



Review of the Changes to the *Fisheries Act* Process Overview

DFO Quebec Region

September 20, 2016



Background of Review

Changes to the *Fisheries Act* were made through Bill C-38, the *Jobs Growth and Long-Term Prosperity Act* (which received Royal Assent on June 29, 2012) and Bill C-45, the *Jobs and Growth Act* (which received Royal Assent on December 14, 2012).

Although some amendments to the *Fisheries Act* came into force upon Royal Assent of Bill C-38, final amendments from both bills came into force on November 25, 2013.



Changes to the *Fisheries Act* - 2012

With the changes to the FA, Fisheries and Oceans Canada (DFO) transformed its approach to fisheries protection in order 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.



Background of the Review

On November 13, 2015, the Prime Minister mandated the Minister of Fisheries, Oceans and the Canadian Coast Guard and the Minister of Transport to review the previous government's changes to the *Fisheries Act* and the *Navigable Waters Protection Act*, restore lost protections and incorporate modern safeguards.

The Parliamentary Standing Committee on Fisheries & Oceans has been asked to examine the 2012-2013 changes to the *Fisheries Act* and to hear from Canadians.

The Environmental and Regulatory Processes review was announced on June 20th, 2016. The review of the changes to the *Fisheries Act* is one component of that review. Reviewing federal environmental assessment processes, modernizing the National Energy Board and a review of the *Navigation Protection Act* are the other components of the review.



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.



DFO's Approach to the Review

DFO's approach consists of two prongs:

1. Review of the Changes to the *Fisheries Act*
 - Support Standing Committee on Fisheries & Oceans
 - Undertake Indigenous engagement/consultation
 - Work with provinces/territories through the Canadian Council of Fisheries and Aquaculture Ministers
 - Receive Public input
2. Enhanced Fisheries Protection
 - Implement new processes to monitor development projects
 - Report back to the public on how fish and fish habitat are being protected



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

- Engagement with Indigenous groups **and** organizations requiring consultation under land claims agreements will occur in Fall 2016.
 - Consultations will occur on any proposed changes after the Standing Committee on Fisheries & Oceans report is released in early 2017.
- Provinces and territories are engaged in the review of the changes to the *Fisheries Act* through Canadian Council of Fisheries & Aquaculture Ministers from June to December 2016.
 - Discussion on Standing Committee on Fisheries & Oceans recommendations and proposals early 2017.
- An online engagement tool to seek public input on the review of the changes to the *Fisheries Act* will be launched in September, 2016.
- The views of Indigenous Groups, the Provinces and Territories and the public will be provided to the Standing Committee for review and consideration.



Enhanced Fisheries Protection

Expected Milestones & Timelines

- Public reporting system related to implementing modern safeguards for enhanced monitoring and reporting for fisheries protection in place Fall 2016.
- The first public report on fisheries protection related to implementing modern safeguards, to report back to the public on how fish and fish habitat are being protected, available Fall 2016.



FPP Engagement and Role in the Review

Engagement in the review of changes to the FA will be led by the Fisheries Protection Program (FPP) Nationally with National Headquarters working in coordination with DFO Regions.

Regional FPP staff will be supporting NHQ on both prongs of the Review, specifically:

- Undertaking engagement/consultation with Indigenous groups, and organizations requiring consultation under land claims agreements.
- Implementing modern safeguards under the *Fisheries Act* by *immediately* improving monitoring analysis processes for assessing and reporting on outcomes for fish and fish habitat.



Engagement with Indigenous Groups

- Funding is available to Indigenous Groups to ensure meaningful participation during the review and consultations.
- The Funding Program to support Indigenous Participation was launched August 23rd, 2016 and will accept applications **until September 23rd, 2016**. Management of the funding program will be coordinated with Indigenous and Northern Affairs Canada (INAC).
- A separate Funding Program will be available for consultations on any proposed changes after the Standing Committee on Fisheries & Oceans report is released in early 2017.

Format for Direct Engagement/Consultation with Indigenous Groups:

- Information will be provided on the changes to the *Fisheries Act* and the Fisheries Protection Program, FAQs, template letters for responses and key contacts for the Review.



Process for Indigenous Engagement

Options will be provided for engagement with Indigenous Groups, including:

- Direct input via the Standing Committee: The Committee will begin its review in Fall 2016. Details of how Indigenous groups may present to the committee are being determined.
- Direct engagement with DFO: Regional staff will lead engagement sessions.
- Information sharing: If direct engagement is not requested, DFO will provide background information on the changes to the *Fisheries Act* and process for participation in the review, including template letters for submission of comments.
- Via public consultation tool: Indigenous groups may use the web online engagement tools.



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>

Regional Contact : Alain Guitard

Team Leader, Fisheries Protection - Clients, Partnerships, Standards and Guidelines

Alain.Guitard@dfo-mpo.gc.ca / Tel.: 418-775-0673