

ONTARIO FEDERATION OF ANGLERS & HUNTERS



Ontario Conservation Centre

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OFAH FILE: 462
November 30, 2016

Fisheries and Oceans Canada
Minister's Office
200 Kent Street, Station 15N100
Ottawa, Ontario
K1A 0E6

Dear Sir or Madam:

Subject: Consultation on the Review of the 2012–2013 Changes to the Fisheries Act

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest, non-profit conservation-based organization, representing 100,000 members, subscribers and supporters, and 740 member clubs. As an organization, we have been heavily invested in discussions with the Department of Fisheries and Oceans (DFO) and other non-government conservation organizations on the implementation of the Fisheries Protection Program since the amendments to the Fisheries Act in 2012, and we are committed to continuing to provide feedback through this review process. This legislation is critical for the conservation of our fisheries, which is a central focus of our organization.

The OFAH recommends a greater consideration for fish habitat beyond the “permanent alteration or destruction of fish habitat” found under the definition of “serious harm” as a prohibition under Section 35 of the Fisheries Act. This could be achieved through developing a purpose statement that strongly links fish habitat with the productivity of fisheries. Additionally, improvements could be made with regards to the policy and implementation of fish habitat protection measures, which would serve to improve public confidence in the Act. The OFAH would not support returning the Act to its state prior to the 2012 amendments. It is important to maintain and utilize the improvements that were made to the Act, such as strengthened protections against aquatic invasive species and stiffer penalties for infractions. Ignoring the enhancements that have been made to the Fisheries Act would return fisheries management in Canada to a state that clearly required improvement, as it was unable to successfully achieve no-net-loss of fishery productivity.

The effective implementation of the Fisheries Act relies on the development of policy, critical review of applications, and effective auditing and enforcement. To uphold these responsibilities, the DFO requires a significant reinvestment in staff and resources.

Regarding the self-assessment element of project review, this creates a situation where the DFO is unaware of small projects that independently may not cause serious harm to fish, but in combination with other projects, could degrade the fishery through cumulative impacts. The DFO should establish a requirement to be alerted of any in-water works regardless of the outcome of self-assessments. Ideally, the DFO would use this information to create a database of locations to establish a better understanding of the development pressures being applied to our water-bodies at varying scales.

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Summary of Recommendations for Improving Modern Safe Guards

1. Develop a purpose statement linking the importance of fish habitat to Section 35.
2. Focus on increasing staff resources on the ground to ensure the DFO's ability to implement the Fisheries Protection Program.
3. Establish a Public Registry for authorizations under the Fisheries Act.

We appreciate the opportunity to provide feedback on this important review and look forward to continuing our engagement in the future.

Yours in Conservation,

A handwritten signature in red ink, appearing to be 'Tom Brooke', written in a cursive style.

Tom Brooke
Fisheries Biologist

TB/gh

cc: OFAH Fisheries Advisory Committee
Angelo Lombardo, OFAH Executive Director
Greg Farrant, OFAH Manager, Government Affairs & Policy
Matt DeMille, OFAH Manager, Fish & Wildlife Services
OFAH Fish & Wildlife Staff