

APPENDIX IX**PROTOCOL FOR THE MANAGEMENT OF A CONDITIONALLY APPROVED AREA**

1. Environment Canada (EC) surveys and recommends that an area be closed but finds that it could be classified as a conditionally approved shellfish growing area. EC defines the water quality criteria for opening and closure of the area based on either the performance of the sewage treatment plant, rainfall and/or seasonal conditions.
2. The Regional Shellfish Classification Committee adopts the recommendation that the area be closed but that upon development and implementation of an appropriate Conditionally Approved Area Management Plan (CAAMP) the area may operate as a conditionally approved area.
3. The Department of Fisheries and Oceans (DFO) closes the area under the Management of Contaminated Fisheries Regulations and provides copies of the closure notice to EC and the Canadian Food Inspection Agency (CFIA).
4. Where an interest is expressed to operate a conditionally approved area, the following procedures are to be followed:
 - a) A CAAMP shall be developed which must include:
 - i) a Harvesting Plan agreed to by all affected parties, identifying who will be harvesting and the harvest boundaries (provided by proponent);
 - ii) background information, rationale for classification and area description (from EC classification report);
 - iii) the methods and procedures to be employed in undertaking a shellstock sampling and testing regime. This section shall also include methods of recording and reporting data, criteria for opening and closing the area, reporting and auditing procedures (developed in consultation with CFIA);
 - iv) the methods and procedures to be employed in undertaking a water quality sampling and testing regime. This section shall also include methods of recording and reporting data, criteria for opening and closing the area reporting and

- auditing procedures (provided by EC);
- v) where there are sewage treatment facilities in the area, the proponent shall ensure that the appropriate federal/provincial/municipal authorities have been consulted and that the CAAMP includes provisions to ensure that all agencies are notified of any spill or release from the facility(ies);
 - vi) identification of appropriate enforcement, surveillance and control mechanism issues which may arise from the CAAMP (provided by DFO);
- b) The proposed CAAMP shall be submitted to the DFO office for evaluation (or other agency by agreement with DFO). DFO shall coordinate the development of an agreement for the CAAMP and send to EC, CFIA, (and other agencies) and affected parties for review and signatures. Responsibilities for the evaluation and administration of the CAAMP are as follows:
- i) Environment Canada: responsible for approval of the water quality sampling and testing procedures, approval of the water quality criteria upon which opening and closure of the area is based, approval of procedures for communicating requests to DFO for opening and closure of the area;
 - ii) CFIA: responsible for approval of shellstock sampling and analysis procedures, approval of shellstock criteria upon which opening and closure of the area is based, approval of procedures for communicating requests to DFO for opening and closure of the area;
 - iii) DFO: responsible for ensuring that the Harvesting Plan is enforceable and that it is consistent with the integrated fisheries management plan for that species or group of species in that area.
- c) A maximum of four weeks is recommended for the return of comments. During this time representatives of CFIA, DFO and EC will work together to evaluate all aspects of the CAAMP. Following this evaluation, DFO (or other agency by agreement with DFO) will respond to the proponent, to advise that the CAAMP has been approved

by the three agencies, or that the CAAMP has not been approved. If changes to the CAAMP are required which will facilitate approval of the CAAMP the proponent shall be so advised.

- d) Once the CAAMP has been approved, DFO will manage the area in accordance with the CAAMP. In the event of non-compliance with the CAAMP, the harvest area may be closed immediately. Where either EC or CFIA identifies water quality and/or shellfish in the area as being contaminated and communicates this concern to DFO, DFO will take the appropriate action as identified in the Management of Contaminated Fisheries Regulations.
- e) The Regional Shellfish Classification Committee shall review at the regional classification meeting, an annual report on the management of the area provided by DFO (or other agency by agreement with DFO), with input from EC, CFIA and other affected parties. This report shall consist of the following:
 - i) Title Page - states area (provided by DFO);
 - ii) Summary Page - Describes general area, includes map, potential open period, number of closures and openings throughout the year; surveillance, enforcement and control activity - number of patrols, number of incidents or violations (provided by DFO);
 - iii) Details - description of conditional opening; criteria for opening and closure; copy of agreements for the area; copy of supporting documentation from DFO, CFIA, EC or other agency for each opening and closure.