DFO to implement a strategy of administering fines and penalties for violations/non compliance, to be directed towards habitat restoration	<ul style="list-style-type: none"> - department to examine legal aspects of this strategy - timeline- by September 30, 2007
2. Increase the time and resources spent on monitoring	<ul style="list-style-type: none"> - department to establish baseline performance benchmarks based on the amount of monitoring currently done, and then the performance measures in the new HCM plan will kick in for comparisons - ensure transparent process - timeline- ASAP (by June 30)- focused on the last fiscal year - championed by Bruce Reid
3. Training programs and primer on HCM for new staff (and volunteers when required), ensure new HCM staff understand the scope of their authority	<ul style="list-style-type: none"> - Keeper courses are developed additional training is under development now, once HCM staff are hired, DFO to prepare summary of mandatory training - Peter Delaney and Zo Ann Morten to champion the fusion of the training programs (HCM and “keepers”) - Timeline- by end of fiscal, March 2008
4. All staff (C&P?) to have use of government vehicles 24/7	<ul style="list-style-type: none"> - Timeline- immediate
5. Develop an inventory of monitoring tools (scientific instruments, cameras, vehicles, etc) nationally	<ul style="list-style-type: none"> - timeline- by June 30, 2007
6. Develop a Regional SWAT team to address particular issues/sectors that are problematic (effectiveness monitoring)	<ul style="list-style-type: none"> - develop a strategic plan - engage with provincial ministries - timeline- March 2008

<p>7. To create overarching values 1) first nations and environmental groups are recognized as integral to the department monitoring strategy throughout implementation, 2) concept of reciprocity (MoU?) between the government and community</p>	<p>- ongoing- inclusion of principals</p>
<p>8. This delegation reconvene to report back and evaluate success of action items arising from this session</p>	<p>- timeline- April 2008</p>
<p>9. Field staff is enabled / empowered to assure compliance and enforcement as effectively as possible, using existing resources</p>	<p>- immediate - response from DFO on this recommendation by April 30, 2007</p>

Follow-up comments:

- (John/George) Regarding the SWAT team, it's important to use the existing resources as effectively as possible until the SWAT team is created; i.e. ensure that enforcement is on-going; field staff is enabled to do so.
- (Dianne) How will we know if these recommendations are being undertaken? Who's taking this on?
- (Jeff Y.) Maybe, there needs to be some action to develop our own collaborative actions.
- (Don) A baseline is part of this recommendation.
- (John) Some kind of communication/response from the department to follow-up is required. April 30/07

Sound Science Group (Olga)

Note: These recommendations pertain principally to DFO, but because of overlapping jurisdictions and community involvement, they may pertain to federal, provincial, municipal and public players. The following are the main recommendations under the heading of Science.

A general statement is necessary for the Science Section because it is the foundation for all the other areas pertaining to Habitat Protection. Science is the foundation for monitoring whether for compliance and/or effectiveness. In addition, science professionals with the appropriate qualification and / or certification for habitat management and protection (whether it is to preserve, protect, mitigate or compensate, in order to maintain the diversity of species within our watersheds, both beneath the water, within the water and surrounding drainages) must be held accountable.

Recommendation	Next Steps
<p>1. Ensure that climate change is factored into Habitat Protection and Management pro-actively. Research on climate change impact should be the priority for the DFO Science. For example, for British Columbia this could mean that DFO science should consider research on the potential impact of climate change by biogeoclimatic zone within British Columbia. A good start would be the arid Interior of B.C. This is the most stressed zone for fish habitat in this province and is exacerbated by over-allocation of water resources beyond the carrying capacity of the region.</p>	

<p>2. Include habitat values in the risk management framework and not just habitat or species sensitivity (the matrix). There should not be a requirement that there be fish present in the stream in order for it to be considered as fish habitat. For example, head waters may not show fish present, but are critical for providing nutrients and maintaining stream flow year round.</p>	
<p>3. The Wild Salmon Policy should be incorporated into Habitat Protection and Management (EPMP). In addition Indicators should be developed to facilitate the process and to facilitate the monitoring for effectiveness.</p>	
<p>4. The impact of a multiple of low risk activities should be considered for the cumulative effects on the watershed, for example, the use of the present Operating Statements (for low risk activities) should be evaluated for cumulative impacts within a single watershed.</p>	
<p>5. The EPMP be audited for effectiveness within 3 to 5 years of implementation. Consider using a Peer Review panel for an independent examination.</p>	<p>- Community works with DFO to establish scientifically valid indicators of success for the EPMP and collaborates to complete DFO audit</p>
<p>6. Scientific, technical and financial support for community-based efforts to protect, maintain & restore salmon species and to preserve their diverse and unique genetics.</p>	
<p>7. Development of the Glossary – definitions: legal, scientific operational e.g. precautionary principle, fish habitat, water quality, quantity. Review language i.e. avoiding jargon.</p>	<p>- Community to work with department in a DFO-led project to develop a glossary</p>
<p>8. There should be mandatory notification to the public when Operating Statements, or Authorizations, are granted for projects, by way of a publicly accessible database. In addition there should be a way for tracking the progress of each project to completion</p>	
<p>9. First Nations “Local indigenous knowledge” should be incorporated into scientific decision-making. Include watershed stewards in this engagement along with local fishers.</p>	
<p>10. Develop an Operating Statement for Restoration activities (i.e. combining LOAs to come up with an Operating Statement). This would be extremely helpful for stream stewards. Consultation on the development of the operating statement with stream stewards would probably be helpful for both parties</p>	<p>- Community to partner with DFO to develop an operational statement for habitat restoration and improvement projects</p>
<p>11. Assessments should be based on at the Watershed or ecosystem level or Ecosystem rather than activity by activity on a single stream.</p>	
<p>12. Science is critical to the success of all Habitat Protection and management activities. It is thus critical to maintain, or even to increase, the budgets of the Science division of DFO especially with the uncertainties we face with our rapidly changing climate. DFO should also ensure that their Science Data, knowledge and resulting literature be freely accessible to the community.</p>	

GENERAL COMMENTS:

The group discussed the Risk Management Framework generally. It was agreed that the Risk Management as a strategy is really a decision-making tool or process and is not in itself science-based. Risk assessment and risk management have been the strategies dictated to all federal departments and ministries regardless of their roles and responsibilities to the public. The basic premise for risk management is that the public must accept some level of risk for all the activities of government. This infers that the public must accept some level of risk to fish habitat because of the various activities which take place because of our occupancy of the land and the use of public watersheds.

The conflict lies in the fact that there is no general agreement whether this is the best strategy for all the decisions that must be made about the land and waters occupied and used. The assessment of risk is not based on science. It is the protection of fish habitat which is based on science. The decisions ultimately made must be backed by science. Monitoring for effectiveness is based on science. Stewarding the streams and rivers is based on science.

Follow-up Comments:

- (Don) Regarding order one and two streams, would this be covered off? We do need to integrate the Wild Salmon Policy into this.
- (John) Re posting of information, letters of authorization tend to be releasable. What would be the problem?
 - (DFO) Can't release information with individual names. We will clarify this.
- (Dianne) DFO previously asked that people wait a year for the department to get organized to be able to response to the work this would generate.
- (Jack) The concept of reciprocity needs to be included in the executive report, along with the recognition that First Nations and environmental groups are integral to the whole process.
 - (DFO) A briefing note will be sent upward. There also needs to be recognition that additional resources will be required, but that resources are scarce. May want to tie this back to EPMP and the six elements.
- (George) The national committee needs to be aware of what was done here.
- (Mary-Ann) The province and DFO have to work closely. Where is this?
- Inter-jurisdictional issue can be another important message. Need to engage the province.
- Don and George will collaborate on the wording.
- (Olga) It's really a preamble.
- (George / John) I would thank DFO for engaging this process, but that doesn't mean that we have actually bought into the EPMP process. This can't be assumed. This can be included in the preamble.
 - (Patrice) We wanted to get input to make the EPMP better.
- (Luanne) This might not be the best for the first page?
 - (Jeff Johansen) These are two different things. It's way more than that.
- (Olga) The EPMP is going to go forward, but at some point, it has to be looked at in terms of effectiveness and accountability. How will we know if this process (EPMP) is effective? Three to five years might not be enough.
- (David) The reason why the salmon aquaculture issue raised its head here is that there has never been a stakeholder consultation for this. If there had been, it wouldn't keep popping up.

To conclude the session, the facilitator asked for feedback from participants on their impressions about the workshop. He suggested that participants provide two types of feedback: “what went well” and also “concerns, suggestions or wishes” (about things that weren’t addressed but should have been).

What Went Well

- The Organizing Team decided to keep things in plenary; not getting fragmented; worked really well; really liked the whole-group approach.
- Given me a better understanding of where we need to go with the national workshop and can take the regional perspective back to the NFHCC
- There was good regional representation.
- The approach to planning and design was open and transparent, e.g. planning team, everything was shared, website to share information.
- Most people did actually read the material ahead of time and came prepared.
- Everyone is really busy, but I appreciate the opportunity to attend this meeting and actually produce results that would go somewhere

Concerns, Suggests, Wishes

- Feel that I’m in the wrong group; another group of NGOs that is focused on marine issues could have come - could simplify the process to attend the workshop.
- Was disappointed that aquaculture was not discussed, as it is the biggest concern for the fishery in my area (*north coast*).

Conclusion

Zo Ann thanked DFO for providing this opportunity, for attending and participating. She is also looking for people who want to be involved in next steps.

- George Farrell and Don Lowen volunteered to work on the preamble
- David Lane, Lisa Dreves and Nichole Marples volunteered to support follow-up

Bonnie thanked the group and said she sees this as a beginning of a dialogue.

The scope of the workshop was very specific: sound science, cumulative effects and monitoring & compliance. Participants were very cooperative in respecting the scope of discussions as defined by the Organizing Team. At the same time, however, participants do want the record of the engagement to document that there are other (sometimes related) issues that need to be addressed by DFO and potentially in collaboration with the Community. To this end a running list of related issues for future discussions was kept and the Community has asked DFO to engage them on discussions about these issues in the future.

1. There is a jurisdictional gap between the federal and provincial governments that contributes to habitat loss. This gap needs to be closed through developing MOU or operating protocols, etc. (Olga)
2. The Community feels that the programme is under-staffed and believes the department should take steps to ensure that sufficient DFO staff are in the field to monitor projects and to be about to properly respond to ORRs. (Jack)
3. Will the envisioned governance structure of MOUs and bilateral discussions / negotiations really engage the stewardship / advocacy community to the same extent that industries are engaged? (Dianne and John)
4. The DFO review and approvals process (*authorizations?*) has a negative impact on non-fish and non-target species (flora and fauna). (Pamela and Jack)
5. Need to get a better understand of what is fish habitat and how it can best be protected within and outstand the Fisheries Act. (John)
6. There is a need to look at eco-system impacts, beyond the impacts to fish and fish habitat. (Jeffery)
7. Need to be able to connect the EPMP and streamlining to how it will protect fish and fish habitat. (Luanne and Faye)
8. need to be able to demonstrate how streamlining will better protect habitat without additional resources. (Don)
9. Need assurances the operational statement process is not subverting the EA process. (John)
10. The GVRD sanity sewer system is an on-going HADD, why is this not being dealt with? (David)
11. Need to keep aquaculture on our discussion agenda so that we integrate habitat monitoring / protection aspects into the overall programme. (Luanne)
12. The department needs to develop licensing/ permitting processes that allow it to control when and where aquaculture operations can take place (i.e. to facilitate management at sensitive times in consideration of the wild stocks).

If DFO intends to develop a discussion framework or inventory of priorities to discuss with the Community, the three priorities addressed at the workshop would be at the top of the list and then the issues identified in the issue paper the those listed above would constitute the balance of the list.

As a Certified Professional Facilitator and a member in good standing with the International Association of Public Participation I am bound by the values and code of ethics of these associations. I verify that the information contained in this report to be true to the best of my knowledge and reflects the nature of discussion, dissension and agreement that was present on these days with these participants.



Richard Delaney, MPA, CPF
President, Delaney and Associates Inc.

Organizing Team Members

Zo Ann Morten, Communications Chair, SEHAB and Co-chair	Pacific Streamkeepers Federation 720 Orwell Street North Vancouver, BC V7J 2G3 www.pskf.ca
Bonnie Antcliffe, Regional Habitat Management Manager and Co-chair	Fisheries and Oceans Canada 200 - 401 Burrard Street Vancouver, BC, V6C 3S4 www.dfo-mpo.gc.ca
Jeffery Young	David Suzuki Foundation 219 - 2211 West 4 th Avenue Vancouver, BC, V6K 4S2 www.davidsuzuki.org
Kathy Larson	Northcoast Steelhead Alliance
Faye Smith	Mid Vancouver Island Habitat Enhancement Society 221 Elizabeth Avenue, Qualicum Beach, BC V9K 1G8 www.mvihes.bc.ca
Jack Minard	Salmon Enhancement and Habitat Advisory Board www.sehab.org
Olga Schwartzkopf, National Liaison	The Soil & Water Conservation Society - BC Chapter
Peter Delaney, Senior Land Use Biologist	Fisheries and Oceans Canada 200 - 401 Burrard Street Vancouver, BC, V6C 3S4 www.dfo-mpo.gc.ca

Workshop Participants

Zo Ann Morten	Pacific Streamkeepers Federation / SEHAB
Jack Minard	Tsolum River Restoration Society / SEHAB
Faye Smith	Parksville / Qualicum Streamkeepers
Jeffery Young	David Suzuki Foundation
Kathy Larson	Could not attend due to illness
Olga Schwartzkopf	Canadian Environmental Network
Pamela Zevit	Como Watershed Group
Mary-Sue Atkinson	PFRCC
Randy Dozzi	Northcoast Steelhead Alliance
Lisa Dreves	Langley Environmental Partners Society
George Farrell	Hecate Strait Streamkeepers / SEHAB
Fred and Linda Hawkshaw	Commercial Fishers
David Lane	T. Buck Suzuki Foundation
Don Lowen	Watership Foundation / SEHAB
Nichole Marples	Langley Environmental Partners Society
Stephan Ochman	Area A , Alberni Clayoquot RD
Gerry Oliver	Independent
Dianne Ramage	Pacific Salmon Foundation
Luanne Roth	Prince Rupert Environmental Society
Carl Sidney	Yukon Salmon Committee
John Werring	David Suzuki Foundation
Judy Wilson	Could not attend due to illness
Otto Langer	Cancelled attendance at last minute because FA reform and DFO resourcing would not be discussed
Bonnie Antcliffe	Fisheries and Oceans Canada
Bruce Reid	Fisheries and Oceans Canada
Patrice LeBlanc	Fisheries and Oceans Canada
Peter Delaney	Fisheries and Oceans Canada
Jeff Johansen	Fisheries and Oceans Canada
Jeff Jung	Fisheries and Oceans Canada
Melody Farrell	Fisheries and Oceans Canada
Lorraine Vlak	Fisheries and Oceans Canada
Richard Delaney, Facilitator	Delaney and Associates Inc.
Valerie Delaney, Recorder	Delaney and Associates Inc.