



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Aquatic Ecosystems and Fisheries Management

Écosystèmes aquatiques et Gestion des pêches

Senior Assistant Deputy Minister

Sous-ministre adjointe principale

Mr. Mark Ryckman
Manager of Policy
Ontario Federation of Anglers and Hunters
< mark_ryckman@ofah.org >

Dear Mr. Ryckman:

Thank you for your correspondence of March 2, 2023, addressed to the Honourable Joyce Murray, Minister of Fisheries, Oceans and the Canadian Coast Guard, regarding Fisheries and Oceans Canada's (DFO) approach to managing cumulative effects of small projects and the proposed Prescribed Works and Waters Regulations (PWWR). I have been asked to respond on the Minister's behalf.

DFO's Fish and Fish Habitat Protection Program (FFHPP) is committed to considering cumulative effects as they relate to the FFHPP's regulatory authorities set out in the *Fisheries Act*. More specifically, the FFHPP is required to consider cumulative effects when authorizing projects, or when developing regulations such as the PWWR. The FFHPP has been drafting a Position Statement on the Consideration of Cumulative Effects on Fish and Fish Habitat in Support of Decision Making under the *Fisheries Act*. The Position Statement provides further direction for FFHPP practitioners prior to making a decision to issue or deny an authorization under the *Fisheries Act* related to the death of fish or harmful alteration, disruption, or destruction of fish habitat.

The Position Statement aims to ensure that the FFHPP considers cumulative effects consistently, and provides assistance to staff on how the FFHPP mandates and objectives should be implemented in a manner that is fair, dependable, and effective. When reviewing projects in or near water, the FFHPP works proactively to ensure that adverse impacts from projects are sufficiently addressed through avoidance, mitigation, or offsetting measures. When the effects of a proposed project—in combination with effects from past, ongoing, and relevant future projects and/or threats to fish and fish habitat—are expected to result in significant residual effects, an authorization would not be issued. While the referral review process plays an important role in managing impacts to fish and fish habitat, not all threats that contribute to cumulative effects, such as climate change and land-use changes, are within the Department's control.

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The public comment period on the Position Statement closed in December 2022, and the final draft will be posted on [DFO's FFHPP Engagement Platform](#) this fall, as part of our ongoing efforts to introduce better approaches to address cumulative effects.

While making decisions that consider cumulative effects, DFO is also exploring ways to streamline the review of low-risk and routine projects. Codes of Practice and the proposed PWWR have the potential to direct DFO resources away from site-specific project review and toward other activities—such as monitoring and compliance verification—which will inform regulatory improvements over time. Codes of Practice continue to be developed and refined to promote fish-friendly best practices, while the proposed PWWR will establish clear conditions for minimizing impacts to fish and fish habitat from prescribed projects, or in prescribed waters. For both of these tools, the objective remains to set transparent, predictable requirements that effectively manage potential impacts to fish and fish habitat, thereby reducing the number of project-specific reviews for routine low-risk projects.

The engagement sessions on interim Codes of Practice in 2020 and 2021, and the proposed PWWR in 2021 and 2022, generated extensive feedback. Those comments informed the finalization of current Codes of Practice as well as ongoing Code development, and are being carefully considered to improve the proposed regulatory classes.

Many participants, including the Ontario Federation of Anglers and Hunters (OFAH), requested the development of third-party offsetting options, such as third-party banking and fees-in-lieu. Third-party offsetting tools and fees-in-lieu of offsetting projects would have wide-ranging implications for the FFHPP, and would need to be developed thoughtfully to ensure that they support the conservation and protection of fish and fish habitat, while at the same time acknowledging the ongoing need for Canadians to conduct works in and around Canadian fisheries waters. Any future development of these options would involve engagement with affected stakeholders, including the OFAH.

Thank you for providing your thoughts on this matter, and for your continued participation in improving the FFHPP's program and policies. If you would like to arrange a meeting with members of our FFHPP team to further discuss your comments, please reach out to Mr. James Manicom, Director, Engagement, Partnering and Integrating Planning Division, by email at < James.Manicom@dfo-mpo.gc.ca > or by telephone at 613-878-4861.

Yours sincerely,

Dostal,
Alexandra

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