

The Role
of a
Conservation Officer

By
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May14, 1988

Submitted to Len Dunsford
and Gord Gibson in fulfillment of
the requirements of
W.R. 271 -- Practicum Project

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ACKNOWLEDGEMENTS

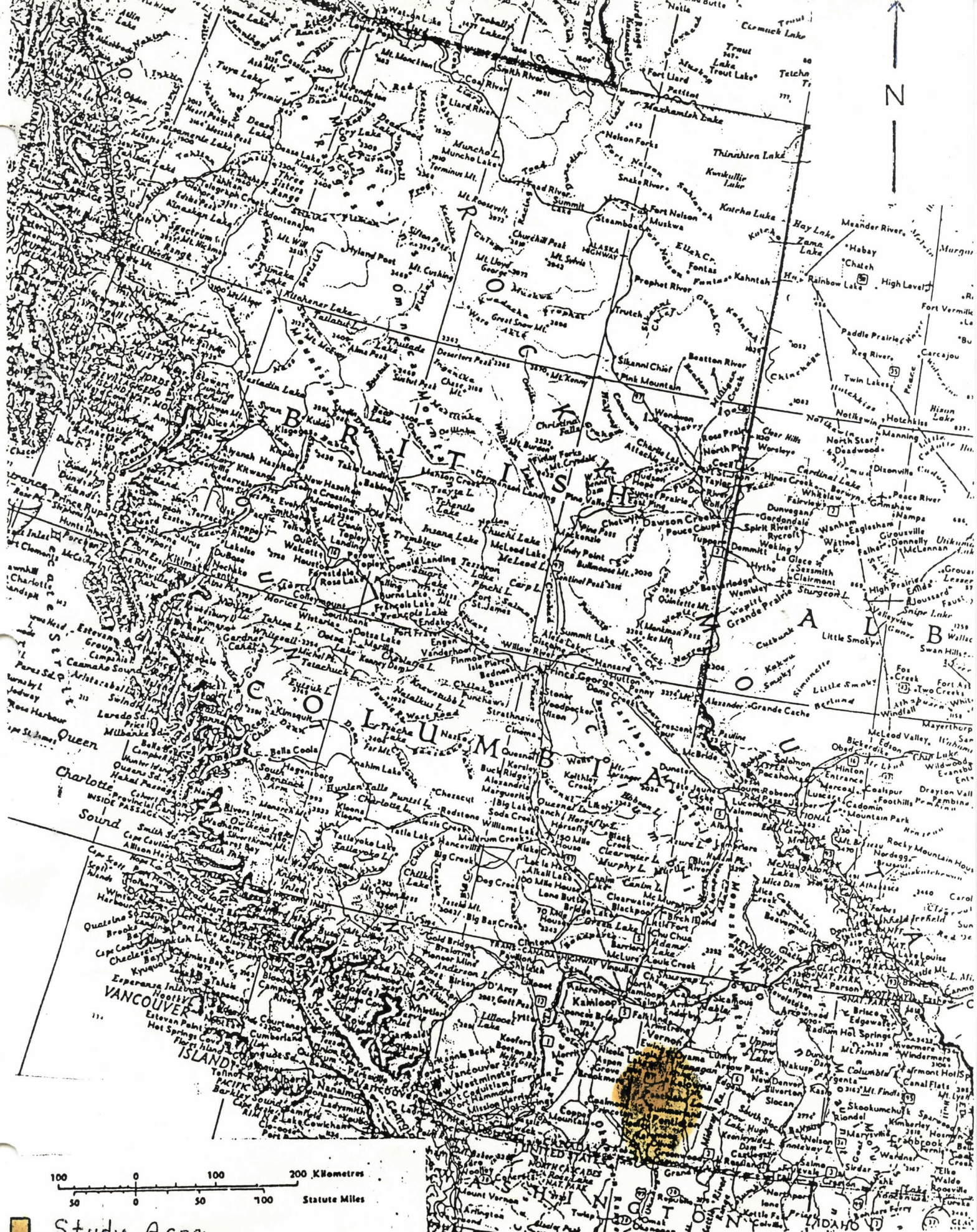
I would like to take this opportunity to thank Conservation Officer Ken Fujina and Al Breitzkreupz for their input and Co-Operation in allowing me to successfully complete my practicum project within the Penticton district.

In addition, I would like to extend my appreciation to the following people for their input:

Jim Corbett, Bob Dooley, Len Dunsford, The Penticton Fish and Wildlife Branch, Gord Gibson, Ken Schendeil and Lenora Sweet.

ABSTRACT

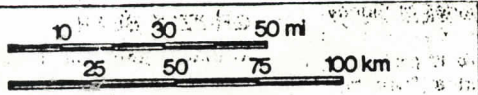
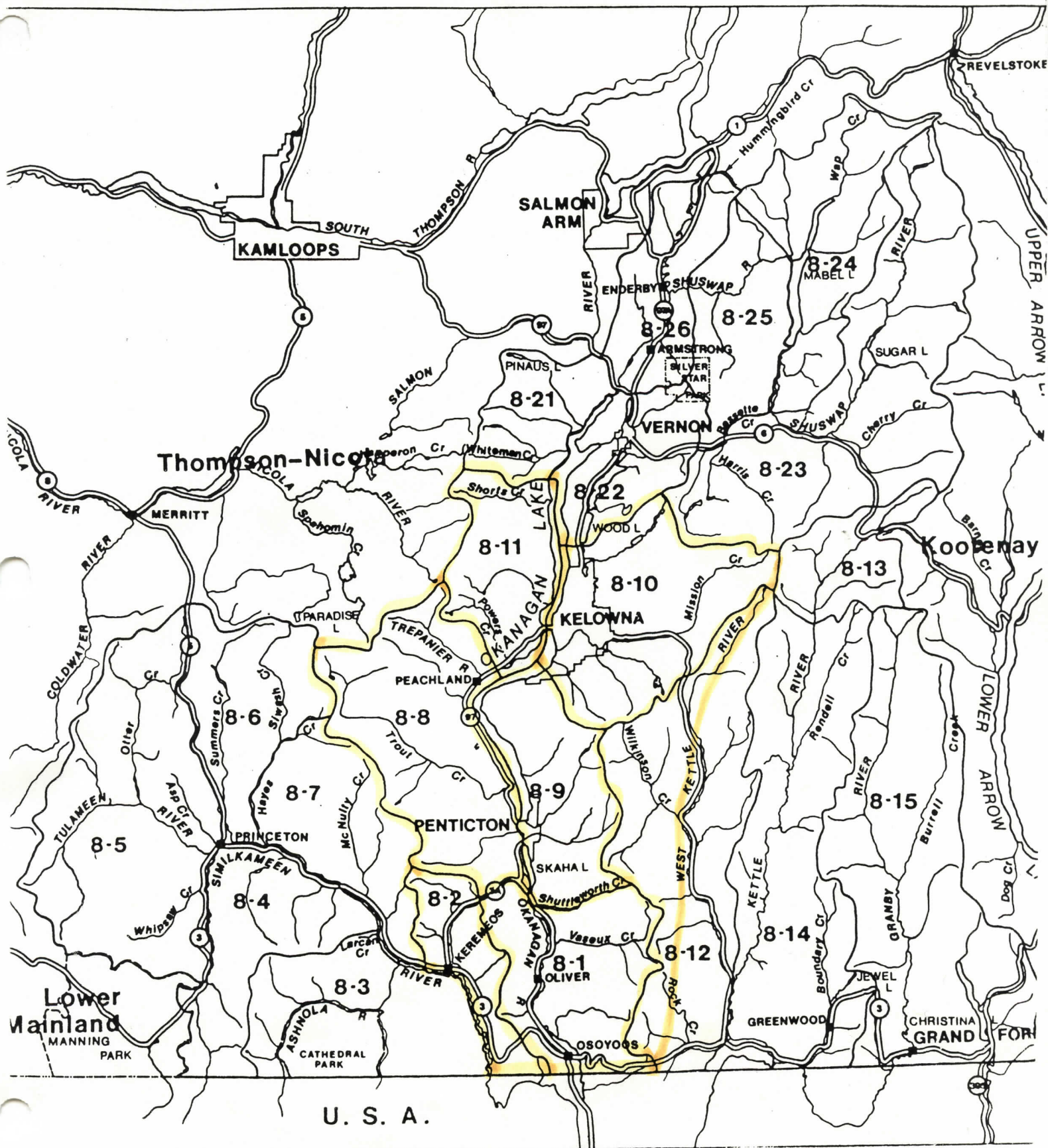
This report was constructed based on the events that occurred, during my two week practicum, while working with the Penticton Conservation Officers. I was exposed to creel censuses which are a complete check of the sport fishing in an area. The annual creel censusing that we were performing was beneficially used in collecting information on 1) the quality of sport fishing 2) fishing pressure in man-hours 3) characteristics of the fishery and 4) for collecting a variety of miscellaneous data. Recently all the trappers of the province were assigned a trapper number. This system replaced the old legal description of the line with the owner's last name representing the trap-lines identity. A Conservation Officer spends close to 95% of his time in enforcement related activities. In this report I have taken some of these activities and expanded upon them.




Study Area

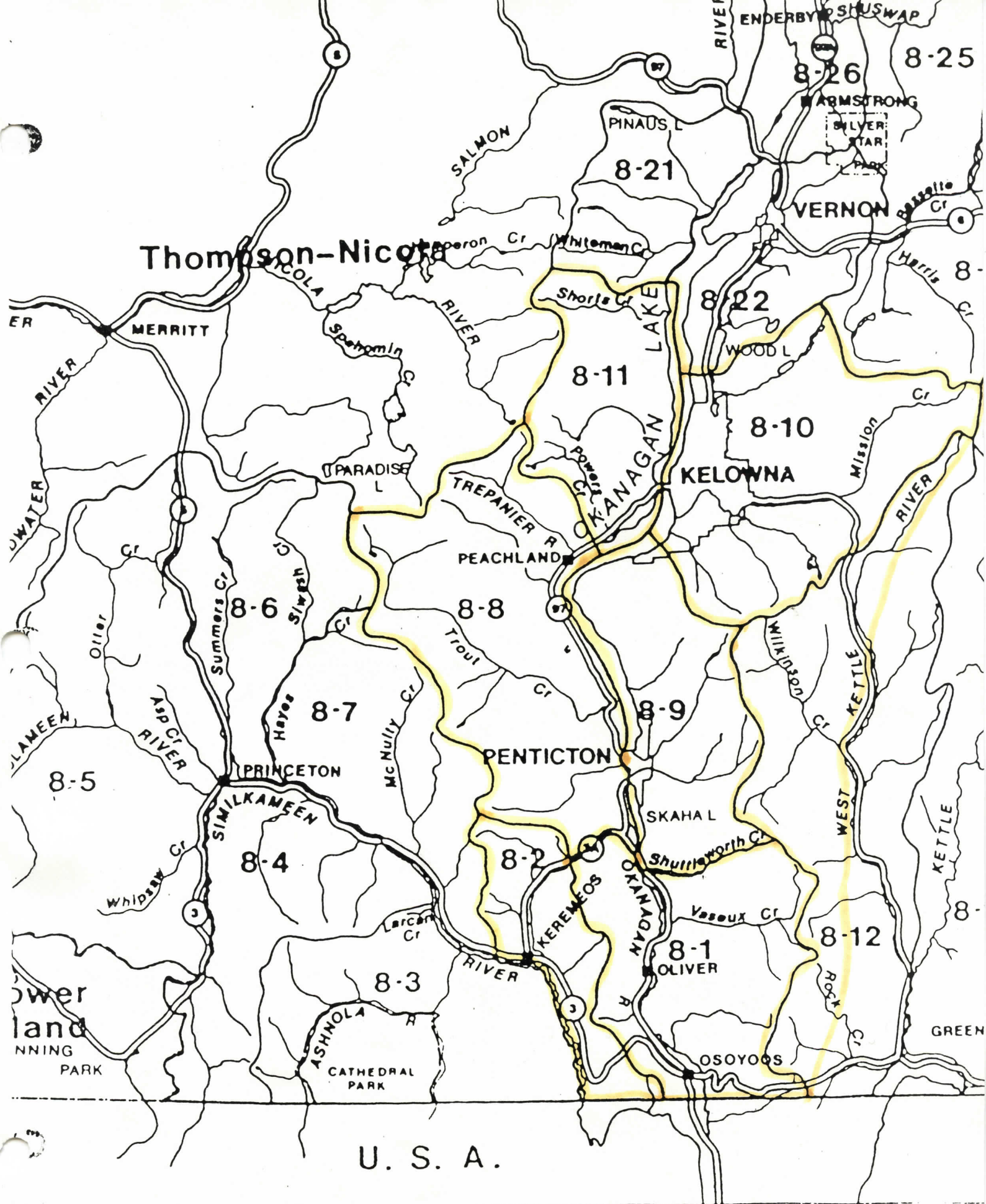
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OKANAGAN SUB-REGION



 Study Area

(iv)



Study Area

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THE ROLE OF A C.O.

Introduction

1.1 Purpose

From April 25 to May 7, 1988, I performed a practicum project with the Penticton Conservation Officer's. Al Breitzkreupz, Penticton's Senior Conservation Officer, and Ken Fujina, a Conservation Officer 2 of the Penticton district, assisted me in completing the ride along program. This report will expand on the situations I was involved in while exposed to the daily unpredictable routines of a Conservation Officer.

During the time I was not engaged in the ride along program I was actively involved in producing an up to date guide and trap-line boundaries map for the Penticton district.

Throughout this report, I will be referring to the Penticton district as the area the Penticton Conservation Officer's enforce (see key map 1, 2 and 3).

1.2 Objectives

- 1) Draft the Penticton district's current guide and

trap-line boundaries, including present owners.

2) Learn the daily routines of a Conservation Officer.

1.3 Study Area Description

The Penticton Conservation Officers enforce management units 8-9 to 8-11 and 8-1 to 8-2 (see key map 2 and 3) (M.O.E. 1958). These management units make up my study area. In an attempt to learn more about my study area I have looked at some of the topographical changes since the last ice age.

At one time an ice field spanned Okanagan Valley. This was a huge glacier that slowly moved southward along the trough of a fold in the earth's crust, scouring the valley and carrying a load of large and small boulders (Wade 1958).

Near the summit of Apex Mountain huge boulders can be seen, deposited there by the melting glacier. The elevation of Apex Mountain is 2248 m. (7,372 ft.), that of Okanagan Lake is 345 m. (1,132 ft.). In the deepest place, the lake bottom elevation is 122 m. (400 ft.). Based on this information one can conclude that the approximate thickness of this ice shield was 2134 m. (7,000 ft.)! As the ice melted, the mountain peaks and then the mountain slopes became bare. Large deposits of

clay, sand and silt were deposited from the Westbank district south. After the big break, lateral streams washed out numerous gulches around Okanagan Lake. The deposits they brought filled the valley bottom and separated Okanagan and Skaha Lakes (see key map 3). The main Okanagan Valley runs north - south and side slopes average 35%. Tributaries run predominantly east-west with somewhat steeper side slopes (45-60%) (Wade 1958).

Within the study area, upper slopes from 1370 m. (4500 ft.) to 1830 m. (6000 ft.) are within the Engelmann Spruce - Sub-Alpine Fir (ESSF) forest zone and have continuous forest cover with increasing canopy closure at lower elevations. Below 1370 m. (4500 ft.) the forest cover is predominantly Douglas Fir (Pseudotsuga menziesii) within the Interior Douglas Fir (IDF) zone. The area below 570 m. (1880 ft.) is classed as the Ponderosa Pine Bunch Grass (PPBG) zone (Farley 1979).

2.0 Researched Findings

To better meet the objectives of this report, I have researched information concerning the situations I was exposed to during my practicum project within the Penticton district.

2.1 Trapping

The Penticton region has two types of trapping: trapping on crown land and trapping on private property.

A person wishing to begin to trap on crown land must have the status of a Canadian citizen, be at least 19 years of age and obtain a registered trap-line from the Regional Manager of the Fish and Wildlife Branch.

A person wishing to begin trapping on private land must meet the qualifications as mentioned above and obtain permission from the landowner to trap on his land. Upon doing this, the person will present his request to the Regional Manager. If the request is granted, the Regional Manager will issue the trapper a license on the areas lot number.

A person trapping on crown and/or private land must abide by the M.O.E. and Parks trapping regulations for that year in order to maintain his/her trap-line (M.O.E. 1987).

A three day trapper training course is mandatory for new trappers to take before being issued their trapping license. This course is very similar to the C.O.R.E. hunter training course.

2.1.1 Assigned Trapper Number

Beginning October 1, 1985, the ASSIGNED TRAPPER NUMBER (A.T.N.) is required by the fur trader when exporting fur, selling fur and paying for royalties (M.O.E. 1987). In the past, a legal description of the trap-line was mapped and referred to as a trapper's last name. This system was confusing and caused many problems. Today the (A.T.N.) is just a number, making everything simple and computerized. While I was mapping the guide and trap-line boundaries I placed the trappers last name underneath his\her (A.T.N) allowing the Conservation Officer to know the trapper's name at a quick glance of the map. I placed the trappers name on a piece of removable paper so if in fact the trapper sold his area the name could be easily changed.

2.1.2 Conservation Officer's Role in the Trapping Scene

The Conservation Officers ensure that the trappers are abiding by that particular year's trapping regulations (see appendix A). This may involve checking traps to see if they are legally set and of the proper kind. A Conservation Officer may also be involved in compulsory reports

of animals for the purpose of collecting information required for the management of these particular species (M.O.E. 1987).

2.1.3 Indians

The Indians within British Columbia do not need trapping licenses to trap (M.O.E. 1987). The only document an Indian must obtain to legally trap is his/her registered trap-line papers. The Regional Manager of each region has the authority to cancel trap-lines which have not been used within the last two years. Jim Corbett, a Castlegar Conservation Officer, stated that "The Indians near Penticton are allowed to form band-lines to prevent their trap-lines from being cancelled or sold by the Regional Manager" (see figure 1).

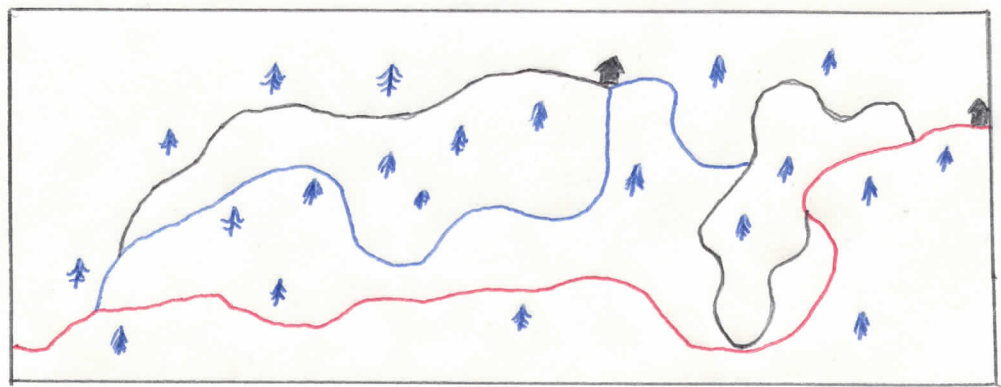


Figure 1 Registered trap-lines producing one band-line.

2.1.4 Fur Royalties

All trappers are expected to pay royalties to the Minister of Finance for each pelt or skin he/she sells (see table 1).

Table 1 Schedule of Royalties for the Okanagan Sub-Region
(M.O.E. 1987).

(a)	On each beaver	.....	0.77
(b)	On each bobcat	.....	4.11
(c)	On each coyote	.....	1.74
(d)	On each fisher	.....	4.86
(e)	On each fox	.....	1.56
(f)	On each lynx	.....	12.61
(g)	On each martin	.....	1.42
(h)	On each mink	.....	0.89
(i)	On each muskrat	.....	0.12
(j)	On each otter	.....	1.59
(k)	On each raccoon	.....	0.64
(l)	On each skunk	.....	0.09
(m)	On each squirrel	.....	0.03
(n)	On each weasel	.....	0.06
(o)	On each wolf	.....	3.18
(p)	On each wolverine	.....	6.32
(q)	On each black bear	.....	1.46

These values are from all the animals which are allowed to be trapped and sold within the Penticton region.

2.2 Creel Census

According to Bob Dooley, a biology instructor at Selkirk College, a creel census is "A survey where a complete check of all the sport fishing is made, that is, where a 100% sample is taken" (1988).

2.2.1 Use of Creel Census

In a creel census the objective is to collect information on (1) the quality of sport fishing; (2) fishing pressure in man-hours for a whole section of a body of water to be expressed as man-hours of fishing for a specific kind of fish; and (3) characteristics of the fishery, which can include the percent of total man-hours of fishing for various classes of fish (a difficult statistic to obtain). It also might include data on age, sex, geographical distribution of fisherman with the type of gear each uses; (4) a variety of miscellaneous data can be obtained if the objectives of the creel are set prior to the beginning.

2.2.2 Annual Creel Censuses

The creel censuses conducted by the Conservation Officer's of the Penticton district are made year after year. The creel census form is filled out in conjunction with an enforcement lake check of the area. A sample creel census form used on Okanagan Lake can be viewed in appendix B.

This form of censusing has been found to be useful in several categories:

- 1) They show the range of variation in the catch from a specific water that may take place from year to year.
- 2) They expose gradual expansions in numbers of some species.
- 3) They can be used to measure the effects of management techniques and they can be effectively used to estimate the fishing potential for the following season (Bennett 1971).

Creel Censuses are therefore important in producing evidence of the need for the application of some phase of fish management. A Conservation Officer knowing the peak daily, monthly and yearly use levels of fishermen would

be able to manage the fish by managing the fishermen. A report on this very subject was being produced by a Fisheries Technician while I was conducting my practicum.

2.3 Collection of Evidence

2.3.1 Notes

The notebook of an Officer is a very valuable piece of equipment. It is used on every investigation whether or not a charge is laid.

Usually there is a lapse of time between the investigation and the court proceeding. If an officer's testimony was based on memory alone some details would be forgotten. Answers such as "I don't remember", "I'm not sure", "I have forgotten", do little to impress the courts and your testimony loses credibility.

While Ken Fujina and I were investigating a Pesticide spill I was quite impressed at how Ken organized his notes. The things he recorded in his notebook were as follows:

- the time of his arrival at the scene of the

investigation

- initial observations
- names of all persons present
- vehicle licence numbers and descriptions of suspected people involved
- description of accused so as to be able to identify him months later in a crowded courtroom
- numbers and general description of photographs taken
- samples collected (places, times and site description)
- labeled diagram of the site
- observations (soil, odor, smoke, oil, ect.)
- present weather conditions

Considering this investigation was one which fell under the Pesticide Control Act, this case had to undergo a two week-referral period where the Regional and District Pesticide managers investigate the severity of the offence in question. So in essence, no action could be employed on this case until word was received back from the Regional and District Pesticide managers.

I can see the importance of such a process for a major investigation. But in this situation I see

this process as benefitting the accused in that action can not be immediately taken by a Conservation Officer under the direct guidance of a Pesticide inspector.

The more a simple case is dragged on the less information is clearly vivid in the officer's mind. Based on this is I can't emphasize enough how important good note keeping is in this type of job.

2.3.2. Who May Refer to Your Notebook?

- a) the author
- b) another officer if he has read and initialled the notes at the time of the event
- c) the court may order your notes if they are referred to during a case
- d) Defense Counsel may cross examine your notes pertaining to the case
- e) a witness - if the witness has given a statement to an officer he may refer to the notes to refresh his memory (Stent 1985)

On May 3, 1988 Ken and I went to the Pen-

tiction Court House concerning Gary garretts's case of hunting in the wrong management unit while in possession of a sustenance permit. I was quite impressed to see how Ken had sectioned off his notebook, with elastic bands, the day he ran into Gary. The reasoning behind Ken's actions was to ensure that if Gary's Defense Council requested Ken's notebook they could only look at that particular day's notes. This type of action was employed to reduce the question which may arise regarding how accurately Ken is at keeping efficient yet valid notes each day.

2.4 Field Photography

The old saying "one picture is worth a thousand words" should never be forgotten at the scene of a violation. In every investigation I was involved in with Ken pictures were taken. Each Conservation Officer is issued a camera and are expected to become familiar with their camera's operations and how to effectively use them.

Photograph's selected for court presentation should be relevant and accurate. The photos should be color print

film and not slide film as there is always some color and depth lost in converting a slide to a print. The negatives for the photographs must be kept with the case file at all times.

Photos used for court should be placed into a plastic holder and numbered on the plastic. A separate sheet describing each photo and the date and/or time taken should be filled out. This information should also be included into the Conservation Officer's notebook.

2.5 Sample Collections

2.5.1 Water and Chemicals

The provincial Environmental Laboratory in Vancouver does all the Branch analyses for water sampling. Samples of water, pesticides and chemicals both liquid and solid can be analyzed by the laboratory.

Each district office has a Hazel Kit. This kit is very valuable for analyzing water with suspended sediments. The kit is made up of a legal shipping container, 6 - 1.25 liter plastic bottles, instructions, requisition forms, marking pen and legal seals. Each district is respon-

sible for keeping this kit properly maintained.

Below I have constructed a diagram of a properly labeled sampling bottle.

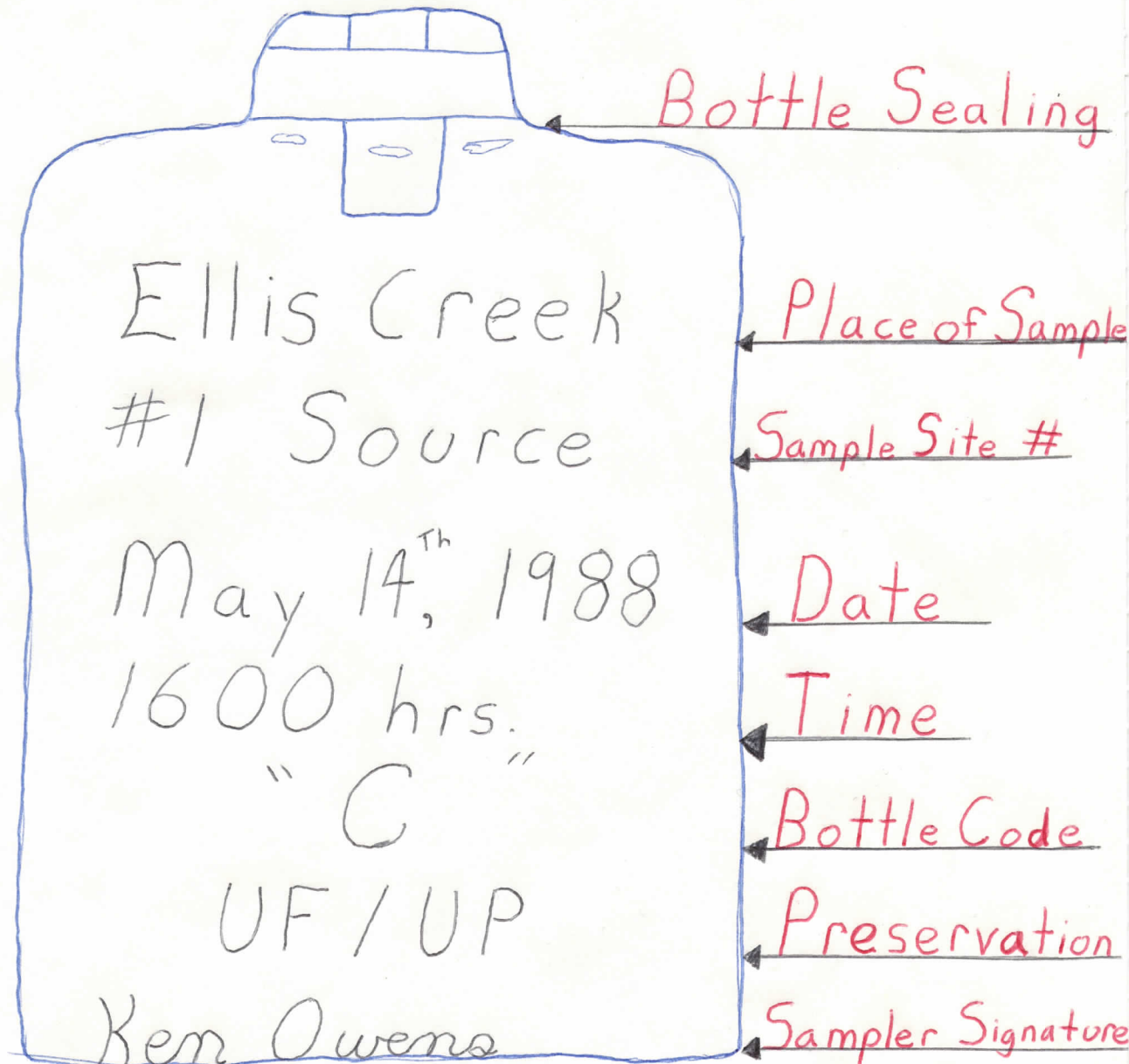


Figure 2 Properly labeled sampling bottle

2.6 Public Relations

Stopping and talking to people in remote or residential areas will assist a Conservation Officer in his preventative enforcement function. Requesting their assistance on monitoring recreational use of areas near them along with asking for their knowledge of the area and of the wildlife species and changes in the numbers they have seen will also benefit a Conservation Officer's role. During the duration of my two week practicum Ken and I occasionally stopped in at sporting good stores, taxidermist shops and schools for this very purpose.

2.6.1 Communicating

Ken I felt was able to communicate with people on many intellectual levels. Every person we encountered was unique in there own way, so there was no point in using technical terms common only to a Conservation Officer's professional group, in dealing with the average citizen. This form of action would only confuse the citizen, thereby increasing the stress and possibilities of confrontations. A Conservation Officer must be able to realize at what level to communicate with the person encountered by the way of the conversation. If the person a Conservation Officer

encounters sees the interest you have is bona fide, they will be pleased to assist your cause.

2.6.2. Other Agencies Involvement

The Conservation Officer's Service is increasingly getting other agencies such as the R.C.M.P., Canadian Wildlife Service, Ducks Unlimited, Forest Service, Provincial and Federal Parks Branch and Federal Fisheries more involved into the Conservation Officer's duties and responsibilities. Input from these agencies is designed to better the Conservation Officer's enforcement program. The effect on the public having all these agencies working together is incredible, and to investigate and convict a person as a result of information from another agency creates positive feedback.

During my practicum Ken and I took out an R.C.M.P. Officer for a day and a Pesticide inspector came out with us on numerous occasions.

2.7 Statements

A statement is anything said orally or in writing by a

witness or an accused (Clepper 1979). There are basically two categories of statements.

- 1) Warned
- 2) Unwarned

A warned statement is one where a person is likely to get charged with an offence. The accused is then given the official warning "You are not obliged to say anything, but anything you do say may be given in evidence."

When Ken had to get a warned statement from Craig Parks, concerning the pesticide investigation, he made sure he properly warned Craig before questioning him. If Ken would not of warned Craig properly, Craig's defense could challenge the statement in court, and this would be adequate grounds for the court to rule the statement inadmissible.

In taking statements it is best to obtain them as close to the date the offence was committed as possible. This makes it difficult for a suspect to fabricate a story or alibi and usually makes them give up damaging admissions to their defense in an early interrogation.

The best statement is always a narrative in the

accused's own words. If this can not be done a question and answer statement will be conducted, but these are always suspect. Once the statement is finished the accused should read the statement and sign each page. All corrections should be initialed.

An unwarned statement is a statement from a witness and all conversations with a suspect, prior to the warning been given. Comments made by a suspect during the initial contact are often very important, and are usually admissible in court. These statements are usually recorded in the Conservation Officer's notebook. In the case of Ken obtaining the statement from Alex Prokopchuck, concerning the pesticide inspection, Ken had a witness statement form that he filled out.

2.8 Tickets

The Conservation Officer's can issue five different tickets. The most common ticket issued by the Conservation Officer's is classed as a Universal Ticket Information (U.T.I.). This form of ticket is used for provincial infractions such as those which fall under the wildlife and firearm's act. The (U.T.I.) can commonly be seen issued by other enforcement agencies such as the R.C.M.P. issuing Motor Vehicle infraction's. A sample copy of this type of ticket may be viewed in appendix C.

The Conservation Officer's Service is involved in the Wildlife, Fisheries, Waste Management, Water Management Air Management and Pesticide Control programs. In each of these programs there are up to four acts, with a large number of regulations, which a Conservation Officer enforces. To see some of the more common acts the Conservation Officer's of the Penticton district enforce under the offence section consult appendix D.

Under each act a schedule of voluntary penalties are listed to ensure the courts will not be over congested with straight forward offences and thus allowing the accused to easily pay his fine. A list of voluntary penalties under the wildlife act are given in appendix E.

When a voluntary penalty is not indicated within the act the Conservation Officer is charging a person under, he will issue an appearance notice to the accused to appear in court to be dealt with according to law. The Provincial Appearance Notice, which can be viewed in appendix F, can only be issued for voluntary fines not indicated within the Provincial Acts a Conservation Officer enforces.

Another form of ticket the Penticton Conservation Officer's issues is termed the Department of Fisheries and

Oceans Ticket Information. This ticket may be seen in appendix G of this report. This form of ticket is used for infractions occurring under the federal acts which a Conservation Officer enforces. Such acts include the Federal Fisheries and Migratory Birds Convention act. When voluntary fines are not indicated under the act's which fall into this category a Federal Appearance notice may be issued by a Conservation Officer (see appendix H)

The fifth type of ticket the Conservation Officer Service can currently issue is a check up slip or warning notice. A duplicate ticket of this nature may be viewed in Appendix I.

2.9 Processing an infraction

The processing of a violation begins once you have gathered sufficient evidence to lay an information outlining a charge. While in the field it is important to gather all the necessary information from the accused person or persons.

Conclusions

In the past, Conservation Officer's have been heavily involved in the technical aspects of protecting the environ-

ment. Today, Conservation Officer's are working under a new mandate enforcing more enforcement responsibilities and less technical. Considering the programs a Conservation Officer is involved in and the large number of acts and regulations he is responsible for enforcing he no longer has the time nor the knowledge to perform all the technical responsibilities he was once so heavily involved in. Today, what we are seeing is more specialized agencies performing the technical work within the fields a Conservation Officer enforces.

In summary, a Conservation Officer is the policeman of the environment, spending up to 95% of his time in enforcement related activities. These activities tend to change by season but generally involve checks on the environment's users to ensure it's resources are maintained and used in a beneficial way to us all. With our growing population and increasing demands, the need for enforcement of this kind can not be emphasized enough.

Recommendations

- 1) Shorten or eliminate the referral period on minor pesticide inspections.
- 2) Perform more taxidermist inspections on smaller firms.
- 3) Continue having other agencies being involved into a Conservation Officers enforcement responsibilities.
- 4) Within the creel census forms employed, more specific

questions pertaining to when fisherman are using the lakes should be asked in an attempt to obtain more information on when the lakes are being utilized the most.

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APPENDICES

APPENDIX A	1987-88 Trapping Regulations
APPENDIX B	Creel Census Form
APPENDIX C	.....	Universal Ticket Information
APPENDIX D	.....	Common Acts Enforced
APPENDIX E	.....	Wildlife Act Voluntary Penalties
APPENDIX F	.....	Provincial Appearance Notice
APPENDIX G	.....	Fisheries & Oceans Ticket Info.
APPENDIX H	.....	Federal Appearance Notice
APPENDIX I	.....	Check Up Slip/Warning Notice