



Fisheries Protection Program: An overview

DFO Pacific Region

BC Interior Stewardship Workshop, Salmon Arm
March 2014



Overview

- Amendments to the *Fisheries Act*
 - National Policy - Fisheries Protection Policy Statement
- Program Changes
- Regulatory Process



The *Fisheries Act* and new policy



CANADA

CONSOLIDATION

CODIFICATION

Fisheries Act

Loi sur les pêches

R.S.C., 1985, c. F-14

L.R.C. (1985), ch. F-14

Current to January 23, 2014

À jour au 23 janvier 2014

Last amended on November 25, 2013

Dernière modification le 25 novembre 2013

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<http://lois-laws.justice.gc.ca>

Fisheries Protection Policy Statement

October 2013





Scope of application

- Most water bodies in Canada contain fish, or fish habitat, that are part of, or support, a commercial, recreational or Aboriginal fishery, and thus are subject to the prohibition against causing *serious harm to fish*
- Notwithstanding the above, some water bodies may be specifically excluded from the application of federal or provincial regulations
- Some water bodies may not contain fish or provide fish habitat that are part of or support commercial, recreational or Aboriginal fisheries. Such water bodies may not require authorization



Amendments to the Fisheries Act

The New Prohibition

- The **new** prohibition: (section 35 (1))

“No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery.”

“serious harm to fish” is defined in the Act as “the death of fish or any permanent alteration to, or destruction of, fish habitat.”
- DFO’s policy interpretation of serious harm to fish is:
 - the **death of fish**;
 - a **permanent alteration to fish habitat** of a spatial scale, duration and intensity that limits or diminishes the ability of fish to use such habitats as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes;
 - the **destruction of fish habitat** of a spatial scale, duration, and intensity that fish can no longer rely upon such habitats for use as spawning grounds, or as nursery, rearing, or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes.



Amendments to the Fisheries Act

Purpose and Section 6 Factors

- The **‘Purpose’** section 6.1 outlines the overarching purpose for decision-making under the Fisheries Protection sections:
 - to provide for the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries.
- A new section 6 guides decision-making related to the Fisheries Protection Provisions:

Four factors must be considered by the Minister before making decisions:

 - a) the contribution of the relevant fish to the ongoing productivity of commercial, recreational or Aboriginal fisheries;
 - b) fisheries management objectives;
 - c) measures and standards to avoid, mitigate or offset serious harm to fish that are part of or support a commercial, recreational or Aboriginal fishery; and
 - d) the public interest.

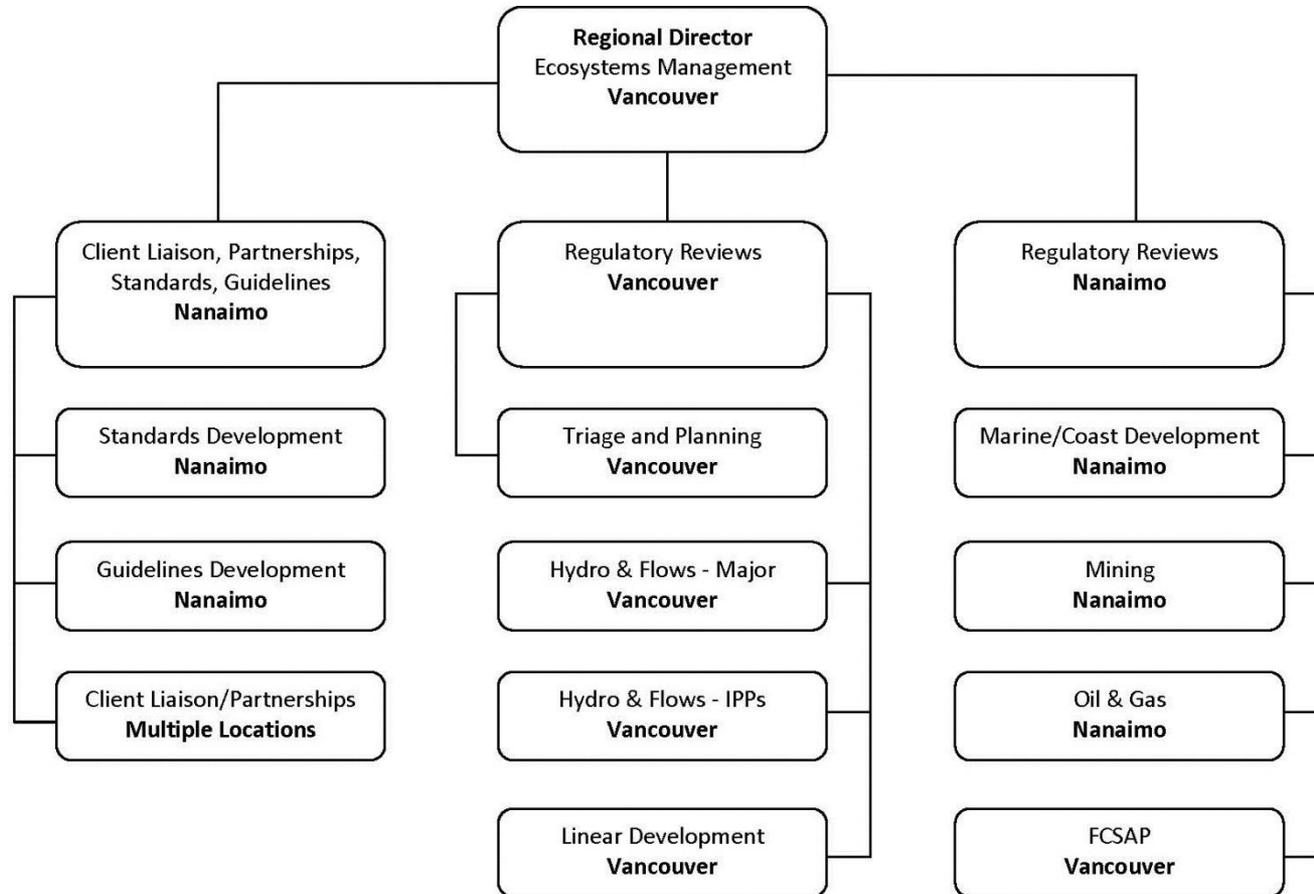


Fisheries Protection Program

- DFO's Fisheries Protection Program has replaced the former Habitat Management Program
- Services have been consolidated in 16 regional Fisheries Protection Units across Canada to review project submissions and monitor DFO-approved projects
- The Fisheries Protection Program has 2 groups; a Regulatory Group and a Partnerships / Standards / Guidelines (PSG) Group
- The Regulatory group is organized into fishery protection units (see next slide) and all project reviews and occurrences are centralized with a Regional Triage unit.
- The PSG Group will focus on non-regulatory activities.



Changes to Organization

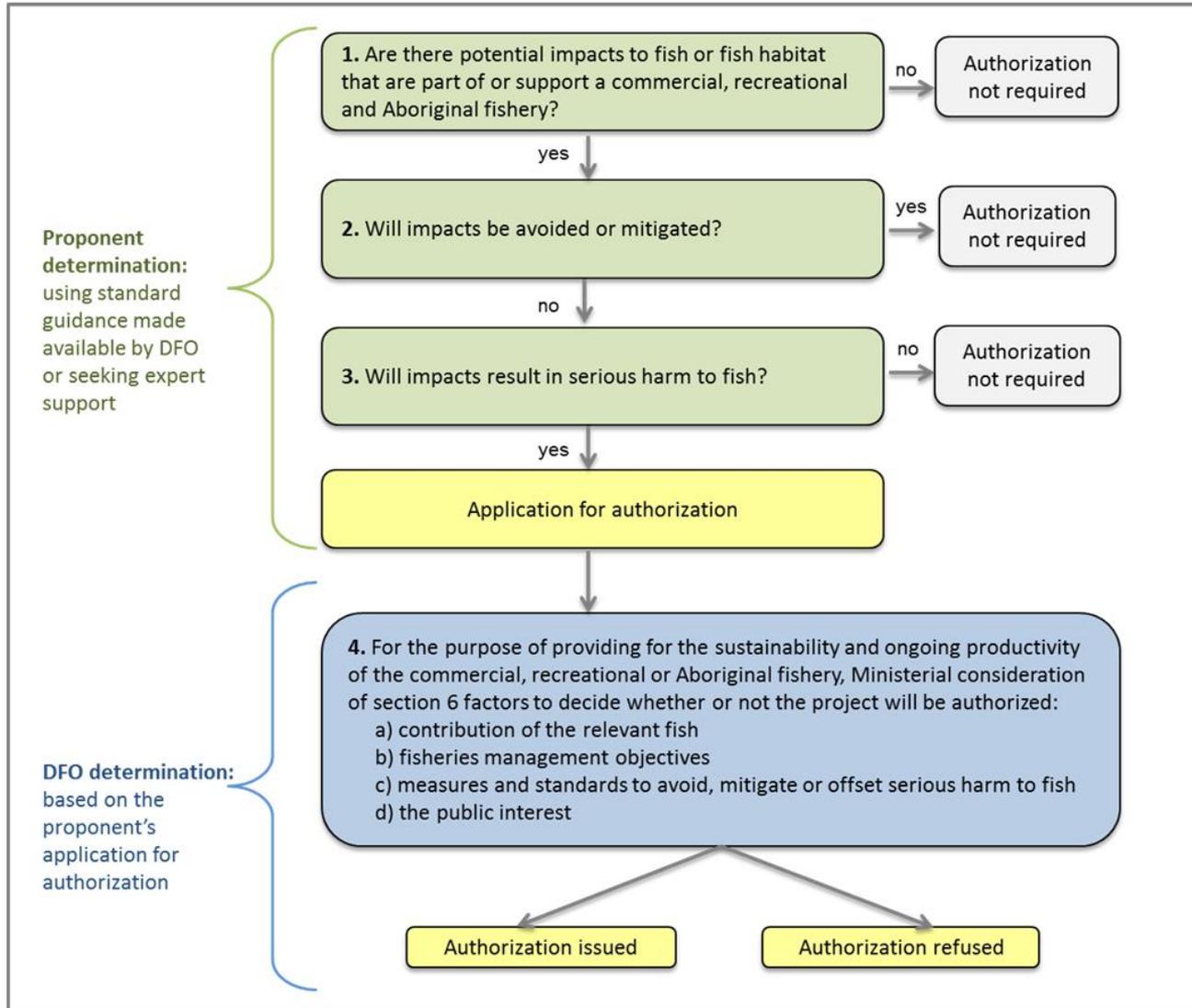


Additional Program staff are located in the Nanaimo, Vancouver, Prince Rupert and Whitehorse Service Delivery Points, but are not illustrated on this simplified organization chart.

- More information is available from Program Contacts on the [Working Near Water in BC and Yukon](#) website.



Project Reviews





Information on the DFO Fisheries Protection Program can be found on DFO's website including:

- Self assessment guidance
- Project review application
- Authorization request forms
- Contact information

The screenshot shows a web browser window displaying the 'Projects Near Water' page on the Fisheries and Oceans Canada website. The page includes a navigation menu with categories like 'On the water', 'Fisheries', 'Science and Research', 'Ecosystems', 'Species', 'Aquaculture', and 'Regions'. The main content area is titled 'Projects Near Water' and contains a sidebar with links such as 'Does my project need a review?', 'Measures to Avoid Harm', 'Request a review or an authorization', and 'Fisheries Protection Program'. The main text explains that the Fisheries Act requires projects to avoid serious harm to fish and provides guidance on self-assessment, including types of waterbodies where DFO review is not required and project activities and criteria where DFO review is not required. The page is dated as modified on 2013-11-25.



Authorization process – new Regulation

- The first Regulation under the amended FA for Information Requirements and Timelines for FA Authorizations is in force as of Nov 25.
- Authorizations are required for projects that are likely to result in serious harm to fish
- A formal process for applying for authorizations follows information requirements and defined time limits set under *Fisheries Act* regulations
 - *An information guide for proponents is available on the DFO website*
- Authorizations will include conditions to avoid, mitigate and offset the serious harm to fish
- Failure to abide by these conditions will be a contravention of the *Fisheries Act*.
- Also measures for transitional Authorizations



Guidance on Offsetting

**Fisheries Productivity
Investment Policy:
A Proponent's Guide
to Offsetting**

November 2013

- aims to maintain or enhance sustainability and ongoing productivity of fisheries through avoiding, mitigating and offsetting
- outlines the proponent's responsibility to avoid and, when it is unavoidable, to engage affected parties to select appropriate offsets
- recognizes the importance, and challenges of, determining equivalency, effectiveness, and identifying appropriate options in some environments
- designed to provide flexibility in offset choices guided but is guided by clear principles and informed by science



Guiding Principles of Offsetting

Principle 1:

Support fisheries management objectives or local restoration priorities

Principle 2:

Benefits from offsetting measures should balance project impacts

Principle 3:

Offsetting measures should provide additional benefits to the fishery

Principle 4:

Offsetting measures should generate self-sustaining benefits over the long term



- [Near Water](#)
- [Project need a review?](#)
- [Avoid Harm](#)
- [Review or an authorization](#)
- [Protection Program](#)
- [Partnerships](#)
- [Inquiries](#)
- [Documents](#)
- [Fisheries Conservation Program](#)
- [Designated Sites](#)
- [Regulation](#)

Contact the Fisheries Protection Program

▶ **Alberta**

▼ **British Columbia**

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▶ **Prince Edward Island**

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▶ **Saskatchewan**

▶ **Yukon**