

DFO EC Meeting Minutes

April 14, 2005

10:00-12:00

Boardroom 616

Present :

DFO: Margaret Wright, Bonnie Antcliffe, Christie Van Horne, Wayne Knapp

EC: Lisa Walls, Bruce Kay, Snehal Lakhani

Information Updates

Reduction in DFO water quality support for *Fisheries Act* section 36 issues based on a review specific to Habitat Management. DFO C&P undergoing a review of roles similar to that undertaken by Habitat Management. The role of Fisheries Officers (FO) is under review which may include shifting in the compliance continuum to education and stewardship. The C&P review is expected to be completed this fiscal with preliminary results in June.

The message that some C&P staff have rec'd is that they are no longer going to undertake Section 36(3) work. This is not DFO's position; however, some FO have taken this approach due to the lack of clarity around DFO's Sec. 36 role and the lack of water quality support.

It is impossible for EC to have the same field presence that DFO has in the communities. EC believes that the FO do have some legal obligation to intervene i.e. provide directions to mitigate and collect evidence until EC is able to get to the site.

It is recognized that FO have local knowledge related to sensitivity of the receiving environment.

EC PYR has established an internal Fisheries Act Working Group (FAWG) to plan and coordinate Sec 36 activities. FAWG will be linked to a National EC working group of the same purpose.

Record of Decisions

This EC/DFO group should continue to operate as an ad-doc committee basis and will generally provide directions, set priorities and identify emerging issues as they relate to 36(3). The Committee will identify short, medium and long term pressures.

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Margaret Wright will be the primary DFO contact on Section 36(3) issues.

DFO/EC to provide a note to respective RDG's on the establishment of the adhoc Committee.

DFO to consider and establish a process for EC to obtain fisheries resource information, which includes information on the fisheries, fish and fish habitat and sensitivity.

DFO/EC recognize the need to jointly identify in-house experts that are available to support crown prosecutions. DFO will generally not be able to provide expert witness support other than providing fisheries resource information.

Steve Samis will be the lead on policy issues of national significance. Margaret Wright, Water Quality Manager, to lead on high profile regional issues. It was agreed that DFO and EC will discuss regional issues of common interest before advancing for national policy discussion or decisions e.g., Agriculture and MWWE.

DFO will continue to do contaminant science as it affects fish , but will move away from human health aspects. EC request for research priorities should be directed to the Water Quality Manager as the interface with DFO science. In the short term EC to send research issues to the Water Quality Manager and DFO will review on case by case basis. Longer term EC research needs/issues could be incorporated into the DFO work planning cycle.

DFO/EC enforcement staff need clear direction on when and whether to proceed with investigations and collection of samples. The current C&P review exercise will evaluate the priority for C&P's habitat responsibilities which includes Sec 36 enforcement. This could take the form of risk management. DFO and EC could develop a rating system to describe "significant events" and identify appropriate response level and action. It was agreed that there is some value in EC developing criteria to assist FO on communicating significant events until EC is able to get to the site.

Action items:

- 1) DFO/EC to update RDG's on progress
- 2) EC will consider developing a risk matrix that will provide guidance to FO on "significant events". EC (EED) staff will arrange meetings with DFO field offices to improve communications on spills.
- 3) L. Walls and B. Antcliffe to arrange a follow-up discussion on contaminated sediment issue with K. Hutton and W. Knapp. L. Walls to coordinate EC involvement.

- 4) DFO to forward Operational Statements for EC review.
- 5) B. Kay to take the lead on drafting a one or two pager on outlining 36(3) obligations for compliance promotion purposes. EC to send draft to DFO for review and comment and to incorporate Section 35 requirements.
- 6) EC to start a tracking list of 36(3) related inquiries, similar to what DFO is using.
- 7) Committee will consider a joint DFO/FAWG meeting to discuss 36(3) priorities.
- 8) S. Lakhani to forward PYR's draft list of *Fisheries Act* 36(3) priorities to Margaret Wright.

Next meeting:

Proposed for June.