

ONTARIO FEDERATION OF ANGLERS & HUNTERS

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Ontario Conservation Centre

OFAH FILE: 462
March 2, 2023

The Honourable Joyce Murray,
Minister of Fisheries, Oceans and the Canadian Coast Guard
200 Kent Street
Station 15N100
Ottawa, Ontario
K1A 0A6

Dear Minister Murray:

Re: Implementation of the Fisheries Act - Cumulative Effects

The Ontario Federation of Anglers and Hunters (OFAH) is Ontario's largest, non-profit, fish and wildlife conservation-based organization, representing 100,000 members, subscribers and supporters, and 725 member clubs. Along with our conservation partners, we are writing to express concerns with Fisheries and Oceans Canada's (DFO) approach to implementing the amended *Fisheries Act*. Although progress has been made in many parts of the new *Act*, there is still need for significant improvements with respect to fully addressing cumulative effects of small projects. We feel strongly that a meeting with DFO is necessary to explore opportunities for improvement.

In 2019, Parliament established a specific mandate to address cumulative effects associated with regulations and decision-making under the *Act*. However, significant harm to aquatic resources continues to occur across Canada and we have yet to witness full consideration of cumulative effects and meaningful steps to reverse ongoing ecological losses in this regard.

For example, across Canada, many projects are being permitted to proceed via Letters of Advice or are being managed under Codes of Practice, despite causing death of fish or harmful alteration, disruption or destruction of fish habitat (HADD). From our perspective, many of these projects would be more appropriately managed via Prescribed Works regulations, which would also enable the requirement to consider cumulative effects.

However, some of the Prescribed Works regulations are also problematic and in need for amendment. The first Prescribed Works regulation for shoreline stabilization, for instance, allows for the infilling of shorelines, 100 meters at a time and, thus, has serious potential to cause the death of fish or HADD. The OFAH has not been made aware of how the risk of residual harm is being calculated, managed, and accounted for with respect to *Prescribed Works and Waters Regulations*, and we feel strongly that this information should be available.

The OFAH, other stakeholders, and rightsholders expect meaningful consideration of cumulative effects on the part of Canada's DFO, ensuring that the *Fisheries Act*'s new purpose is upheld. Thankfully, there are a variety of opportunities to manage cumulative effects in accordance with the Department's mandate, and as many organizations and agencies who are willing to work alongside the DFO to achieve this.

The OFAH recognizes that the use of full reviews, authorizations, and traditional offsetting requirements for small projects/threats is an inefficient use of resources. We ask that the Minister seriously consider our comments and recommendations in order to improve the management of small, routine projects and to better address cumulative effects by using fees-in-lieu and other tools. We would appreciate a discussion with DFO at your earliest convenience. Thank you for your attention to this matter.

Yours in Conservation,

A handwritten signature in blue ink, appearing to read "Mark Ryckman".

Mark Ryckman
Manager of Policy

MR/jb

cc: Kevin Brosseau, Associate Deputy Minister
OFAH Board of Directors
OFAH Fisheries Advisory Committee
Angelo Lombardo, OFAH Executive Director
Matt DeMille, OFAH Director, Policy & Programs
Adam Weir, OFAH Fisheries Biologist