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DE LA VÉRIFICATION
ET DE L'ÉVALUATION**

**EVALUATION OF PROGRAM INTEGRITY I
CONSERVATION AND PROTECTION OF
FISHERIES RESOURCES
2004-60251
FINAL REPORT
SEPTEMBER 30, 2005**



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I. EXECUTIVE SUMMARY

INTRODUCTION

In 2000, funding was provided to Fisheries and Oceans Canada (DFO) under Program Integrity I – Conservation and Protection of Fisheries Resources. This initiative includes activities related to science, surveillance and enforcement and legal services.

BACKGROUND

Results for Canadians- A Management Framework for the Government of Canada states that ensuring the integrity of programs that are critical to the health, safety and well-being of Canadians, is of critical importance. Program Integrity I was a government wide initiative to provide funding to programs to restore their ability to provide critical programs. Program Integrity I funding was required to restore confidence and credibility in the Department's overall ability to provide core services to Canadians. As noted both in the PI report to TBS and the subsequent submission:

"program integrity is the number one strategic issue facing Fisheries and Oceans. It is directly linked to restoring confidence and credibility and to the Department's ability to provide core services to Canadians. It reflects both:

fundamental concerns in the capacity to meet core program obligations

- *capacity in marine safety, science research, and enforcement.*
- *rust-out of core infrastructure, and*

workload pressures

- *deficiencies, within the existing program base, to respond to increasing and changing program demands such as increased vessel traffic, emerging fisheries, ecosystem concerns, environmental protection, increasing litigation etc."*

DFO identified a need for additional resources to provide relief to increasing demands for funding for conservation and protection of fisheries resources. This requirement included Science, Surveillance and Enforcement and Legal Services. Funding was notionally allocated to the Department and reflected in the 2000 Federal Budget. The funding for this Program Integrity I initiative for the conservation and protection of fisheries resources over five years was \$171.7 million.

OBJECTIVES AND SCOPE

The evaluation objectives were to:

1. *Examine the relevance of the Program.* The evaluation assessed the extent to which the activities undertaken under Program Integrity I addressed the priorities of DFO, its clients, and the federal government.
2. *Determine the degree of success of the Program in meeting its objectives.* The evaluation assessed how successful the program has been in achieving the outputs and outcomes identified.

The scope of this evaluation covered the period from 2000-01 to 2004-05.

OVERALL CONCLUSION

Science

Funding for Science was distributed to all DFO regions and to the NCR under the Recruitment and Rejuvenation initiative that encompassed Ecosystem Science, the Precautionary Approach, and Co-management and Partnering. All regions were able to demonstrate what key activities they undertook and resources allocated to achieve objectives identified in the rational for Program Integrity I.

Progress was observed in the development and implementation of the Ecosystem approach and in the provision of scientific support to management for decision-making. Innovative funding strategies were also established. Under the Precautionary Approach, relevant and valid scientific knowledge in DFO science priority areas was accumulated. Improvements were made in all areas, such as: stock assessment, risk analysis, sustainable aquaculture, oceans sciences, and assessment of new species.

A number of co-management and partnering agreements were drafted with universities and local communities. Collaboration with universities contributed to increased academic research. Co-management agreements with Northern and Aboriginal communities were created, and collaborative projects with industry initiated which resulted in improved relationships and increased trust towards DFO Science. In many cases Program Integrity I funding was instrumental in the advancement of other priority research.

The Department developed a Results-based Management and Accountability Framework (RMAF) at the outset of Program Integrity I. The ADM Science, advised the Regional Science Directors to track program integrity funding and results, and under the direction of Regional Science Directors, the staff collected data to track expenditures and achievements. As a result of the data collected, the achievements of scientists could be directly attributed to Program Integrity I funding.

Surveillance and Enforcement

Program Integrity has contributed to the improved capacity for Surveillance and Enforcement activities in the Department. By converting seasonal Fisheries Officers to full time employee status, the department was able to augment the amount of time that they are available for fisheries related activities. The main benefit from converting seasonal officers is the reduction in turnover among staff. In the long term, there is greater continuity and more experienced officers. Prior to converting seasonals to fulltime Fishery Officers, training had to be provided to the officers when they returned to work in the spring in time for the opening of many key fisheries. Now, with the officers on the job all year round, training can be done in the non-peak season, thereby allowing for more productive use of their time during the peak season. In addition, the year round presence of Fishery Officers on the field and spending time with communities was increased tremendously. Presence in the field was seen as a necessary variable that contributes to the increase in compliance. It is reasonably expected that the increased presence of Fishery

Officers in the community is impacting the degree of compliance in areas most commonly used for commercial fishery.

Program Integrity has also allowed for the increased level of supervision in the field and at the Regional Headquarters. This enables an enhanced coordination of Fisheries Officers' activities and a more strategic use of resources.

Program Integrity also increased the operating funds to the front line operations. This provided support to assist in covering overtime costs, fuel and maintenance for vehicles and vessels and other field operations requirements.

Regions were able to develop and test new systems that would modernize the way that enforcement activities are carried out. The Vessel Monitoring System (VMS), for example, allows for the satellite tracking and monitoring of fishing vessel activity.

Legal Services

DFO's Departmental Legal Services Unit (DLSU) provides targeted in-house legal support, augmented by the Department of Justice's (DOJ) regional offices and agents. In total, 33 lawyers and support staff were added to the core capacity of DFO's Legal Services: 7 in Vancouver; 2 in Halifax; and 24 in Ottawa. These resources were assigned to build adequate levels of service and better deliver legal prosecutions, civil litigations and advisory services and were distributed into legal teams to better serve DFO program requirements, address regional needs and focus on complex litigations.

Program Integrity funding was not tracked separately but was rolled into the regular A-Base funding to deal with the on-going requirements for core legal services in the Department. Because the Program Integrity funding was directed to basic legal services operations and core capacity in required levels of services to DFO, no formal feedback or evaluation mechanisms were established for the funding.

In the Results-based Management and Accountability Framework for Legal Services, a key attribute identified to assess success of the Legal services is through client feedback. Clients of Legal Services that were interviewed during this evaluation indicated a general satisfaction with the provision of legal advice. Indeed, in interviews with Legal Services clients, comments were favourable towards the teams in Vancouver and Halifax as well as the DLSU at Headquarters.

1.0 INTRODUCTION

In 2000, funding was provided to Fisheries and Oceans Canada (DFO) under Program Integrity I – Conservation and Protection of Fisheries Resources. This initiative includes activities related to science, surveillance and enforcement and legal services. There were a number of conditions attached to the approval of the funding. These were as follows:

1. the development of a Results – based Management and Accountability Framework (RMAF);
2. an interim report was to be submitted to Treasury Board on the implementation of Program Integrity I; and
3. an evaluation of the Program Integrity I funding for the conservation and protection of fisheries resources would be carried out and reported to Treasury Board by June 15, 2005.

These conditions have been met as follows:

1. the RMAF was approved by the Department Audit and Evaluation Committee in September 2001;
2. an interim report was submitted to Treasury Board in October 2002; and
3. this report serves to meet the final condition of an evaluation.

1.1 BACKGROUND

Results for Canadians- A Management Framework for the Government of Canada states that ensuring the integrity of programs that are critical to the health, safety and well-being of Canadians, is of critical importance. Program Integrity I was a government wide initiative to provide funding to programs to restore their ability to provide critical programs. As noted both in the PI report to TBS and the subsequent submission:

"program integrity is the number one strategic issue facing Fisheries and Oceans. It is directly linked to restoring confidence and credibility and to the Department's ability to provide core services to Canadians. It reflects both:

fundamental concerns in the capacity to meet core program obligations

- *capacity in marine safety, science research, and enforcement.*
- *rust-out of core infrastructure, and*

workload pressures

- *deficiencies, within the existing program base, to respond to increasing and changing program demands such as increased vessel traffic, emerging fisheries, ecosystem concerns, environmental protection, increasing litigation etc."*

DFO identified a need for additional resources to provide relief to increasing demands for funding for conservation and protection of fisheries resources. This requirement included Science, Surveillance and Enforcement and Legal Services. Funding was notionally allocated to the Department and reflected in the 2000 Federal Budget. The funding received for the Program Integrity I initiative for the conservation and protection of fisheries resources over five years was \$171.7 million.

The following table outlines the funding received for Program Integrity I

Component	2000-01	2001-02	2002-03	Ongoing
Science	\$13,100.0	\$13,100.0	\$13,100.0	\$13,100.0
➤ Ecosystem Science	\$3,000.0	\$3,000.0	\$3,000.0	\$3,000.0
➤ Information for Precautionary Approach	\$9,000.0	\$9,000.0	\$9,000.0	\$9,000.0
➤ Co-Management and Partnering	\$1,100.0	\$1,100.0	\$1,100.0	\$1,100.0
Surveillance and Enforcement	\$13,773.0	\$13,773.0	\$13,773.0	\$13,773.0
➤ Fisheries Management, Compliance, Enforcement	\$6,240.0	\$6,240.0	\$6,240.0	\$6,240.0
➤ Integrated Monitoring, Control and Surveillance	\$7,533.0	\$7,533.0	\$7,533.0	\$7,533.0
Legal Services	\$7,467.7	\$7,467.7	\$7,467.7	\$7,467.7

1.2 OBJECTIVES AND SCOPE

The evaluation objectives are to:

- *Examine the relevance of the Program.* The evaluation assessed the extent to which the activities undertaken under Program Integrity I addressed the priorities of DFO, its clients, and the federal government.
- *Determine the degree of success of the Program in meeting its objectives.* The evaluation assessed how successful the program has been in achieving the outputs and outcomes established for the program.

The scope of this evaluation covers the period from 2000-01 to 2004-05.

1.3 METHODOLOGY

The evaluation consisted of three phases: planning, conducting and reporting. The methodology for the evaluation was developed during the planning phase of the project.

An Advisory Committee for the evaluation was established to provide advice on: the Terms of Reference; the methodology to be used; contacts selected for key informant interviews and other lines of inquiry; and the factual validation of draft advisory reports. The Advisory Committee included representatives from Science, Fisheries and Aquaculture Management, Canadian Coast Guard, Human Resources and Corporate Services and the Departmental Legal Services Unit.

The approach used for this evaluation was designed to address the evaluation objectives and issues identified in Section 1.2. The Audit and Evaluation Directorate (AED) used the following methodologies to conduct this evaluation:

- Document/Database and file review for the Conservation and Protection component;
- Key informant interviews with:
 - DFO headquarters staff from Human Resources and Corporate Services, Science, Fisheries and Aquaculture Management and the Departmental

Legal Services Unit (DLSU);

- DFO staff in the Maritimes, Gulf, Newfoundland and Labrador, Quebec, Central and Arctic and Pacific Regions;

A review of documents and files relevant to Program Integrity was conducted. These documents have provided the evaluation team with quantitative and qualitative data on the objectives, activities, and results of the activities conducted under Program Integrity to date.

2.0 OBSERVATIONS AND RECOMMENDATIONS

The Department identified a need for resources to alleviate workload pressures at key activity areas related to the conservation and protection of fisheries resources. The conservation and protection component consisted of three sub-components: Science (\$13.1M); Surveillance and Enforcement (\$13.7M); and Legal Services (\$7.5M). The funding was requested to support key activities at DFO that needed to be maintained and improved at the time. Workload was seen as causing lack of confidence in the services and products of the Department and was impacting, DFO's ability to deliver its mandate. Program Integrity I funding was required to restore confidence and credibility in the Department's overall ability to provide core services to Canadians.

This section will discuss each element of the Conservation and Protection of Fisheries Resources component of Program Integrity I.

2.1 SCIENCE

2.1.1 *Why funding was required*

Funding was required to alleviate workload in areas sustaining stock assessment and oceans monitoring. New knowledge and techniques were required to improve scientific advice to management in relation to the conservation and protection of the resources; while at the same time, the loss of staff working on core science activities was expected through attrition.

Insufficient capacity to address the workload was observed and in 1998/99 pilot allocations were made to address program decline. Funding at these levels indicated that it will be possible to conduct scientific activities, alleviate workload and launch a recruitment and rejuvenation initiative that will help maintain and improve science in support of conservation.

2.1.2 *What was received*

Science received incremental funding of \$13.1Million annually. The funds were used to provide timely and reliable scientific information, understanding and advice for the conservation and sustainable use of living aquatic resources and their environment. The funds were also used for stock assessment to improve management of fish stocks, to develop ecosystem science, to implement a precautionary approach to the fisheries, and to establish co-management and partnerships.

Ecosystem science approach was in need of funds to support conservation of ground fish stocks on the East Coast and salmon stocks on the West Coast. The Fisheries Resource Conservation Council (FRCC) and the Pacific Fisheries Resource Conservation Council (PFRCC) had been created to provide advice to the Minister and the public in relation to these stocks. They identified areas where the Department was not able to supply scientific information such as in estimating the effects of seal predation on stocks, of fishing activity on the ecosystem, of aquaculture effect on local ecosystems, and of environmental conditions on the productivity of the ecosystem; in addition, spawning identification and stock identification were also identified as important areas of research.

Funding was used to adopt a precautionary approach in science. This approach responded to the initiative expressed in the UN Convention on Straddling and Highly Migratory Fish Stocks in 1995, which resulted in the domestic commitment to set harvester levels and develop management and conservation plans. Incorporating effectively the precautionary approach into the existing assessment processes was needed to provide proper assessment and offer options for conservation and guidelines with associated risk evaluation. This required science to deliver new types of information such as: establishing conservation reference points for all fish stocks; assessing the status of non-target species (by-catch species); providing stock assessment advice on stocks subject to new fisheries; and, incorporating risk evaluation and description of uncertainty into the analytical assessments. \$9.0 million was allocated to implement the precautionary approach to managing the fisheries.

The Department was expected to expand into co-management and partnering initiatives to improve the reliability of scientific estimates and support fisheries management renewal. With increased visibility of scientific work requiring peer-reviews, the input of external experts became necessary. In addition, research assessments needed in the Arctic, also required increased partnerships with local Native communities. Partnering arrangements have been established with Aboriginal fisheries boards in the Arctic and are being explored with other harvesting groups such as with the Ground-fish Enterprise Allocation Council (GEAC). Specific commitments have been made to work with the new Nunavut management board and there will be new requests for science support for species such as turbot, shrimp, and clams and for existing fisheries of char and whitefish. To address co-management and partnering additional resources will be needed for scientific surveys and data collection and assessments that are beyond the regular assessments and survey planning. To address the new challenges, \$1.1 million was provided.

2.1.3 *What was achieved*

Relevance

- *Did the activities undertaken under the Program Integrity I address the priorities of DFO?*

When Program Integrity funding was obtained in 2000, it was identified as a priority in the Strategic Plan for that year. Its main aim was to build capacity and make strategic investments in priority areas and one of those priority areas is scientific research. The DFO mandate also outlined Scientific Excellence as one of three main Departmental objectives at that time. All of the activities and programs in science funded by Program Integrity, such as stock assessment, precautionary approach, ecosystem science, aquaculture and ocean science were supporting Departmental priorities. The initiatives undertaken with program integrity funding contributed to the achievement of DFO's strategic objectives.

Funding was approved in the amount of \$13.1Million annually in the TB Submission for Science in support for conservation. Out of the \$13.1Million, as a result of DFO internal allocations, \$2.2Million went to Oceans Sector - for their recruitment and rejuvenation initiative. Then to the remaining \$10.9Million, the Deputy Minister granted \$2 Million and total of \$12.9Million was allocated to the Science Sector under Program Integrity I. The activities were broadly identified in the streams Ecosystem sciences; Information and Precautionary Approach; and, Co-management and Partnering, in accordance to which the

Department reported back to Treasury Board in September 2002 Interim Report. These continue to be high priorities of the Department.

Success

- *To what extent have Program Integrity funds contributed to improved capacity and the ability to address increasing and changing demands within the targeted areas?*

The first science objective, to develop ecosystem based science aimed at increasing knowledge and scientific capacity in Environmental Sciences. Funding was used for the implementation of the Oceans Act, improvement of the Habitat Management Program, implementation of ecosystem approach in the Science Sector, and for scientific support to management for decision-making. Three innovative strategic funding programs were established: the Environmental Science Strategic Research Fund; Oceans Climate Program; and Science Research Fund under the Ecosystem approach, the latter of which was funded, in part, with the Program Integrity I budget. To increase capacity, 30 new permanent employees were hired.

To support implementation of the Precautionary Approach, funding was used to recruit and rejuvenate scientific personnel. This funding went towards improving performance of science management, to obtain relevant and valid scientific knowledge in DFO science priority areas. These areas were stock assessment and risk analysis, sustainable aquaculture, oceans sciences, precautionary approach, and assessment of new species. The number of new FTEs varies across regions, overall nationally, the additional human resource hired with program Integrity funding for precautionary approach contributed to the ability to give advice in the process of management decision-making.

To enhance the co-management and partnering initiative, the Science Sector was able to support university chairs and contribute towards academic research providing the opportunities for collaborative scientific work. The academic grants program was created to promote DFO science and future recruitment opportunities; a First Nation recruitment program to improve partnerships with Aboriginal communities was also developed.

From our regional assessments, we found that funding for Science was distributed to all DFO regions and to NCR under the Recruitment and Rejuvenation initiative that encompassed the Ecosystem Science approach, the Precautionary approach, and the Co-management and Partnering initiative.

- *How effective was the performance measurement and reporting system used for the components funded through Program Integrity I?*

As a condition of receiving funding, the Department had to develop a Results-based Management and Accountability Framework (RMAF) for Program Integrity. The RMAF provides management with a mechanism to plan, monitor, evaluate and report on the results throughout the life cycle of the program. This framework provided a basis for which the initiatives undertaken with Program Integrity funding could be measured. At the outset of Program Integrity I, the ADM at that time advised the regional directors of the need to track program integrity findings so that they would be able to report on it.

Tracking of funds and performance measurement was performed in the regions under the direction of the Regional Science Directors. Regional science sector staff collected data to track regional expenditures and achievements. For the first two years of the program, regions were diligent in tracking the activities under the program. The tracking of data is consistent until that time but varies in the way it is organised across the regions in the degree and type of information collected. The tracking of the funds specifically to Program Integrity related activities became clouded and activities less readily identifiable directly to Program Integrity funding. Nevertheless, as a result of identifying scientists being hired under Program Integrity and the activities on which they worked, the achievements of the scientists could be tracked effectively and attributed to Program Integrity I funding.

Program Integrity I funding for science became part of the ongoing funding after 2003. The regions received the funds rolled into DM allocations and managers could not track the funds as well. It is considered that the first two years of Program Integrity is reflective of the way it was distributed in the following years.

- *Was performance information available in a timely fashion to effectively measure, manage, and report on the success of program initiatives?*

The regions tracked resources and activities under the Program Integrity I science species categories. Their financial information was organised in a different way but it captured expenditures describing salary, O&M and Capital. In terms of hiring employees, the data described the position, type, activity, and category of each employee hired under Program Integrity I science.

Tracking of financial expenditures and type of personnel hired was very thorough for the first couple of years in the Program. Incremental tracking for activities and outputs was more difficult and required additional effort. This type of tracking of results, as expressed in the RMAF, anticipated the tracking of data on the “nature and extent of additional level of effort, outputs on identified priorities due to Program Integrity I funding (compare to 1999 levels)”. While it was difficult to capture the degree to which Program Integrity funding actually created additional level of effort, Program Integrity I funding was considered as allowing the Department to recover and recruit much needed capacity.

- *To what extent has PI I funding helped to increase scientific knowledge and capability in identified priority areas?*

Research activity in stock assessments was very important to determine how the number of stocks affects the allocations of fishing quotas in commercial fishery. A variety of programs in the Department relied on assessment of stocks to develop quotas, coordinate closures and research about the movement and life style of different stocks. New species research was relevant as well to sustain commercial fishery in times of increased conservation.

Aquaculture was emerging and with it a necessity of environmental and ecosystem based research. While other funding sources on a smaller scale or on a federal government scale also funded related research programs, not only provided salaries and some O&M into strategic areas, but also captured that relevant strategic direction and stimulated the assembly

of scientific knowledge in the identified priority areas. The following illustrates a number of achievements as a result of Program Integrity.

- In the Newfoundland and Labrador Region, funding of approximately 1.8M increased the budget of science in the region increased capacity with 10% overall, but in some cases in science it increased capacity by 20%. Stride improvements were achieved in modeling as Program Integrity funding was instrumental in selecting the best modeling approach from the abundance of models existing. Risk analysis is applied more rigorously now in many areas and in the development of scientific advice. Different measures for the effect of aquaculture, mapping of marine habitat, scientific explanation on the increase and decrease of stocks, and increase in the ability to do shrimp and crab assessments. All this has contributed to the overall increase of industry's trust towards DFO science.
- In Maritimes, Program Integrity funding was considered extremely effective in stimulating a comprehensive monitoring program research. The Atlantic Zone Monitoring is a state of the art Oceanographic program which bases its research on plankton dynamics. Funding for that and other related research prior to Program Integrity was covered with other program costs. As a result, the State of the Ocean Report is continuing to be published annually. In addition, the funding was strategically used to direct other A-base funding towards priority research.
- With regard to Program Integrity I aspects such as building confidence, Science participated in events such as Open House, summer tours. For example, three summer students gave tours at hatcheries in New Brunswick. Summer students gave tours at the Bedford Institute of Oceanography in Nova Scotia, and at the Mactaquac Biodiversity Facility in New Brunswick. There was also work with the school science fair with the province of Nova Scotia.
- In the Quebec Region, the program budget was increased by 10% with 10.5M for salary budget. Increased work capacity was observed in stock assessment, ocean surveillance, needed oceanographic research on the effect of temperature on commercial fish stocks, consolidated capacity in providing scientific advice for decision making in navigation. Overall it helped to increase scientific knowledge and the capacity to determine areas of priorities.

In the Central and Arctic Region, key research priorities were identified and research of national and international significance was stimulated as a result of Program Integrity funding. The Directorate of Arctic Science began the program for international collaboration for Arctic science research involving CCG equipment, other governments, and scientists from all over the world who performed research for one year locked in ice in the North. While research was traditionally conducted in the Pacific and the Atlantic, Program Integrity I helped the region to explore and advance in Northern science research and recognise new species and collaborate to conduct climate change research. While the Program Integrity I funding provided strategic impetus for a research that extended beyond Program Integrity I, in the opinion of regional science managers, none of this would have been possible without Program Integrity I funding.

As in other DFO regions, the Pacific funding was used to hire scientists in strategically significant areas of research to study the impact of climate change to harvest fisheries, environmental impacts of harvest fisheries, and stock identification.

- *To what extent has PI I funding helped to increase cooperation, partnerships and collaborations within DFO and between DFO and external stakeholders?*

A total of 6 FTEs were hired (1 in each region) for focusing partnerships under Program Integrity. The Department has experienced success in augmenting its activities in this area, partnering is seen as a great contribution to scientific research because the money used is multiplied by the contributions of other funding partners. For example, in Newfoundland, the Region is now in a better position to deal with the industry and partnering arrangements are strengthening as demonstrated by a shrimp survey that is lead by the industries. In working collaboratively with industry relationships have improved became more open and transparency is increased.

Co-management agreements were created with Northern and Aboriginal communities. In Central and Arctic, a great deal of new partnerships and land claim agreements were developed as a result of the new direction in scientific explorations. With Arctic explorations international partnerships were established and a number of co-management boards created.

2.2 SURVEILLANCE AND ENFORCEMENT

2.2.1 *Why Funding was required*

Surveillance and enforcement funding was required to address concerns with regard to the fundamental capacity of DFO to meet core program obligations. The threat of stock decline observed in late 1990s and the raising concerns on the health of the remaining fish stock, lead to the increased demand for enforcement and protection of fish stocks. The increase in the extent of non-compliance with legislation and regulations, the complexity of administering fisheries management regimes, as well as, the emergence of new fisheries, had severely strained the Department's existing enforcement capability.

2.2.2 *What funding was received*

To ensure that increased compliance with conservation objectives is achieved, \$13.7 million were approved for Augmentation of Fishery Officer Capacity (\$6.2M), and Modernisation of Monitoring, Control, and Surveillance (\$7.5M) as incremental funding starting 2000-01 and ongoing after 2003-04.

Fisheries Management, Compliance and Enforcement - \$6.2 Million

This was to provide for Fishery Officers' capacity to extend field operations by the equivalent of 90 officers through the conversion of 161 seasonal Fishery Officers' positions to full time as well as resources to conduct investigations, forensic audits, monitor protest fisheries, blockades and special covert operations.

Integrated Monitoring Control and Surveillance - \$7.5 Million

This funding was used for the modernization of fisheries enforcement through the application of new surveillance technology including satellite surveillance and strategic deployment of resources based on integrated surveillance and enforcement data and its analysis, including a wider variety of information, e.g. commercial intelligence. This included the acquisition of technological equipment and for the acquisition and/or creation of new data systems.

2.2.3 What was achieved

Relevance

- *Do the activities undertaken under the Program Integrity I address the priorities of DFO?*

The Strategic Plan from 2000 identified C&P as main goal under the “Building Core Capacity” initiative. It outlined the necessity to introduce more at sea observers, dock side monitoring, and air surveillance and increase fisheries officers patrol on the fields to attribute to the development of Fisheries Management Plans. The activities undertaken contributed to the achievement of these priorities and continue to support the achievements of DFO strategic objectives of a Sustainable Fisheries and Aquaculture and a Healthy and Protected Aquatic Environment.

Success

- *To what extent have Program Integrity funds contributed to improved capacity and the ability to address increasing and changing demands within the targeted areas?*

Program Integrity has contributed to the improved capacity for Surveillance and enforcement activities in the Department. Capacity building was seen as the main objective of Surveillance and Enforcement funding and this is where the focus of the funding was applied. Capacity building activities included such items as conversion of seasonal Fisheries Officers, the creation of an additional level of supervision, overtime, operating expenditures, and training of officers. The remainder went towards items such as investing in innovations, which related the advancement in the use of technology, and assistance to the Dockside Monitoring Program. There were a number of improvements achieved with bulk purchases for new equipment. Regions made their submission to HQ to share in this purchase of equipment for items such as night goggles, cameras, and ATVs.

By converting seasonal Fisheries Officers to fulltime employee status, the department was able to augment the amount of time that they are available for fisheries related activities. Prior to converting seasonals to fulltime Fishery Officers, training had to be provided to the officers when they returned to work in the spring in time for the opening of many key fisheries. Now, with the officers on the job all year round, training can be done in the non-peak season, thereby allowing for more productive use of their time during the peak season. In addition, the year round presence of Fishery Officers in the field and spending time with communities has increased. Presence in the field was seen as a necessary variable that contributes to the increase in compliance. It is reasonably expected that the increased presence of Fishery Officers in the community is impacting the degree of compliance.

There are other benefits that be attributed to the conversion of the seasonal officers. For example:

- there is a sense of professionalism for the officers who are now working full time;
- it allows the officers to complete their tasks such as working on a case that may be being prepared for prosecution, rather than having to leave it once their seasonal employment is terminated; and
- it allows fore more program planning by management.

Program Integrity has also allowed for the increased level of supervision in the field and at the Regional Headquarters. This enables an enhanced coordination of Fisheries Officers' activities and a more strategic use of resources. In particular, this allowed for: more C&P involvement in the Integrated Fisheries Management Planning process; more effective supervision to the front line; freeing up Field Supervisors' time previously spent on administrative and planning duties; and allowing them to refocus their efforts on field operations.

Program Integrity also increased the operating funds to the front line operations. This provided support to assist in covering overtime costs, fuel and maintenance for vehicles and vessels and other field operations requirements.

As a result of Program Integrity funding, the Department was able to enhance its technological capability as well as introducing new methodologies to how it does its enforcement activities. Centres of Expertise have been set up in each region using, in part, funds from Program Integrity. A number of new initiatives were undertaken by the regions to develop and test new systems that would modernize the way that enforcement activities are carried out. New systems such as the Vessel Monitoring System (VMS), allows for the satellite tracking and monitoring of fishing vessel activity. In addition, the methodology for forensic audit was also put into practice. This methodology would assist in complex investigations and over time would result in resource savings.

- *How effective was the performance measurement and reporting system used for the components funded through Program Integrity I?*

There are systems in place in the Fisheries and Aquaculture Management Sector to track the activities of Fisheries Officers. For example, the Fisheries Enforcement Activities Tracking System (FEATS) provides information relating to the day-to-day activities of Fisheries Officers. Another system, the Departmental Violation System (DVS) tracks the numbers of violations that Fisheries Officers have pursued. While these systems are valuable tracking tools for managing the Conservation and Protection component of FAM, the reports produced can be subject to varying interpretations and therefore making them difficult to use them as a vehicle to assess the impact of Program Integrity activities.

2.3 LEGAL SERVICES

2.3.1 *Why funding was required*

Court judgements, legislative changes and resulting increased litigations occurring in late 1990s significantly increased demand for legal services. Advisory, policy and litigation services, which were provided by the Departmental Legal Services Unit (DLSU) in Ottawa and legal support to regional offices, were being requested at an ever increasing rate. Legal services resources provided to regions, particularly in Halifax and Vancouver were used to fund the highest priority cases and most urgent items while lower priority requests inevitably experienced delays. This situation had affected the level and quality of advisory services provided across the country.

The objective of funding by Program Integrity I was to increase legal services resources available across the country and thereby enhance timeliness of legal advisory, policy and litigation services to ensure the degree of excellence required.

The governance structure established by DFO and the Department of Justice (DOJ) ensured that legal services could be provided by both the DLSU in Ottawa and directly by DOJ regional offices across the country, particularly those in Halifax and Vancouver. A “Mega Case Team” was also funded in Vancouver to address significant workloads with additional resources, and Corporate Services was responsible for administering reserve funds earmarked to address regional legal costs over and above forecasts, including out of court settlements.

2.3.2 *What was received*

In July of 2000, \$7.47 million of Program Integrity I funding was directed towards restoring capacity in DFO's legal services. The following table shows a breakdown of the funding.

Funding (in thousands of dollars)				
Type of expense	2000-01	2001-02	2002-03	On-going
DLSU	4,421.8	4,421.8	4,421.8	4,421.8
Legal Services Regional Offices	2,512.7	2,512.7	2,512.7	2,512.7
PWGSC Accommodation	533.2	533.2	533.2	533.2
Total	7,467.7	7,467.7	7,467.7	7,467.7

The activities undertaken with Program Integrity I funds, as expressed in the RMAF for Legal Services, were to hire an appropriate blend of legal, paralegal and support staff, primarily in Headquarters and on the West and East Coasts. This was to be used to allow for:

- additional services by prosecutors in more complex prosecution matters, including cases where charges are laid as a result of fraud and forensic investigations;
- additional services by litigators in complex and precedent setting civil litigation cases, such as Aboriginal issues, actions pursuant to the *Canadian Environmental Assessment Act* (CEAA), the *Canadian Environmental Protection Act* (CEPA), the *Fisheries Act* and class actions; and,

- additional advisory services required in aquaculture, cost-sharing, cost-recovery and partnering initiatives, the development of legislation, litigation support and other areas where there is a DFO or government-wide risk of liability.

Other activities include out-of-court settlements, mega cases, and the provision of legal agents when regional issues require contract lawyers.

2.3.3 *What was achieved*

Program Integrity funding was not tracked separately but was rolled into the regular A-Base funding to deal with the on-going core requirements for legal services in the Department. While a separate tracking system to monitor the funding utilized within the Legal Services Unit may have been a practical way of dealing with the increase in funding levels, no ongoing formal mechanisms were established to track the impact of specific areas of increased funding. Ongoing feedback and regular reporting to the Departmental and Regional Management Committees was provided by Legal Services.

The evaluation team was informed that no separate tracking system was put in place as the entire Program Integrity funding increase was directed to core legal services operations to build capacity to better serve DFO.

Program Integrity I funding for legal services was aimed at increasing the resources available across the country and thus ensure the provision of legal advisory, policy and litigation services in a timely fashion and with the degree of excellence that is required. The most significant cost associated with the delivery of legal services is salary dollars for lawyers and the required support staff. In addition, O&M support and minor capital costs for furniture, computers, and office space are required to provide this service.

Demand for legal services was on the rise as the complexity of cases was increasing. The increasing number of court cases targeting DFO, court judgements, legislative changes, and litigations were making legal requirements for the Department increase in complexity. DFO legal service expenditures increased from \$6 Million in 1999-2000, to \$10 Million in 2004-2005.

The complexity related to fisheries and habitat management as well as the complexity and increasing volume of aboriginal litigation has increased. The number of fisheries prosecutions, legal risk exposures, freshwater pressures and issues related to the use of marine spaces has also increased. And finally, the use of the courts by parties suing DFO either because they felt that DFO has exceeded its authority or because they felt it did not meet its legislative/regulatory responsibilities also became much greater.

At NHQ, DFO's DLSU provides targeted in-house legal support, augmented by DOJ's regional offices and agents. In total, 33 lawyers and support staff were added to the core capacity of DFO's Legal Services. These were assigned to, or hired in Ottawa, Vancouver and Halifax to deliver prosecutions, civil litigations and advisory services. Out of the 33, two were in Halifax to address fisheries issues in DOJ's Atlantic Regions (DFO's Maritimes, Gulf and Newfoundland and Labrador Regions). Seven were in the Pacific Region (3 for advisory services; 2 counsel and 2 support staff for complex litigation – or "mega" cases (see below) and the remaining 24 augmented existing staff in the DLSU in Ottawa. Additionally, on an annual

basis, 8% went towards increments for counsel. This increase continues to accrue and annually reduces the amount of funding which, before 2004-2005, was available to support core DLSU or regional costs for legal services or special projects.

To date, the DLSU, has been well positioned with Program Integrity funding to respond to client needs and to build on the knowledge base and expertise in DFO related legal issues. With such levels of service, in terms of legal services costs and volume, some costs have been decreasing. Agent costs in Pacific Region, which had been escalating, are decreasing as a result of DFO and DOJ measures to control demand and better manage agents. This has primarily affected Pacific region, which has traditionally accounted for 60%+ of agent costs. However, the numbers of complex litigations and class litigations by Fisheries harvesters' and Aboriginal groups have increased in volume. The DLSU is continuing its work to respond to level of service priorities.

In Vancouver, in response to the increases in activities, a complex ("mega case") litigation team was created for the Pacific Region to handle the workload related to complex cases. This four person team of 2 lawyers and support staff deal with large complex civil litigation cases. As well, two additional lawyers funded by Program Integrity funding were hired for the Pacific Region. These two lawyers, who work on-site at DFO, provide timely advice and give an opportunity to individuals, (such as Fishery Officers), to discuss potential charges and cases before they proceed to the prosecution stage.

In Halifax, a two person legal team was established to deal with only fisheries related cases. Similar to the team in the Pacific Region, this was seen as a positive manner in which to deal with large and complex litigation cases.

In the Results-based Management and Accountability Framework prepared for Program Integrity for Legal Services, a key attribute identified for assess success of the legal services provided is through client feedback. During this evaluation, the evaluation team did speak to clients of Legal Services.

The feedback received from the clients indicated general satisfaction with the provision of legal advice. The comments were particularly favourable towards the Departmental Legal Service Unit at Headquarters. Client feedback also indicated satisfaction with the establishment of special teams dedicated to fisheries on both coasts. This was felt as a positive initiative that would allow for the development of a corporate memory and knowledge of fisheries related activities.

Client feedback also indicated satisfaction favourable towards the teams in Vancouver and Halifax as well as the DLSU at Headquarters. This was felt as a positive initiative that would allow for the development of a corporate memory and knowledge of fisheries related activities.