

# **SUMMARY REPORT**

## **The Role of Science in Habitat Management & Habitat Compliance Implementation**

**DFO- ENGO Workshop November 5, 6<sup>th</sup> 2007  
Gatineau, Quebec**



**March 2008**

**Report prepared by Susanna D. Fuller, Ecology Action Centre**

## **Contents**

Workshop Summary.....	3
Recommendations Arising from the Workshop.....	5
Recommendation Implementation: National and Regional Priorities.....	9
Actions and Next Steps .....	12
Appendix I: National Fish Habitat Coordinating Committee .....	13
Appendix II: Workshop Participants.....	14
Appendix III: Workshop Agenda.....	16
Appendix IV: Information Requests from Workshop Participants.....	20

## Workshop Summary

To facilitate communication and collaboration between environmental non-government organizations (ENGOS) and the Department of Fisheries and Oceans (DFO), a National Fish Habitat Coordinating Committee was established in 2006 comprised of DFO and ENGO members of the Canadian Environmental Network (RCEN) (see Appendix I for members).

Initial workshops were held in Ottawa (October 2006) and in the Pacific Region (March 2007). Following on the success of those workshops, a national DFO-ENGO workshop facilitated by the RCEN was held on November 5 and 6<sup>th</sup> 2007 to discuss the Habitat Management Program's Risk Management Framework, including the role of science, and DFO's Compliance Framework. This national workshop was jointly organized and co-chaired by ENGO members of the RCEN and staff of the DFO Habitat Management Directorate in Ottawa, and brought together ENGOS across Canada to discuss with DFO ways to improve implementation of the Habitat Management Program (HMP) and address the various concerns of ENGOS from across Canada.

The primary objective of the workshop was to bring together DFO staff and representatives from ENGOS (including fish habitat stewardship groups) from across Canada to discuss ways to improve the implementation of the Habitat Management Program. More specifically, this national workshop focused on the Risk Management Framework and Compliance Framework.

ENGOS across Canada have concerns about the destruction of fish habitat, including cases where DFO failed to take enforcement action pursuant to Section 35(2) of the Fisheries Act. ENGOS are regularly involved in habitat stewardship activities, including enhancement and restoration projects, and continue to see incidences of fish habitat destruction where such destruction could have been avoided by DFO. Of particular concern are how low risk activities are addressed under the Environmental Process Modernization Plan (EPMP), and the cumulative impacts of ongoing low impact activities taking place and without the proponent having to notify DFO so that it can be monitored. ENGOS across Canada are deeply concerned that the Risk Management Framework (RMF) will result in lack of monitoring of activities considered low impact, particularly as there is currently no mechanism to measure or guard against cumulative effects.

During the workshop, ENGOS expressed a fundamental disagreement with the use of Letters of Advice (LoA) and Operational Position Statements (OS) as authorizations for activities deemed to have a low risk of damaging fish or fish habitat. LoAs and OS developed to reduce the number of low risk habitat referrals to the Department each year are seen as decreasing public awareness and subsequent participation in reviewing project applications that could be reviewed as part of environmental assessments triggered by the potential issuance of an Authorization of Habitat Alteration, Disruption or Destruction (HADD), as well as allowing unacceptable habitat destruction.

The voluntary nature of compliance with the LoAs and OSs was also of concern, particularly if the use of these leads to destruction of fish or fish habitat, without a clear authorization to do so. ENGO's presented case studies from the regions, with specific examples of where habitat is being destroyed, and where there is difficulty in gaining the

necessary cooperation from DFO to ensure that we don't continue to lose habitat.

Several organizations raised issues regarding Memorandums of Understanding (MoU) with various levels of government and industry and suggestions were made to create goal based MoUs so that habitat protection is achieved. There is a need for a system where information that is collected by ENGOs can be given to DFO for action.

DFO presentations demonstrated a clear need for increased capacity, and that the development and implementation of the EPMP was a response, in part, to the large number of referrals it was receiving each year. The EPMP, including the Risk Management Framework, will redistribute the large workload, previously focused on requests for reviews of project referrals, into a broader risk management approach.

The history behind the development of the EPMP was described, as well as the development of the RMF, particularly with respect to the life cycle approach. The RMF was described as needing continual improvement through communication, consultation and collaboration with stakeholders. The RMF was also addressed by DFO staff in terms of a decision making process that considers science and values to reach a conclusion.

Following the ENGO case studies, examples of regional implementation of the RMF, with a focus on successful protection of fish and fish habitat were presented and discussed. There are regional differences, particularly in the relationship between ENGOs and DFO, and hence the level of collaboration around fish habitat protection.

A representative from the Natural Resources Industry Association (NRIA) was invited to offer an example of where the EPMP and the RMF as it is currently applied, resulted in successful protection of fish habitat. While the regulatory process has become streamlined, and there is increased predictability for industry regarding activities that may cause a HADD, it was difficult to see where improvements had been made in actual protection of fish or fish habitat. Examples of best practices in the forestry industry in Alberta were offered by ENGOs. The discussion with the NRIA representative was useful, and indicated that a joint meeting between the ENGOs and the NRIA may provide an opening to find some common ground.

On the second day of the workshop, the focus of the discussion switched to achieving compliance with the habitat protection provisions of the Fisheries Act. The discussion was productive, and led to several ideas for how ENGOs can help promote compliance and become involved in reporting and prosecution when a HADD occurs. Challenges to on the ground enforcement were clearly articulated by C&P representatives.

In summary, the discussion covered some difficult topics, and there remained a desire to have more information on the scientific information that is being used to make habitat authorization decisions, in the context of the EPMP and the RMF. There was an increased level of understanding of the challenges facing ENGOs who are often called upon to address habitat destruction and the task of DFO to protect fish and fish habitat. Recommendations were put forth to improve both communication and collaboration between DFO and ENGOs as well as how to improve the protection of fish and fish habitat in Canada.

**Areas identified for Improvement:** Comments were made before, during and after the meeting that the agenda was too ambitious and the discussion including the question

and answer session limiting. Some changes were made throughout the meeting to accommodate these concerns but time was too short to make any substantive changes. The workshop organizing committee welcomes suggestions for future meetings with regards to structure and organization.

## ENGO Recommendations Arising from the Workshop

The detailed discussions leading to the recommendations presented below can be found in the full report on the workshop, entitled “What Was Said”, which is available on the RCEN website. These recommendations are meant to provide a path forward in protecting fish and fish habitat in Canadian waters, and particularly in building the relationship between Canadian ENGOs and DFO in achieving this mutual goal.

	<b><u>Process and Opportunities for Collaboration</u></b>	<b><u>Progress / Next Steps</u></b>
	<b>National</b>	
1	Integrate collaborations and organize multi stakeholder meetings, including industry, Conservation NGOs, government and First Nations so that common ground may be found in protecting fish and fish habitat.	Priority Action For 2008/2009
2	Based on success with increased communication between Habitat Branch and ENGOs, DFO should encourage similar relationship with Science and Fisheries and Aquaculture Management particularly with regards to decision making processes. .	General Recommendation
3	Facilitate ENGO/DFO/Environment Canada meeting on deleterious substances (Section 36 of the Fisheries Act).	RCEN to follow up with EC and RCEN Water Caucus.
	<b>Regional</b>	
4	Address regional and provincial disparity particularly regarding ENGO understanding and delivery of the habitat management program, as well as increased consultative processes.	Priority Action for 2008/2009
5	DFO should work with ENGOs and stewardship groups to help identify and prioritize areas where there is extremely low tolerance for continued or additional habitat loss.	Potential for regional action
6	Hold multi-stakeholder working groups at regional level to set common priorities/goals.	Priorities are C & A Region and Atlantic Canada.
7	DFO support for comprehensive, integrated management plans for coastal and watershed areas, in addition to integrated management plans for Large Ocean Management Areas.	Link with activities between DFO and Conservation NGOs. (March 2008 Workshop)
8	Provide community groups with criteria to identify and report violations to the Fisheries Act. Information is available from DFO and from ENGOs,	Follow up action by RCEN. Relevant information to be posted on RCEN website.
9	DFO ensure follow up on reported violations of the	C & P responsibility?

	habitat provisions of the Fisheries Act.	
10	ENGOS provide examples of best practices where they exist, for activities that affect fish and fish habitat, and communicate these to industry as well as Habitat Management.	Part of multi-stakeholder processes, once established.
11	Provide information on budget allocation so ENGOS can contact their MPs	Follow up action RCEN to post link to budget information.
12	<b>Maritimes Region:</b> Develop regional process and collaboration for developing action plans and addressing regional priorities.	Atlantic Canadian NFHCC / RCEN Members to facilitate.
13	<b>Quebec:</b> Increase communication between DFO, RCEN and PQ ENGOS.	RCEN re-establishing in PQ, need to encourage participation by PQ ENGOS at national workshops, until regional workshop possible.
14	<b>Central and Arctic:</b> Identify priorities on more local level and explore opportunities for consultations on the Habitat Management Program in the Central & Arctic Region.	Priority area for regional workshop.
15	<b>BC/Alberta:</b> Develop habitat perspective on the pine beetle infestation and deforestation management practice. BC: Address habitat concerns about gravel mining in Fraser River, oil and gas exploration, cumulative impacts of urban development.	To be addressed at the regional level.
	<b><u>Habitat Management Program Improvement</u></b>	
16	Regional consideration of existence and protection of control areas of fish habitat to ensure baseline of no impact against which impact can be measured.	Should be included in integrated management processes at the watershed and LOMA level.
17	DFO integration of habitat conservation objectives and needs with fisheries and aquaculture management objectives, both federally and provincially.	DFO to take the lead,
18	Habitat for both freshwater and marine fish species in Canada should be defined, identified and where possible mapped. Academic information and traditional as well as local ecological knowledge should be used.	Elements should be included in Ecosystem Overview Assessment Reports (see Chapter 3, 1986 Habitat Policy)
19	Develop indicators of habitat protection effectiveness and ecosystem health.	Ongoing efforts within DFO, EC also has indicators, Indicators and efforts to develop indicators need to be made public.
20	Develop additional pathways of effects for marine habitat impacts, including commercial fishing impacts such as those attributed to bottom tending gear.	Follow up with Habitat Branch and Sustainable Fisheries Framework development.

21	Invest more funding in providing the science underpinning the mandate of DFO as well as more resources in habitat identification and information systems so that DFO can effectively protect fish and fish habitat.	ENGOS / CNGOs could advocate for ocean / fish / fish habitat related funding in next federal budget process.
22	Ensure the precautionary approach and the ecosystem approach are defined and are overarching principles embedded in Habitat Management Program.	DFO to respond.
23	Establish mandatory notification system for Section 35.2 authorizations, including geo-referencing and nature of works to be completed, so that DFO can monitor for compliance and effectiveness as well as cumulative effects on a regional and national level.	DFO to respond.
24	Establish process and mechanism to determine cumulative effects when there are multiple “low risk” activities being carried out through letters of advice and operational position statements (work with municipalities and provinces on cumulative effects monitoring)	DFO to respond.
25	Increase the rate of enforcement of the habitat provisions of the Fisheries Act when a HADD occurs.	Increase in inspectors in some regions may increase enforcement. Continual improvement needs to be seen.
26	Develop annual habitat audit to include area that has been authorized for HADDs, area compensated, audit of no net loss and net gain.	Potentially addressed in upcoming Auditor General review of Section 35 and 36 of the Fisheries Act.
	<b><u>MoU's With Jurisdictions, Organizations and Proponents</u></b>	
27	MoU's with provinces, municipalities, industry should be public information.	MoUs are public information, links to be posted on RCEN website.
28	Increase monitoring to ensure that MoU's are not resulting in decreased habitat protection.	See 25.
29	Build in process for shared goals and continuous improvement as well as annual review, when developing MoUs with government, industry and non-government.	Requires input from relevant government departments.
	<b><u>Compliance and Enforcement</u></b>	
30	C&P should meet with ENGOS to educate about monitoring, proper methods for reporting HADD or other violations of the Fisheries Act, and train ENGOS to collect information that can be effective in prosecuting violations.	Partner with Stewardship Groups and CNGOs on information sharing with DFO, including citizen science programs.
31	Ensure communication/promotion of compliance.	Best Management Practices and ensure that conditions of OPS are

		enforceable (Bill C-32)
32	ENGO community assists in gathering statements similar to a Victim Impact Statement to be provided for sentencing in successful Fisheries Act prosecutions, if the courts will allow this.	DFO to respond.

# Implementation of ENGO Recommendations: National and Regional Priorities

## Process and Opportunities for Collaboration

Following the November 2007 workshop, the National Fish Habitat Coordinating Committee and the Workshop Organizing Committee distilled the ENGO recommendations to establish priorities for the coming year. Recommendations that can be achieved by the NFHCC are included in the 2008/2009 workplan, and more general recommendations that pertain to the overall functioning of DFO are included here, and to be integrated into parallel processes related to ENGO communication with the DFO.

### National

Both ENGOs and DFO are committed to help each other fulfill the common goal of increased protection of fish and fish habitat, particularly through clear communication between all groups. As part of the continued communication between the ENGOs via the Canadian Environmental Network (RCEN), ENGOs should work together to provide DFO with specific priority concerns at the national, regional and local levels. Additionally, meetings should be used to come to agreement on specific recommendations to put forward to decision makers. It is the intent of better communication to lead to meaningful consultation and collaboration resulting in fish and fish habitat protection.

Recognizing that communication must also occur between the stakeholder groups, which include ENGOs, conservation NGOs, industry, First Nations and government (municipal, provincial and federal), it is recommended that:

- 1. DFO Habitat Management Program create a framework for a multi-stakeholder process within which to address common concerns regarding the protection of fish and fish habitat.**

Based on the successful process established with the formation of the National Fish Habitat Coordinating Committee and regional relationships between DFO and ENGOs in the Pacific Region, it is recommended that:

- 2. This relationship be extended to other branches of the DFO as well as regions, including Science and Fisheries and Aquaculture Management, in order to establish ENGOs as legitimate stakeholders in departmental decision making processes.**

In efforts to ensure effective engagement with stakeholders, particularly those involved in habitat protection, with the intent to improve upon existing processes for consultation regarding the Habitat Management Program, it is recommended that:

- 3. A report be commissioned to determine what ENGOs should be consulted, when consultations should take place and with whom.**

While outside the mandate of the NFHCC, it is also suggested that a DFO wide process be started to fully examine existing consultation methodologies and areas for improvement with all stakeholder groups.

## **Regional**

Recognizing that much of the work of ENGOs and stewardship groups in particular, involves activities on the ground, increased relationships between DFO and ENGOs at the regional level is needed. Also recognizing that there is a broad range in collaboration between DFO and ENGOs across regions, and that the model established in the Pacific Region is the most advanced, it is recommended that:

### **4. Efforts be made to hold regional workshops between DFO and ENGOs to educate participants on the Habitat Management Program, develop relationships at the regional level, and establish regional priorities to ensure effective protection of fish and fish habitat.**

Building on the experience of LOMAs, similar processes for coastal and terrestrial areas, should be explored. In order for this to happen in a meaningful way, such processes should be multi-stakeholder events, at the regional and national levels. Increased communication between the goals of the collaboration with the Conservation NGOs and the ENGOs would be a useful step towards this end.

Based on items identified at the National Workshop, regional meetings could focus on, but are not limited to, the following:

- Educating participants on the habitat management program;
- Defining, identifying and prioritizing habitat areas where there is an extremely low tolerance for continued or additional habitat loss as well as existing and required control areas;
- Building regional information systems to ensure transparency regarding Section 35.2 authorizations, as well as engaging ENGOs in reporting potential violations.
- Identify existing integrated management and ecosystem based planning processes, or identify where such planning processes are need.
- Implementing recommendations from past national and regional engagements. Methods to enhance compliance with the Fisheries Act at the regional level.

## **Program Activities Related to Habitat Protection**

The precautionary approach and the ecosystem approach should be clearly defined and integrated into the Habitat Management Program. Clear direction has been given by the ENGO community in term of how to increase the effectiveness of the Habitat Management Program. Specifically, it is recommended that:

### **5. Increased resources are allocated to DFO information systems, specifically related to:**

- 1) Defining, identify and map freshwater and marine fish habitat in Canada;**
- 2) Establishing publicly available criteria for when habitat is being damaged;**
- 3) Monitoring of fish habitat and habitat quality;**
- 4) Developing indicators to indicate ecosystem health and effectiveness of habitat protection measures; and,**

**5) Developing electronic notification systems for authorizations under Section 35.2 to better monitor compliance as well as address cumulative effects.**

Given that the 1986 Habitat Policy was created to ensure No Net Loss and includes direction for achieving net gain in fish habitat in Canada, there is a need for increased accountability mechanisms as well as tools with which to measure the effective implementation of this policy. To this end, it is recommended that:

**6. Annual audit processes be developed, and integrated into reports to Parliament, that include area authorized for HADDs, and area compensated on both regional and national levels as well as levels of compliance with the habitat protection regulations. Annual reporting should also include delivery of the Habitat Management Program respective of the MoUs with stakeholders, including provincial and municipal governments.**

From a legislative perspective, and in light of efforts to bring in new fisheries legislation, it is also recommended that:

**7. Fisheries legislation in Canada include a mandatory requirement for proponents to obtain approval to work in and around fish habitat and that strengthens the enforcement sections related to fish habitat protection.**

## **Actions and Next Steps**

As part of acting on the above recommendations, the following activities are included in the draft 2008/2009 Workplan of the NFHCC and related subcommittees.

- DFO will commission a report on a framework for collaborative process, to bring together all stakeholders.
- National multi-stakeholder workshop to specifically address changes needed to DFO legislation and policy to better protect fish and fish habitat.
- Improve ENGO engagement in other DFO programs, as set by the example of DFO Habitat Management Program.
- DFO will commission report on ENGO consultative process.
- Two regional workshops will be held, with the facilitation of the DFO regions and RCEN affiliates in those regions. Targeted regions include Central and Artic, with a focus on Alberta and the Atlantic Provinces, to include New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland.
- A meeting between the RCEN and ENGO members of the NFHCC with the Deputy Minister of Fisheries and Oceans will be arranged to communicate the relationship between the ENGOs and DFO as well as recommendations from the workshops.
- Include a presentation from the NFHCC on the agenda of upcoming meetings of the Fisheries and Aquaculture Ministers.

# Appendix I: National Fish Habitat Coordinating Committee

## ENGO-DFO National Fish Habitat Coordinating Committee: 2007-2008

### Canadian Environmental Network

Olga Schwartzkopf, RCEN The Soil & Water Conservation Society - BC Chapter, [olgams@shaw.ca](mailto:olgams@shaw.ca)

Martha Kostuch, RCEN Vice-President The Friends of the Oldman River, [marthak@xplorenet.com](mailto:marthak@xplorenet.com)

Cliff Wallis, RCEN Alberta Wilderness Association, [deercroft@shaw.ca](mailto:deercroft@shaw.ca)

Susanna Fuller, RCEN Marine Conservation Coordinator, Ecology Action Centre, [marine@ecologyaction.ca](mailto:marine@ecologyaction.ca)

Leela Ramachandran, RCEN National Caucus Coordinator, Canadian Environmental Network, [leela@cen-rce.org](mailto:leela@cen-rce.org)

### Department of Fisheries and Oceans

Patrice LeBlanc, DFO A/Director, Habitat Management Directorate, Oceans and Habitat Sector, Fisheries and Oceans Canada, [leblancpa@dfo-mpo.gc.ca](mailto:leblancpa@dfo-mpo.gc.ca)

Ginny Flood, DFO Director, Environmental Assessments and Major Projects, Habitat Management Directorate, Oceans and Habitat Sector, Fisheries and Oceans Canada, [floodg@dfo-mpo.gc.ca](mailto:floodg@dfo-mpo.gc.ca)

Pierre Lemieux, DFO Director, Program Support and Development, Conservation and Protection, Fisheries and Aquaculture Management Sector, Fisheries and Oceans Canada, [LemieuxPie@DFO-MPO.GC.CA](mailto:LemieuxPie@DFO-MPO.GC.CA)

Kim Houston, DFO A/Director, Environment and Biodiversity Science, Science Sector, Ottawa Fisheries and Oceans Canada, [HoustonK@DFO-MPO.GC.CA](mailto:HoustonK@DFO-MPO.GC.CA)

Nicholas Winfield, DFO A/Director, Habitat Protection and Sustainable Development, Habitat Management Directorate, Oceans and Habitat Sector, Fisheries and Oceans Canada, [WinfieldN@DFO-MPO.GC.CA](mailto:WinfieldN@DFO-MPO.GC.CA)

Randall Lake, DFO Senior Habitat Advisor, Habitat Management, Fisheries and Oceans Canada, [laker@dfo-mpo.gc.ca](mailto:laker@dfo-mpo.gc.ca)

Michel Bourgon, DFO, Chief, EA Operational Policy, Environmental Assessment and Major Projects, Habitat Management Directorate, Oceans and Habitat Sector, Fisheries and Oceans Canada, [bourgonm@dfo-mpo.gc.ca](mailto:bourgonm@dfo-mpo.gc.ca)

## Appendix II: Workshop Participants

### RCEN Environmental Non-Government Organization (ENGO) Participants:

**Susanna D. Fuller**, Ecology Action Centre, NS\*+  
**Martha Kostuch**, The Friends of the Oldman River, AB\*  
**Olga Schwartzkopf**, The Soil & Water Conservation Society - BC Chapter\*  
**Cliff Wallis**, Alberta Wilderness Association, AB\*  
**Julie Huntington**, CPAWS, NL +  
**John Werring**, David Suzuki Foundation, BC +  
**Doug Badger**, Regional Environmental Action Committee, AB  
**Denys Bourque**, Club d'ornithologie du Madawaska, Itée / Les Intendants du Madawaska, NB  
**Meredith Brown**, Ottawa Riverkeeper/Waterkeeper Alliance, ON  
**Gretchen Fitzgerald**, Sierra Club of Canada, Atlantic Chapter/Nova Scotia Environmental Network, NS  
**Lisa Marie Fox**, Cochrane Environmental Action Committee, AB  
**Jen Graham**, Coastal Coalition of Nova Scotia, NS  
**Joseph Hnatiuk**, Canadian Society of Environmental Biologists, SK  
**Sharon Jeffery**, Vancouver Aquarium Marine Sciences Center/University of British Columbia, BC  
**Bruno Marcocchio**, Sierra Club of Canada, Atlantic Chapter NS  
**Allister Marshall**, Potlotek Fish and Wildlife Association, NS  
**Zo Ann Morten**, Pacific Streamkeepers Foundation/SEHAB, BC  
**Isabel Muzichuk**, Concerned Citizens for a Safe and Healthy Environment/Saskatchewan Eco-Network, SK  
**Dianne Ramage**, Pacific Salmon Foundation, BC

\* ENGO member of the National Fish Habitat Coordinating Committee

+ ENGO member of the Workshop Organizing Committee

### Fisheries and Oceans Canada Participants:

**Patrice LeBlanc**, Director, Habitat Protection and Sustainable Development, Ottawa  
**Ginny Flood**, National Director, Environmental Assessment and Major Projects, Ottawa  
**Doug May**, A/Director, Habitat Program Services Branch, Ottawa  
**Nicholas Winfield**, Manager, Operational Liaison, Habitat Protection and Sustainable Development, Ottawa  
**Christine Stoneman**, Chief, National Operating Policies, Ottawa  
**Randy Lake**, Senior Habitat Advisor, Habitat Protection and Sustainable Development, Ottawa  
**Pierre Lemieux**, Director, Conservation and Protection, Fisheries and Aquaculture Management, Ottawa  
**Jacob (need last name)**, Conservation and Protection, Fisheries and Aquaculture Management, Central and Arctic Region  
**Kim Houston**, A/Director, Environment and Biodiversity Science, Ottawa  
**Mike Bradford**, Research Scientist, Salmon and Freshwater Ecosystems, Vancouver  
**Guy Michaud**, Institut Maurice Lamontagne, Mont Joli, Quebec  
**Bonnie Antcliffe**, Regional Habitat Manager-Pacific Region, Vancouver, BC

**Julie Dahl**, Regional Habitat Manager-Central and Arctic Region, Winnipeg, MB  
**Bill Ritchie**, Habitat Assessment Biologist, Gulf Region, Moncton, NB  
**Ted Potter**, Regional Habitat Manager – Maritimes, Dartmouth, NS  
**Tilman Bieger**, A/Habitat Manager, Newfoundland and Labrador Region, St John's  
**Michel Bourgon**, Environmental Assessment and Major Projects, Ottawa

**INDUSTRY**

MaryAnn Mihychuck, Prospectors and Developer Association of Canada. Industry co-Chair of DFO – NRIA (National Resource Industries Association) agreement

## Appendix III: Workshop Agenda

### Draft Agenda and Expected Outcomes

**November 5-6, 2007, Pontiac Room  
Level 0, Place du Portage Phase IV, 140 Promenade du Portage  
Gatineau, QC**

**Context:** Workshop organized by the National Fish Habitat Coordinating Committee, to build on the RCEN National ENGO-DFO Workshop (October 2006) and the Pacific Region ENGO-DFO Workshop (March 2007) on DFO Habitat Management.

**Participants:** DFO Habitat Branch (6 regional managers, 4 NHQ, 2 Science, 1 Conservation and Protection), and RCEN ENGO Delegates (20).

**Workshop Co-Chairs:**

-Martha Kostuch, Chair of RCEN Water, Fisheries and Oceans National Caucus  
-Patrice Leblanc, Director of Habitat Protection and Sustainable Development, DFO

**Workshop Facilitator:** Chantal Bois, RCEN Associate Executive Director

**Objective:** To bring together representatives of ENGOs (including fish habitat stewardship groups) and DFO from across Canada to discuss ways to improve the implementation of the habitat management program. More specifically, this workshop will focus on the risk management framework and the habitat compliance framework.

**Outputs of Workshop:**

- ✓ DFO presents regulatory decision framework for discussion and ENGO input
- ✓ A wide range of issues of concern specific to the 2 themes are expressed by the ENGOs and documented in a workshop report for future reference
- ✓ The workshop report will include:
  - a listing of the highest priority issues relating to the risk management framework and the habitat compliance framework;
  - a list of recommendations that identifies opportunities to improve the implementation of the risk management framework and habitat compliance framework
  - Specific opportunities for the ENGO community to work better together with DFO towards the objective of fish habitat protection and conservation, within the regulatory framework.

**Outcomes of Workshop:**

- ✓ Increase trust between ENGOs and DFO, and increase DFO's accountability with the Canadian public.
- ✓ ENGO stakeholders have a clear understanding of how DFO manages fish habitat.
- ✓ DFO better understands ENGO concerns with regards to fish habitat protection.

- ✓ The role of science in the risk management framework is clearly articulated and understood.
- ✓ Identify opportunities for collaboration between DFO and ENGOs on the risk management framework and the habitat compliance framework.
- ✓ Develop recommendations to improve collaborative efforts between DFO and ENGO at a regional level on the risk management framework and habitat compliance framework.
- ✓ The workshop report is presented to senior decision-makers with recommendations to improve delivery of the habitat management program.
- ✓ The workshop report is circulated through the ENGO community and the Canadian community at large.

## **Agenda**

### **Day 1: Implementation of the Habitat Management Program and Application of the Risk Management Framework: How is it working?**

**8:30 -8:45 am Welcome and Introductions**

**8:45 – 9:45 am ENGO presentations**

1. History of the National ENGO-DFO Fish Habitat Coordinating Committee (*Martha Kostuch, Friends of the Oldman River, AB*)
2. Regional perspectives on collaboration with the Habitat Management Program (*Susanna Fuller, Ecology Action Center, NS*)

**9:45-9:55 am Questions for Clarification**

**9:55 -10:55 am DFO presentations**

- 1) Overview of Habitat Management Program (*Patrice Leblanc*)
- 2) Development and Implementation of the Risk Management Framework (Christine Stoneman, DFO Habitat Management Program)
- 3) Ecological Risk Assessment Framework (Dr. Mike Bradford, DFO Science Branch)

10:55-11:10 Questions for Clarification

11:10-11:25 am Break: coffee and muffins

11:25 am -12:30 pm Discussion Questions - Development of the Risk Management Framework

- How do we improve the design and implementation of RMF? (30 mins)

Outcome: Identify if the RMF adequately meets the concerns of ENGOs and if it fulfills the mandate of DFO. Understanding of the evaluation mechanism within the RMF. Identify alternative management framework.

- Has the role of science been adequately described? (11 mins)

Outcome: Clear understanding of how DFO uses science in the RMF. DFO understands the concerns of the ENGO community in the role of science.

- Are there science gaps that need to be filled? (11mins)

Outcome: If there are places with in the pathway of effects where there are uncertainties, suggestions are made to address these gaps. ENGO community has input into science priorities for the Canadian Centres of Excellence)

- Are there technical issues with the RMF and associated Pathways of Effects? (11mins)

Outcome: ENGOs understands the RMF and pathways of effects. Recommendations on RMF improvements. Commitment from DFO to incorporate recommendations.

12:30 – 1:15 pm Lunch

1:15 – 2:30 pm Implementation of the Risk Management Framework in the Habitat Management Program

- ENGO perspectives on implementation of the RMF
  - I. Thematic cases where public has requested ENGO involvement (*5 Case Studies – TBC*)

**2:30 – 2:45 pm Questions for Clarification**

**2:45 – 3:00 pm Break**

**3:00-4:00 pm DFO perspectives on the implementation of the RMF**

- Regional implementation of RMF (*presentation from 2 DFO regions*)
- Role of partners in implementation  
*MaryAnne Mihichuk. Co-Chair, Fisheries and Oceans Canada - National Resource Industries Association agreement*

**4:00 – 4:15 pm Questions for Clarification**

**4:15- 5:15 pm Discussion Questions (15mins/question)**

- What constitutes “successful” delivery of the habitat management program?

Outcome: Understanding ENGO and DFO’s understanding of success – how does this map onto the mandate of DFO? How can ENGO’s help to ensure accountability?

- What are the proponent’s responsibilities and how can these be better reported on?

Outcome: Public availability of proponents adherence to the letters of advice / Operational Statements.

- What is the link to monitoring?

Outcome: Understanding of how monitoring addresses accountability.

- Where is improvement needed in using the RMF to make habitat management decisions?

Outcome: List of recommendations and mechanism to implement these recommendations for improvement.

5:15 – 5:30 pm Wrap-up

## **Day 2: Achieving Compliance with the habitat protection provisions of the Fisheries Act**

8:30 – 8:35 Outline Goals for the Day

8:35 – 9:35 am Overview of DFO's habitat compliance framework (Nicholas Winfield and Pierre Lemieux,)

- Habitat protection provisions of the Fisheries Act
- National protocol between Habitat Sector and Conservation and Protection (C&P)
- Organizational structure: Habitat and C&P
- Monitoring for compliance – strategic considerations
- Investigation and enforcement process
- Investigation and enforcement efforts by DFO

**9:35 – 9:50 am Questions for Clarification**

**9:50 – 10:50 am ENGO perspective on regional compliance issues under the habitat protection provisions of the *Fisheries Act* (Facilitated Discussion)**

**10:50 – 11:00 am Questions for Clarification**

**11:00 – 11:15 am Break: coffee and muffins**

**11:15 – 12:15 pm Discussion Questions:**

- How can DFO and ENGO community work together to promote assist and compel compliance with the habitat protection provisions of the Fisheries Act?

Outcome: Identify for each region specific examples and concrete steps on how ENGOs and DFO can collaborate at a regional level.

- What are the priority areas (geographic, thematic areas etc.) recommended by the ENGO community to undertake compliance activities?

Outcome: Identify for each region the strategic priorities for compliance monitoring at a regional level.

12:15 – 12:30 pm Wrap-up

## Appendix IV: Information Requests from Workshop Participants

Technical reports on the Pathways of Effects. For the 2005 Pathways of Effects review, the Terms of Reference, the Proceedings, and the Research Document on oxygen and temperature are all directly linked from the following:

[http://www.meds-sdmm.dfo-mpo.gc.ca/csas/applications/Events/event\\_e.asp?year\\_selected=2005#September](http://www.meds-sdmm.dfo-mpo.gc.ca/csas/applications/Events/event_e.asp?year_selected=2005#September) .

Additional research documents, one on sediment concentration, and one on habitat structure and function were refined after the meeting, and published as DFO Technical Reports. These two reports are available at the same link under 'Other publications'.

The outputs of the 2007 review will be a Proceedings document and a Technical Report, both of which are in preparation.

**Links to MoU's:** [http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/aboutus-afropos/partners-partenaires/index\\_e.asp#Partnering](http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/aboutus-afropos/partners-partenaires/index_e.asp#Partnering)

**Practitioners Guide to Fish Habitat Management Procedures** can be found at: [http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/policies-politique/operatingoperation/index\\_e.asp](http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/policies-politique/operatingoperation/index_e.asp)