

STANDING COMMITTEE ON FISHERIES AND OCEANS RECOMMENDATIONS FOR REVISION OF THE FISHERIES ACT FEBRUARY, 2017

Recommendation 1

That section 35(1) of the *Fisheries Act* return to its wording as of 29 June 2012 which reads: “No person shall carry on any work, undertaking or activity that results in the harmful alteration or disruption, or the destruction, of fish habitat.” Remove the concept of “serious harm” to fish from the Act.

Recommendation 2

That Fisheries and Oceans Canada take an ecosystem approach to protection and restoration of fish habitats so that the entire food web is preserved for fish by:

1. Adopting key sustainability principles;
2. Protecting the ecological integrity of fish habitat; and
3. Protecting key areas of fish habitat.

Recommendation 3

Any revision of the *Fisheries Act* should review and refine the previous definition of HADD due to the previous definition’s vulnerability to being applied in an inconsistent manner and the limiting effect it had on government agencies in their management of fisheries and habitats in the interest of fish productivity.

Recommendation 4

That Fisheries and Oceans Canada emphasize protection for priority habitats that contribute significantly to fish production within the context of section 6 of the Act.

Recommendation 5

That Fisheries and Oceans Canada fund more research dedicated to ecosystem science.

Recommendation 6

That protection from harmful alteration or disruption, or the destruction, of fish habitat be extended to all ocean and natural freshwater habitats to ensure healthy biodiversity.

Recommendation 7

To protect fish habitat from key activities that can damage habitat, such as destructive fishing practices and cumulative effects of multiple activities.

Recommendation 8

That Fisheries and Oceans Canada put sufficient protection provisions into the *Fisheries Act* that act as safeguards for farmers and agriculturalists, and municipalities.

Recommendation 9

That Fisheries and Oceans Canada work with the farm community and rural municipalities to provide incentives and expert advice to conserve and enhance fish habitat and populations and utilize the enforcement approach as a last resort.

Recommendation 10

That permitting be expedited to allow for works that involve the restoration of damaged infrastructure and emergency works to protect people and communities.

Recommendation 11

That the *Fisheries Act* should include a clear definition of what constitutes fish habitat.

Recommendation 12

That Fisheries and Oceans Canada assess and improve communications between fisheries stakeholders and the Department's upper management and decision makers.

Recommendation 13

That communication within and between all levels of Fisheries and Oceans Canada be improved.

Recommendation 14

That Fisheries and Oceans Canada clearly define the parameters of what is considered a violation of the *Fisheries Act*.

Recommendation 15

That Fisheries and Oceans Canada should create a widely representative advisory committee to provide ongoing recommendation regarding the administration and enforcement of the *Fisheries Act*. The advisory committee should include but not be limited to, industry groups, project proponents, agricultural groups, municipal government representatives and commercial, recreational and Indigenous fisheries representatives.

Recommendation 16

To broaden the Minister's mandate to consider long-term conservation and protection of fish and fish habitat when evaluating projects that contravene the *Fisheries Act*.

Recommendation 17

That Fisheries and Oceans Canada provide the Committee with a report within two years after the revision to the *Fisheries Act* detailing authorization requests and decisions timelines.

Recommendation 18

That any changes to habitat protection in the *Fisheries Act* must be supported by a reduced reliance on project proponent self-assessment.

Recommendation 19

That Fisheries and Oceans Canada put in place consistent monitoring requirements for proponents, with clear standards and rationale.

Recommendation 20

That Fisheries and Oceans Canada make investments into a public and accessible database system that will identify:

1. The location and status of projects that have been flagged by the Department of having a potential to cause harm to fish and fish habitat (authorizations, monitoring results and convictions) and their cumulative effects;
2. The location of different aquatic species;
3. Up-to-date monitoring of aquatic species at risk and their status; and
4. The status of authorizations.

Recommendation 21

That Fisheries and Oceans Canada ensure that significant investments are made in hiring more field personnel to improve fish habitat enforcement, to assist in fisheries enhancement projects and to establish positive consultative relationships with local communities.

Recommendation 22

That Fisheries and Oceans Canada meaningfully resource the monitoring, compliance and enforcement components of the Department.

Recommendation 23

That Fisheries and Oceans Canada increase enforcement staff on the ground by recruiting and retaining habitat monitors, including fishery officers who are dedicated to habitat protection.

Recommendation 24

That Fisheries and Oceans Canada ensure that habitat protection staff are adequately trained and resourced with long-term funding and empower field staff to do their job to protect fish and fish habitat.

Recommendation 25

That Fisheries and Oceans Canada re-establish the Habitat Protection Branch, adequately resourced to provide advice to proponents of projects that may impact marine and freshwater habitats and to enforce compliance.

Recommendation 26

Re-examine sections 32, 35 and 36 *Fisheries Act* authorizations as environmental assessment triggers.

Recommendation 27

That Fisheries and Oceans Canada continue to fund fisheries conservation and enhancement projects in co-operation with the Indigenous communities, the agricultural communities, and fisheries conservation organizations.

Recommendation 28

That the exercise of ministerial discretion be subject to transparency principles and public disclosure.

Recommendation 29

That the Minister, in the exercise of his or her discretionary power over licencing, may specify conditions of licence respecting and in support of social and economic objectives, in addition to the conservation objectives currently identified.

Recommendation 30

That any revision to the *Fisheries Act* should include direction for restoration and recovery of fish habitat and stocks.

Recommendation 31

That the Government of Canada address known regulatory gaps to ensure that Fisheries and Oceans Canada, in collaboration with all fisheries stakeholders, is capable of responding to all activities that are harmful to fish or fish habitat and is able to actually determine effect (e.g. ongoing collection of baseline data that allows determination of changes due to activities).

Recommendation 32

That Fisheries and Oceans Canada renew its commitment to the “No Net Loss” and “Net Gain” policies with a renewed focus, effort and resources on restoration and enhancement of fish habitat and fish productivity and that the Department allow project proponents flexibility to fulfill this requirement.