



Fisheries Act Changes and Implementation

An Overview

Natural Channel Conference
September, 2016



Background

Changes to the *Fisheries Act* were made through two bills:

- *Jobs Growth and Long-Term Prosperity Act, and*
- *Jobs and Growth Act.*

Although some amendments to the *Fisheries Act* came into force upon Royal Assent, final amendments from both bills came into force on November 25, 2013.



Background

Intent of the changes were to:

- Focus the Act's regulatory regime on managing threats to the sustainability and ongoing productivity of Canada's commercial, recreational and Aboriginal fisheries;
- Provide enhanced compliance and protection tools for these fisheries;
- Provide clarity, certainty and consistency of regulatory requirements through the use of tools such as standards and regulations; and
- Enable enhanced partnerships with agencies and organizations that are best placed to provide fisheries protection services to Canadians.



What I have Noticed

- Serious Harm
 - Please use the Fisheries Act definition of serious harm (permanent alteration of habitat, destruction of habitat and death of fish) not “Webster’s” definition of serious and harm.
- Permanent Alteration – everyone struggling with this.
- Commercial, Recreational and Aboriginal and those fish that support.
 - Brook Stickleback
- Self Assessment website.



What I have Noticed

- Section 6 versus Section 35
 - If I am not having an impact on productivity it must not be serious.
- Stream Realignment
 - I am mitigating the “removal” of habitat by creating new habitat, so I am not causing serious harm.
- Information Requirement Regulation
 - Minimum Requirements
 - 60/90 days
 - Letter of Credit



Going Forward

Mandate Letter

- Work with the Minister of Transport to review the previous government's changes to the Fisheries and Navigable Waters Protection Acts, restore lost protections, and incorporate modern safeguards.
- Work with the Minister of Environment and Climate Change and the Minister of Natural Resources, to immediately review Canada's environmental assessment processes and introduce new, fair processes that will:
 - restore robust oversight and thorough environmental assessments of areas under federal jurisdiction, while also working with provinces and territories to avoid duplication;
 - ensure that decisions are based on science, facts, and evidence, and serve the public interest;
 - provide ways for Canadians to express their views and opportunities for experts to meaningfully participate; and
 - require project advocates to choose the best technologies available to reduce environmental impacts.



Scope of the Review of Changes to the *Fisheries Act*

On June 29th, 2016, the Standing Committee on Fisheries & Oceans (SCOFO) confirmed the scope of the review of the changes to the *Fisheries Act* as follows:

- review and study the scope of application of the *Fisheries Act*, and specifically the **serious harm to fish prohibition**;
- how the prohibition is implemented to protect fish and fish habitat;
- the **capacity** of Fisheries and Oceans Canada to deliver on fish and fish habitat protection through project review, monitoring, and enforcement;
- the **definitions** of serious harm to fish and commercial, recreational, and Aboriginal fisheries; and
- the use of regulatory authorities under the *Fisheries Act*, and other related provisions of the Act.



Review of the Changes to the *Fisheries Act*

Expected Milestones & Timelines: Standing Committee on Fisheries & Oceans

- The Standing Committee on Fisheries & Oceans review will take place in Fall 2016.
- The Minister will present the views of the Department, Indigenous Groups, the Provinces and Territories and the public to the Standing Committee on Fisheries & Oceans in Winter 2016 / 2017.
- The Standing Committee on Fisheries & Oceans will submit a report in early 2017 outlining the Standing Committee's recommendations.
- The Government of Canada will have 120 days to respond to Standing Committee on Fisheries & Oceans report.



Review of the Changes to the *Fisheries Act*

Expected Milestones & Timelines for Engagement

- An online engagement tool to seek public input on the review of the changes to the *Fisheries Act* will be launched in October 2016.



For More Information:

Visit the Government of Canada's Review of Environmental and Regulatory Processes website:

- <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/fish-habitat-protection.html>



Questions