

Todd, Cliff

From: Steele, Paul
Sent: April 7, 2011 8:40 AM
To: Todd, Cliff
Subject: Fw: Implementation Strategy for the National Protocol 2011 // Stratégie de mise en œuvre du Protocole national 2011
Attachments: Implementation Strategy for RD.PPT; Revised Q&As.doc; FR_Implementation_Strategy.PPT; FR_Revised_QAs.doc

From: Shepherd, Jaclyn
To: Steele, Paul
Cc: Lemieux, Pierre - HQ
Sent: Wed Apr 06 13:28:33 2011
Subject: FW: Implementation Strategy for the National Protocol 2011 // Stratégie de mise en œuvre du Protocole national 2011

[Your message with the strategy and Q&As.](#)

From: Steele, Paul
February 8, 2011 3:54 PM **:Sent**
Nelson, Randy; Anderson, Kevin; Bergeron, Helene; Carroll, Bunny; Chouinard, John; Colpitts, Patty; Ford, Leanne; Ragetti, Henri L; MacLean, **:To**
(Allan; Martin, Edmond; Perron, Josée; Robichaud, Lisa (GFC

Burgess, Steve; Lemieux, Pierre - HQ; Jenkins, Randy; Shepherd, Jaclyn **:Cc**
Implementation Strategy for the National Protocol 2011 // Stratégie de mise en œuvre du Protocole national 2011 **:Subject**

,Hello / Bonjour

Please find attached a presentation and Question & Answers for dissemination to all C&P staff regarding the
.implementation strategy for the revised National Habitat Compliance Protocol

<<Implementation Strategy for RD.PPT>> <<Revised Q&As.doc>>

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Vous trouverez en pièces jointes une présentation et des questions et réponses pour envoyer au personnel de C
.de mesures de conformité touchant l'habitat œuvre du Protocole national et P référant à la stratégie de mise en

,Merci

<<FR_Implementation_Strategy.PPT>> <<FR_Revised_QAs.doc>>

Paul Steele
Director General / Directeur général
Conservation and/et Protection

07/04/2011

Will the revised Protocol change my workload?

The revised National Habitat Compliance Protocol is not meant to change the work or workload of HMP or C&P staff. The revised Protocol clarifies who is the “lead” for the final determination of the overall Compliance Risk Assessment and identifies the “lead” on response to Compliance Issues. The Protocol promotes consistency and transparency in the risk management and decision-making process and specifies the roles of each party when it comes to enforcement actions.

Under the revised Protocol, who will be the first responder to occurrences?

The revised National Habitat Compliance Protocol does not identify who is the first responder to incidences of potential non-compliance (i.e. occurrences). The Protocol clarifies who leads the Risk Assessment and compliance and enforcement activities. Who carries out the response, and when and how it is carried out, will be determined using the Habitat Compliance Decision Framework. The development of regional protocols will continue to address these operational issues and will provide a greater level of detail as to how these clarified roles and responsibilities are shared.

How will Habitat Management staff be able to deal with urgent cases of non-compliance?


The revised National Habitat Compliance Protocol does not prevent HMP staff from identifying incidences of non-compliance, or working on an urgent basis to identify and implement measures to rectify these incidences through voluntary actions of proponents. However, where action is required to compel compliance or to enforce the *Fisheries Act*, HMP staff will need to seek assistance from enforcement officers, either within C&P, or other agencies. Habitat Management staff should operate within the guidelines of their regional compliance protocols and are encouraged to raise any concerns related to how urgent files are handled with their supervisor and/or regional managers. Collaboration and good communications between both programs is encouraged in order to respond efficiently to cases of non-compliance.

How will designations and training be managed?

Designations and training is a priority for C&P, NHQ. Fishery officers will be designated as inspectors and all habitat biologists that conduct compliance monitoring will be designated as fishery guardians. These designations will provide fishery officers the authority to issue Inspector's directions and biologists the authority to conduct inspections and to trespass in order to perform their duties. The biologists will not have the authority to arrest, use force or to search. These limitations will be stated on their ID cards. The management and issuance

of inspector and fishery guardian ID cards for the habitat compliance program will be the responsibility of the Director General, C&P, NHQ. A procedure document for obtaining ID cards will be sent to habitat staff shortly.

By end of fiscal year 2010-11, the training curriculum for a revised habitat inspection course and a training plan will be developed for the upcoming fiscal year. Among the objectives of this course, staff from both programs will receive legal training on their powers granted under the Act.



2011-2013 Implementation Strategy for the revised *National Habitat Compliance Protocol*

Conservation & Protection
Habitat Management Program
February 2011

Purpose

- Update on revised National Protocol
- Summary of changes
- Designations
- Training
- Next Steps

Update on National Protocol

- The revised National Protocol (2011) has been approved by the Deputy Minister.
- A subsequent message was sent by the DGs of C&P and HMP to all regional staff to:
 - Announce the approval of the revised Protocol; and
 - Provide a link to the signed document on the Intranet site.

Summary of Changes

1. Under section 5.4, Occurrence Screening, HMP has been established as the “lead” party accountable for the final determination of the overall Compliance Risk Assessment, in collaboration with C&P to incorporate information on the compliance factors.

		Impacts (Real or Potential) on Fish and Fish Habitat:			
		High	Medium	Low	No Impacts
Compliance Factors	High	Significant Risk	Moderate Risk	Low Risk	No Risk
	Medium				
	Low				

Summary of Changes

2. Under section 5.5, Responding to Compliance Issues, the “lead” party is C&P for the issuance of Inspector’s directions, warnings and Ministerial Orders.
 - HMP will continue to support C&P in the development of the *contents* of such documents.
 - HMP will continue to lead on low risk monitoring and occurrence response, and to promote and assist compliance through education and voluntary action.
 - In high risk cases, where enforcement action is required to compel compliance, C&P will be the lead with support from HMP.



Activity

Occurrence Screening

means, the initial information gathering and risk assessment of occurrence management used to inform a response decision.

Response to Compliance Issues

means activities aimed at voluntary restoration, to promote, to assist and to compel compliance with the habitat protection provisions of the *Fisheries Act*

From ... in 2007

Joint screening of occurrences with no lead party identified.

HMP led activities aimed at voluntary restoration and the issuance of Inspector's directions, warnings and Ministerial orders, in collaboration with C&P.

To ... in 2011

HMP leads occurrence screening to determine the overall level of compliance risk, in collaboration with C&P, in support of the *Habitat Compliance Decision Framework*.

HMP continues to lead activities aimed at voluntary restoration. **C&P leads** the issuance of Inspector's directions, warnings and Ministerial orders, conducting investigations and proceeding with prosecution, with support from HMP.

Strategic Planning for habitat compliance activities will continue to be led by HMP, with support from C&P, and each program will integrate identified priorities into their respective plans.

Compliance Promotion, including education, partnering and voluntary action will continue to be led by HMP, with support from C&P.

Monitoring of Previously Reviewed Projects will continue to be led by HMP, with support from C&P.

Information Management will continue to be tracked and maintained by HMP and C&P, in their respective national databases, for the activities that each program assumes the lead responsibility for.

Designations



- The changes to roles & responsibilities under the revised Protocol have implications on designations and training.
- The intention is to create national consistency in regional designations for the integrated habitat compliance management program.
- HMP will be designated as Fishery Guardians (s. 5) with limited powers.
- C&P Fishery Officers (s. 5) will be designated as Inspectors (s. 38).
- In the coming months, these designations will be issued by the Director General of C&P; and training will be delivered on a priority basis as soon as possible.

Training



- C&P, NHQ will manage and coordinate regional delivery of a new habitat enforcement course, formerly named FA-LP 301 Habitat Inspections & Investigations, during the two-year transition.
- The training needs of both C&P and HMP, have recently been reviewed and are being incorporated into a new enforcement course.
- Regional Directors will be requested to provide C&P, NHQ with a priority list of staff who will require training immediately.

Next Steps



- The RDGs will be requested to provide the ADM, EFM their revised Regional Protocols in the coming months, to be completed by the Regional Habitat Compliance Committees.
- HMP and C&P, NHQ are currently reviewing existing occurrence referral processes and tools to establish a national occurrence triage process and guidance materials.
- Frequent messages from the DG of C&P and HMP will be sent to all staff to provide updates on training and guidance materials.