

**From:** Hoyseth, Kerra  
**Sent:** Wednesday, February 25, 2009 4:20 PM  
**To:** Leone, Nick <Nick.Leone@dfo-mpo.gc.ca>; Lewis, John <John.Lewis@dfo-mpo.gc.ca>; Knight, Joe <Joe.Knight@dfo-mpo.gc.ca>  
**Cc:** Plummer, Greg <Greg.Plummer@dfo-mpo.gc.ca>; Klaver, March <March.Klaver@dfo-mpo.gc.ca>  
**Subject:** RE: Letter to Mainstream

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My last comment - after an incident in August, where 2 fishery officers from Port Hardy addressed a concern raised around a farm (Cecil Island) in the Broughton Archipelago, I said I would try to arrange some information sessions with Fishery Officers from area offices where aquaculture is present. I would still like to do this, with the goals of:

- Explaining how aquaculture is managed by the different sectors of DFO and provincial governments
- Providing guidance on some things that could be monitored on-site if a FO were to do a visit; what is DFO responsible for?
- Enhancing communication between the sectors and creating partnerships for monitoring

Lastly, the Fisheries Inspectors with the Ministry of Agriculture and Lands have a specific responsibility to do compliance checks at fish farms, and I spoke to them about perhaps joining me for that talk, so they could speak to the things they regulate. The Fisheries Inspectors also extended the invitation to join them on site compliance visits to any FO's who took an interest. If any office was especially interested in site visits, I'm sure I could set something up for an informative trip.


I propose we move forward with these information sessions, and set a few dates. Perhaps a meeting in Port Hardy, Campbell River, and Port Alberni would be most appropriate. It is even possible that March tie in her talk at the same time, although perhaps that would be considered a separate discussion.


Please let me know if there is a general time time that is best for this kind of thing, and we'll set a date for each office - I was hoping for a few hours per office to ensure a good dialogue.


Thank you,


***Kerra Hoyseth***


Habitat Management Biologist  
Fisheries & Oceans Canada  
315-940 Alder Street  
Campbell River, BC V9W 2P8

 (250) 850-5721

 (250) 203-0097

 (250) 286-5852

 [Kerra.Hoyseth@dfo-mpo.gc.ca](mailto:Kerra.Hoyseth@dfo-mpo.gc.ca)

 [www.pac.dfo-mpo.gc.ca](http://www.pac.dfo-mpo.gc.ca)

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**From:** Leone, Nick  
**Sent:** February 25, 2009 10:56 AM  
**To:** Hoyseth, Kerra; Lewis, John; Knight, Joe  
**Cc:** Plummer, Greg; Klaver, March; Leone, Nick  
**Subject:** RE: Letter to Mainstream

Okay - I've been monitoring these discussions as I've been out of the office for a couple of days. However, for the record, I am certainly interested in such developments and perhaps more importantly, the process for identifying priorities and required follow-up. I appreciate that, as is often the case, there were a few challenges with respect to this issue, including

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some history - though do wish to ensure that we're collectively undertaking our work in an appropriate and efficient manner as possible; particularly as it comes to our enforcement/compliance affairs. Additionally, and as noted by Kerra; I wish to ensure that our engagement on such matters is conducted respectfully, recognizing the numerous workload challenges we face. Inter-personal and sector relations are our (my) priority and should be recognized as such.

I also appreciate March's input and suggestion on this issue and would recommend that we look to have dedicated discussion around the application of the Aquaculture Access policy and how this relates to obligations under S32. - for improved clarity and understanding. I believe its important to point out that the implementation of the forthcoming HCM Operating Plan will assist us in improved coordination in respect of our compliance management strategy & identification of fiscal monitoring/compliance priorities. These priorities swill need to be clearly defined, mutually agreed upon and hopefully, effectively implemented. Such a plan in turn helps to address issues of respective roles and responsibilities, and expectations. From this, meaningful and & routine communications are really the key. The challenge remains in maintaining good communications in very busy/competing times for all.

I am open to discuss on these matters; though look to our Spring joint-sector HCM workshop to help address/resolve a number of these issues/challenges. However, perhaps in the meantime; we could consider March's recommendation for a session on the access policy & its relation to S32; in respect of finfish operations (at a separate meeting)?

I appreciate the follow-up and response to this issue, and the concerns that have been highlighted and look forward to improvements in engagement in the future.

Regards, Nick

**Nick Leone**

Area Manager

Habitat Management Program

South Coast Area

Nanaimo, BC.

Tel: 250.756.7284

Fax: 250.756.6162

Email: Nick.Leone@dfo-mpo.gc.ca

*SCA Habitat Information Line: 250.740-0544*

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**From:** Hoyseth, Kerra  
**Sent:** February 24, 2009 10:29 AM  
**To:** Lewis, John; Knight, Joe  
**Cc:** Leone, Nick; Plummer, Greg; Klaver, March  
**Subject:** RE: Letter to Mainstream

Thanks, Joe and John.

It certainly helps to understand priorities, which then will give me a realistic view of how issues will be handled. That being said - maybe the priority around aquaculture should be discussed at some point. It was my understanding the FAM was still providing money to C&P to deal with some degree of aquaculture issues - is that still true, March?

I certainly hope to keep things to the local level of discussion, which is why I have for 1 year and 5 months. Even though I raised this at this time, I still feel that Joe and I have a respectful relationship and I'm sure we'll continue to resolve issues that arise in the future.


Thanks for the time, everyone. And Joe, in answer to your question, I feel one letter to Mainstream only is more appropriate than all companies.


**Kerra Hoyseth**


Habitat Management Biologist


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Fisheries & Oceans Canada  
315-940 Alder Street  
Campbell River, BC V9W 2P8

 (250) 850-5721

 (250) 203-0097

 (250) 286-5852

 [Kerra.Hoyseth@dfo-mpo.gc.ca](mailto:Kerra.Hoyseth@dfo-mpo.gc.ca)

 [www.pac.dfo-mpo.gc.ca](http://www.pac.dfo-mpo.gc.ca)

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**From:** Lewis, John  
**Sent:** February 24, 2009 7:11 AM  
**To:** Knight, Joe  
**Cc:** Hoyseth, Kerra; Leone, Nick; Plummer, Greg; Lewis, John; Klaver, March  
**Subject:** RE: Letter to Mainstream

Joe - this is an excellent example of our shortcomings in managing expectations and one which we should all learn from. Aquaculture was not an operational priority for C&P in 2008/09. Our work on this file should have been explained to Kerra that our ability to follow up would be secondary to our IRM validated op priorities; in other words, time permitting; on a multi tasked patrol. That said, you or your assigned staff member with this occurrence (in DVS I hope) should have assisted in managing expectations by maintaining contact with Kerra.

Kerra, in the future, please use the three strike rule, if you do not hear back from C&P after three attempts, I encourage you to raise the issue with the next level of supervision, in this case, the Area Chief. I do, however, hope that most of these "mis communications" can be resolved locally.

These are difficult times for us all with most, if not all workloads, now exceeding operational capacity. C&P is committed to balancing our commitments against our allocations and through the use of integrated risk management practices, making the most effective use of our scarce resources. The key is honest, respectful, timely and transparent communications.

Thanks for bringing this to my attention.

John Lewis  
*Area Chief, Conservation and Protection*  
*South Coast Area*  
(250) 756-7159 (office)  
(250) 287-6771 (cell)  
[mailto:Lewis\[jo@pac.dfo-mpo.gc.ca](mailto:Lewis[jo@pac.dfo-mpo.gc.ca)

*pls note my new email address: [John.Lewis@dfo-mpo.gc.ca](mailto:John.Lewis@dfo-mpo.gc.ca)*

-----Original Message-----

**From:** Knight, Joe  
**Sent:** Monday, February 23, 2009 5:33 PM  
**To:** Lewis, John  
**Cc:** Hoyseth, Kerra; Leone, Nick; Plummer, Greg; Knight, Joe  
**Subject:** RE: Letter to Mainstream

Greg Plummer is aware of and is working on this, it has not been a high priority for C&P, I apologize for the delay. This issue was dealt with by officers that are no longer part of this Detachment (one has retired). Their

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investigation lead them to believe there was officially induced error and that charges would not be laid , basically closing this file. I do not know why a letter was not sent at the time, my guess would be that no enforcement action was warranted and a warning letter was not appropriate in their opinion. I do not have in depth details for this file and I will not be opening up this investigation again. I am not going to question experienced officers regarding their decisions on this file. The focus now will be to ensure this practice does not happen again. I have asked Greg to draft a "Letter of Information" to the company to reiterate that they can not do this in the future (I believe the company is aware of this already). Kerra, if you would like to add something to this letter please contact Greg Plummer before March 2nd. If Greg needs some assistance he will contact you. If this or any other aquaculture issue arises in the future C&P will deal with it in a timely and efficient manner.

Kerra, we are only sending this letter to the one company. If you would like to draft a generic letter to all the aquaculture companies outlining DFO's expectations with regards to this type of activity it may help us in the future (I do not know how often incidents like this happen). We can discuss this.

**Joe Knight**  
**Detachment Supervisor, CAP**  
**North Vancouver Island Detachment**  
**315 - 940 Alder Street**  
**Campbell River, BC V9W 2P8**  
**Office - 250-850-5731**  
**Cell - 250-203-3773**  
**Fax - 250-286-5854**

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**From:** Lewis, John  
**Sent:** Monday, February 23, 2009 4:02 PM  
**To:** Knight, Joe  
**Cc:** Hoyseth, Kerra; Leone, Nick; Lewis, John  
**Subject:** FW: Letter to Mainstream

Pls contact kerra and discuss. I would like a follow up status report from you by Mon, Feb 30th (one wk). Thx.

John Lewis  
*Area Chief, Conservation and Protection*  
*South Coast Area*  
*(250) 756-7159 (office)*  
*(250) 287-6771 (cell)*  
<mailto:LewisJo@pac.dfo-mpo.gc.ca>

*pls note my new email address: John.Lewis@dfo-mpo.gc.ca*

-----Original Message-----

**From:** Hoyseth, Kerra  
**Sent:** Monday, February 23, 2009 3:55 PM  
**To:** Knight, Joe  
**Cc:** Leone, Nick; Lewis, John  
**Subject:** Letter to Mainstream

Hi Joe,

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After our last meeting, you assured me that you would have a letter sent to Mainstream Canada regarding the Sir Edmund herring kill by February 14, 2009. I was just wondering if you could forward a copy of that letter.


This is just to outline my actions regarding this to date, to let my Habitat Manager know how it has been handled for background:

- o July 16, 2007: Phone message from Dave Stirling of Mainstream Canada asking about what to do about herring in fish farm nets. At that time, I was on holidays and did not return the call until September 10, 2007. I had been back for a bit, but in the voice message he didn't indicate any urgency.
- o September 10, 2007: Talked to Dave, and he said they killed all of the herring in the fish farm nets and disposed of them.
- o September 11, 2007: I sent an email to Barrie Kanester (cc'ing Andy Thomson, Cam Blacklock and Ryan Sherman) notifying him of a potential violation under Section 32 of the Fisheries Act: killing fish by means other than fishing, and asking him to look into it.
- o 2 times after that, I followed up verbally with Barrie to see if anything had happened, but then Barrie retired. During this time, I was given no updates on the situation.
- o Spring 2008: I asked the new FO supervisor, Joe Knight, if he could let me know what had happened with this - verbal communication (don't have date).
- o April 4, 2008: Joe Knight said (via email) he would follow up, but I didn't hear anything back.
- o June 2, 2008: I brought it up again at a Habitat and C&P meeting that I still hadn't made any progress on this situation. Joe said it was likely C&P would not follow up with charges, but might consider talking to the staff member and asking some questions. I specifically requested that I felt it would be valuable to have someone in uniform make some inquiries, and that some action should be taken to inform the company that what they had done was not appropriate.
- o Throughout spring and summer: I asked Joe a few times in the hall if he had any updates - I would say 2 times.
- o September: I couldn't make it to the Habitat and C&P meeting
- o October 30, 2008: Habitat and C&P meeting. I got frustrated, and again asked what had happened with this file. I expressed my belief that this should have been handled by now.
- o November 3, 2008: Joe Knight looked into situation and summarized me through email what had happened when Barrie was around - said he would talk to Barrie for more clarity and get back to me.
- o November 5, 2008: Joe Knight again told me he would talk to Barrie to find out why he had suggested "officially induced error".
- o January 29, 2009: at Habitat and C&P meeting, I again asked if anything had been done. I asked if Joe could commit to a date in which a letter could be sent to Mainstream Canada letting them know that the killing of wild fish is in violation of the Fisheries Act - or whatever action they felt was the right course. He said a letter would be sent by February 14, 2009. This would be 1 year and 5 months past my first phone call to C&P regarding this issue. At this point, I still don't think anyone from C&P has contacted anyone from the company; or if they have, I have never been notified.

I haven't been very satisfied throughout this process, both by the lack of feedback to me on any status updates, and on the time that it has taken. I hope that this kind of situation doesn't happen again, so any feedback on how to handle this better would be appreciated. I would like to have the support of Habitat and C&P that complaints be followed up in a timely manner, or to be notified if they are not given any priority (and justification) so there is clear understanding regarding response. I have literally only had the one complaint for aquaculture for almost 2 years, although I understand there are other Habitat issues, and of course, the ongoing workload of C&P. Joe, if I have any of the above dates wrong, or missed some communication, please feel free to correct/comment.

Thank you, and hope to see that letter when you can provide it. I also wouldn't mind a justification why this was considered "officially induced error" given the fact that the only "person" Dave spoke to in our organization was my voicemail.

### ***Kerra Hoyseth***

Habitat Management Biologist  
Fisheries & Oceans Canada  
315-940 Alder Street  
Campbell River, BC V9W 2P8  
 (250) 850-5721

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(250) 203-0097



(250) 286-5852



Kerra.Hoyseth@dfo-mpo.gc.ca



[www.pac.dfo-mpo.gc.ca](http://www.pac.dfo-mpo.gc.ca)

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