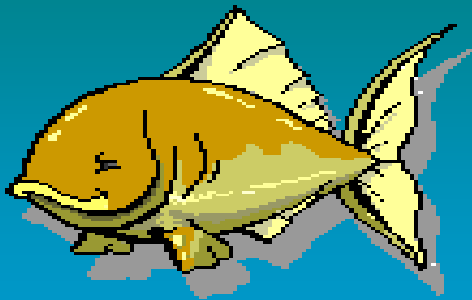


Review of Changes to the Federal Fisheries Act



Presentation Outline

1. Background Fisheries Act History
2. Fisheries Act Modernization
3. Review of Changes
 - A. Act
 - B. Authorization Regulation

Fish Act History

- Long history of joint management of Fish and Fish Habitat between Province and Federal Government
- Constitutional Authorities.
 - Federal government - Fisheries
 - Province - Land and Water Use Activities
- Fisheries Act – direction on managing and protecting fisheries including direction and prohibitions to protect habitat.
- Provincial legislation, regulations, and guidelines developed to be the pro-active compliment to the Fish act directions and prohibitions to ensure fish habitat is protected from those activities the province is responsible for such as FRPA.

Fish Act Modernization

Platform promise to develop a modernized Fisheries Act that provides a framework for the conservation and protection of fish and fish habitat by:

- Restoring lost protections and incorporating modern safeguards
- Providing certainty for industry, stakeholders, and Indigenous groups
- Promoting the long-term sustainability of aquatic resources
- Ensuring protection for Canadian fish

Fish Act Modernization

- Input from public, stakeholders, First Nations, and Provincial Governments to identify and restore lost protections, and incorporate modern safeguards.
- Provincial advice to ensure:
 - Critical protections for BC's valuable fisheries resources.
 - Right balance between environmental protection and responsible economic development.
 - Enabling sustainable resource development.

Act Changes

Purpose

The purpose of this Act is to provide a framework for:

(a) the proper management and control of fisheries; and

(b) the conservation and protection of fish and fish habitat, including by preventing pollution.

Act Changes

Definitions of "fish habitat" and "fishery"

- **fish habitat** means water frequented by fish and any other areas, on which fish depend directly or indirectly in order to carry out their life processes, including, spawning grounds, nursery, rearing, food supply and migration areas;
- **fishery** with respect to any fish, includes,
 - (a) any species, populations, assemblages or stocks, whether the fish is fished or not;
 - (b) any place where fishing may be carried on;
 - (c) any period during which fishing may be carried on;
 - (d) any method of fishing used; and
 - (e) any type of fishing gear or equipment or fishing vessel used;

Act Changes

Considerations for decision making:

When making a decision under this Act, the Minister may consider, among other things,

- *precautionary approach, ecosystem approach, sustainability of fisheries, scientific information, traditional knowledge, community knowledge, cooperation with any government of a province, any Indigenous governing body and any body—including a co-management body—established under a land claims agreement, social, economic and cultural factors* in the management of fisheries
- *Not exhaustive and not mandatory-commitment to take important elements into account*

Act Changes

Prohibitions

➤ *Death of Fish*

- to prohibit any person from carrying on any w/u/a that results in the death of fish (DOF), other than by fishing.

➤ *Harmful Alteration Disruption or Destruction of Fish Habitat*

- prohibit any person from carrying on any w/u/a that results in the harmful alteration, disruption or destruction (HADD) of fish habitat.

Act Changes

- Agreements
- Stock Rebuilding and Habitat Restoration
- Factors to consider
- Standards and codes of practice
- Fish passage and flow
- Designated Projects and Permits
- Ecologically Significant Areas
- Duty to notify and corrective measures
- Habitat banking
- Registry

Fish Passage

- To ensure safe passage or protect fish or fish habitat on request from Minister owner or person in charge of an obstruction that is detrimental to fish or fish habitat in specified time conduct studies, analyses, samplings, and evaluations and provide related documents relating to the obstruction or the affected fish and fish habitat
- If Minister considers it necessary to ensure safe fish passage or protect fish or fish habitat can order that within specified time and in accordance any specifications:
 - Removal
 - Construct a fishway
 - A system to catch and transport fish beyond
 - Install fish stop or diverter
 - Install fish guard or screen to prevent fish passage
 - Maintain sufficient flow of water for fish passage
 - Maintain downstream flow and water characteristics
 - Protect during necessary activities
 - Maintain in good condition
 - Modify and repair

Act Changes

- Agreements
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Act Changes

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Authorizations Concerning Fish and Fish Habitat Protection Regulations

Authorizations Concerning Fish and Fish Habitat Protection Regulations

- Required information for an application for an authorization:
 - Non Emergency- Schedule 1
 - Emergency- Schedule 2
- Time Limits
 - Non Emergency
 - On receipt of application Minister must notify
 - 60 days notify if complete or not
 - 90 days from notification provide authorization decision
 - Exceptions-amendments, suspension, consultation required

Authorizations Concerning Fish and Fish Habitat Protection Regulations

- Required information for an application for an authorization:
 - Non Emergency- Schedule 1
 - Emergency- Schedule 2
- Processing non emergency application
 - Time lines for process
 - Ammendments, suspension, or cancellation requests
 - Ammendments, suspension, or cancellation by Minister

Schedule 1-Information and documents

- Name, address, phone
- Description of works
- Phases and Schedule
- Location
- Consultations
- Fish and Fish Habitat description
- Effects on Fish and Fish Habitat
- Measures and Standards to avoid HADD or DOF
- Habitat Credits
- Offsetting Plan

Schedule 2-Information and documents

- Name, address, phone
- Description of works
- Timeline
- Location
- Description of HADD or DOF

[Link](#)



Links

➤ A modernized fish act for Canada:

<https://dfo-mpo.gc.ca/campaign-campagne/fisheries-act-loi-sur-les-peches/index-eng.html>

➤ Projects Near Water Website

<https://dfo-mpo.gc.ca/pnw-ppe/index-eng.html>

Questions

