

UPDATE ON DFO'S INTEGRATED HABITAT COMPLIANCE PROGRAM

SPEAKING POINTS FOR THE MINISTER

- **Fisheries and Oceans Canada's (DFO's) Ecosystems and Fisheries Management (EFM) Sector is committed to the implementation of a risk-based, integrated habitat compliance program through Habitat Management Program (HMP) and Conservation and Protection (C&P).**
- **Regional habitat compliance activities and decisions are guided by implementation of the *National Habitat Compliance Protocol* and the *Habitat Compliance Decision Framework*. The decision framework is based on a Compliance Risk Assessment to determine the appropriate level of response to habitat compliance issues.**
- **As reflected in the revised National Protocol, the role of HMP's habitat biologists is to focus on monitoring for both compliance and effectiveness of regulatory requirements. Their work is complemented by Fishery Officers whose role is to compel compliance with the Act.**
- **Recent amendments to the National Protocol aim to provide clarity to staff regarding their roles and responsibilities, in particular that HMP will no longer conduct activities to compel compliance. HMP will support C&P in enforcement actions including issuance of Inspector's directions and warnings.**
- **This change will address occupational health and safety**

concerns raised by an internal audit of DFO's Conservation and Protection Program; and is consistent with the decision to focus HMP Habitat staff on compliance education and promotion, as well as voluntary restoration measures, prior to involving C&P staff to administer enforcement activities.

- **Habitat biologists will also take a lead role in determining the compliance risk posed by a fish habitat related occurrence, and in particular when the risk is high enough to warrant C&P involvement. This will help ensure that limited enforcement resources are directed at the highest priority issues.**

BACKGROUND

- **In 2004, in response to decisions to refocus habitat compliance management, DFO launched its Habitat Compliance Modernization (HCM) program. Among the objectives of HCM were implementing a risk-based approach to compliance management, and placing an emphasis on compliance education and promotion before taking enforcement action.**
- **Since that time, as part of these decisions, resource levels, roles and responsibilities of HMP and C&P have changed.**
- **In 2006, the Departmental Management Committee (DMC) directed Oceans, Habitat and Species at Risk (OHSAR) and Fisheries and Aquaculture Management (FAM) to develop a *National Habitat Compliance Protocol* to clarify the roles and responsibilities of HMP and C&P in the delivery of the integrated habitat compliance program.**

- **The following year, the Assistant Deputy Ministers of OHSAR and FAM signed the National Protocol and the regions were requested to develop regional operational protocols to later form as annexes to the National Protocol.**