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MEMORANDUM FOR THE DEPUTY MINISTER

**ABORIGINAL FISHERIES GUARDIAN PROGRAM FOR THE  
BRITISH COLUMBIA AQUACULTURE REGULATION PROGRAM**

(Information Only)

**SUMMARY**

- DFO, Pacific Region will hire permanent full-time employees in Aquaculture Management Directorate and Conservation and Protection to deliver the new British Columbia Aquaculture Regulatory Program rather than hiring consultants.
- DFO will not be developing an Aboriginal Fisheries Guardian Program in the first year of the new Pacific Aquaculture Program.

**Analysis / DFO Comment**

**Rational for use of Permanent Employees**

- DFO, Pacific Region will hire permanent full-time employees in Aquaculture Management Directorate (AMD) and Conservation and Protection (C&P) to deliver the new British Columbia Aquaculture Regulatory Program rather than hiring consultants.
- While contractors (or casual employees?) may be employed as an interim measure while waiting to hire permanent full-time employees, there is a higher risk of not finding adequately qualified individuals through a contracting

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situation. This option would also involve significant investments in training temporary staff, which would not be a practical use of resources.

- AMD has determined that it is feasible to complete anticipatory staffing actions in time to have all essential positions staffed before December 18, 2010. Permanent employees can be carefully screened for aptitudes, expertise, training, and organizational fit, which will reduce risks of high turnover and increase long-term returns on investments, as well as maintain expertise.
- C&P has determined that they will temporarily re-assign some existing staff in the region to assist with the program development and to address the program needs. However, recruitment and training of Fishery Officers for the purposes of the BC Aquaculture Regulations will be completed this fiscal year.
- Given that AMD employees will be required to collect information, conduct tests, take measurements and samples that may be used in court proceedings, AMD staff will require training to learn their limited powers in order to receive their Fishery Guardian designation.

### **Aboriginal Fisheries Guardian Program**

- DFO will not be developing an Aboriginal Guardian Program in the first year of the new Pacific Aquaculture Program. The funding proposal for the implementation of the Pacific Aquaculture regulatory regime does not include provisions for an Aboriginal Fisheries Guardian Program.
- The Aboriginal Fisheries Guardian program was started in the 1990's under the Aboriginal Fisheries Strategy when FN individuals were trained and designated under the Fisheries Act as guardians with limited powers. They worked closely with Fishery Officers and with the FN communities.
- First Nations are proposing to revive the Guardian program as an economic opportunity, a "confidence-building" function, and an oversight role.
- There is considerable uncertainty regarding general use of such programs: Conservation and Protection (C&P) is currently developing a national framework to guide their engagement in this program, which is administered by Aboriginal Policy and Governance (APG) with the goal of resuming a National Aboriginal Fisheries Guardian training program in the near future.
- In moving forward under a federal regulatory regime, DFO could potentially combine some or all of the environmental monitoring requirements to be under "observer" programs carried out through contracts. This would enable DFO to screen contractors for qualifications and would set up a direct accountability between the observers and DFO, instead of information from the "contractors"

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to the farm companies to DFO. Such contracts could also offer a positive alternative as the Aboriginal Fisheries Guardian program is a Grants and Contributions program.

- This could meet FN expectations for a greater oversight, independent role without directly increasing government costs. It may, however, have indirect cost implications to DFO.