



AL SHAW

# ***FISHERIES ACT 2.0 and FISH HABITAT 101***

RIVERSTONE ENVIRONMENTAL SOLUTIONS



**MUSKOKA**  
**STEWARDSHIP CONFERENCE**



# ACKNOWLEDGEMENTS

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Many Clients

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# WHO AM I

BINBROOK





# *Fisheries Act 2.0*

- Changes received Royal Assent on June 29 and September 14, 2012
  - Came into force on November 25, 2013
- Big Changes!**  
**GOOD or BAD?**



# *Fisheries Act 2.0*

- Most immediate and visible change is less staff
  - Essentially one office in each Province (Burlington)
  - Centres of Excellence
    - Review of projects based on project type
      - Oil and Gas – Edmonton
      - Linear Projects – Regina
      - Coastal and Marine – Burlington
      - Hydro-electric - Winnipeg



# Fundamental Change to the *Fisheries Act*

- Old Act had two prohibitions:
  - Killing of Fish
  - HADD
- New prohibition wording:
  - “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 – the death of fish,  
or a permanent alteration to,  
or destruction of fish habitat

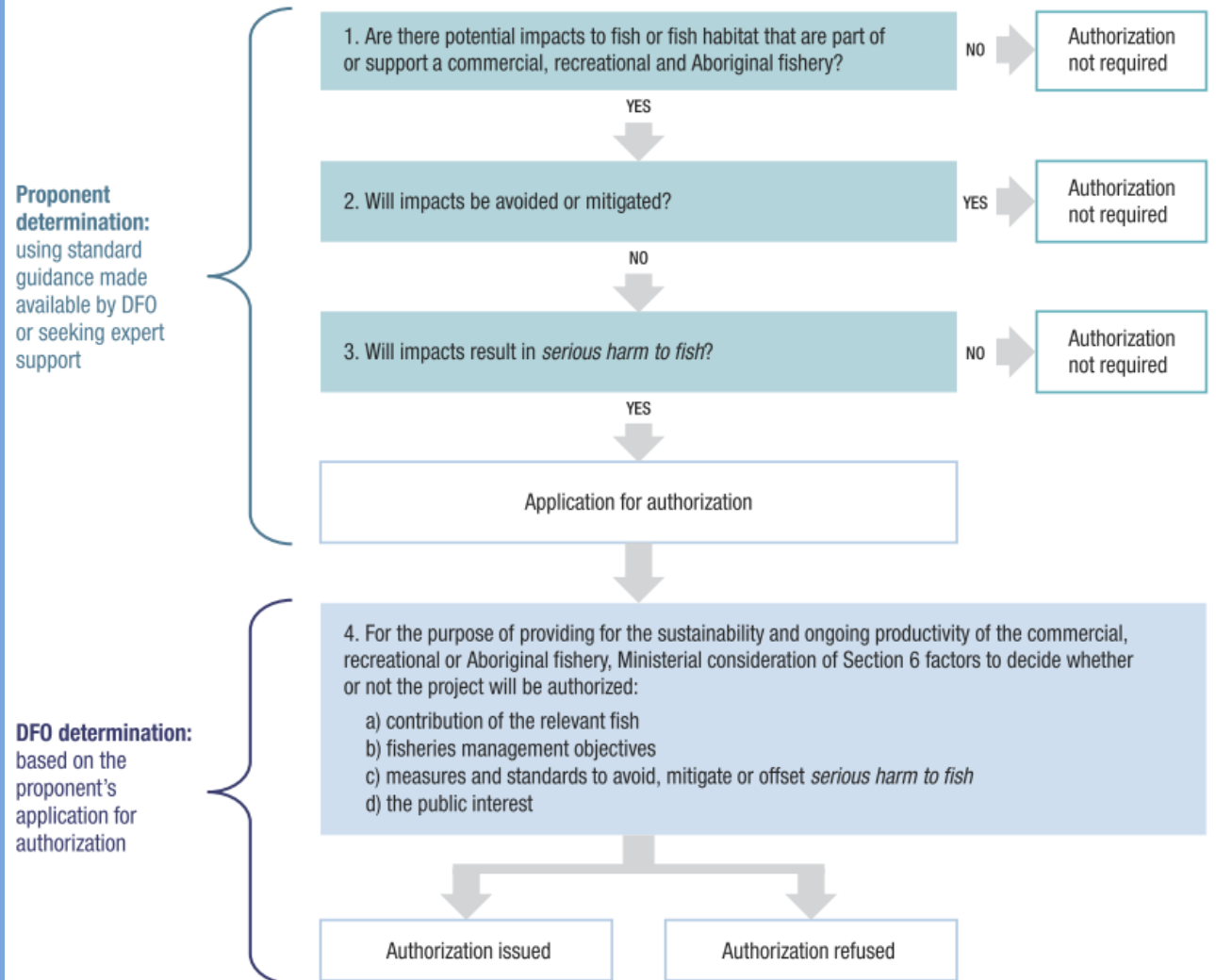


# Changes to the *Fisheries Act*

## Self-assessment

## DFO Review

Figure 2. Summary of the development proposal review and decision-making process.



# Changes to the *Fisheries Act*

## *Self-assessment process*

- *Uses standard guidance to do review – expert advice*
  - *Exempt Waterbody list*
    - *Private ponds*
    - *Stormwater management ponds, irrigation ponds*
    - *Quarries/aggregate pits*
    - *Agricultural drains*
  - *Exempt Project List*
    - *Bridges, Causeways, Culverts (maintenance, repairs, removal)*
    - *Docks, Boathouses, Launches (size restriction, repairs, no fill)*
    - *Habitat restoration*





# Pathways of Effects – to determine impacts

## Land-Based Activities

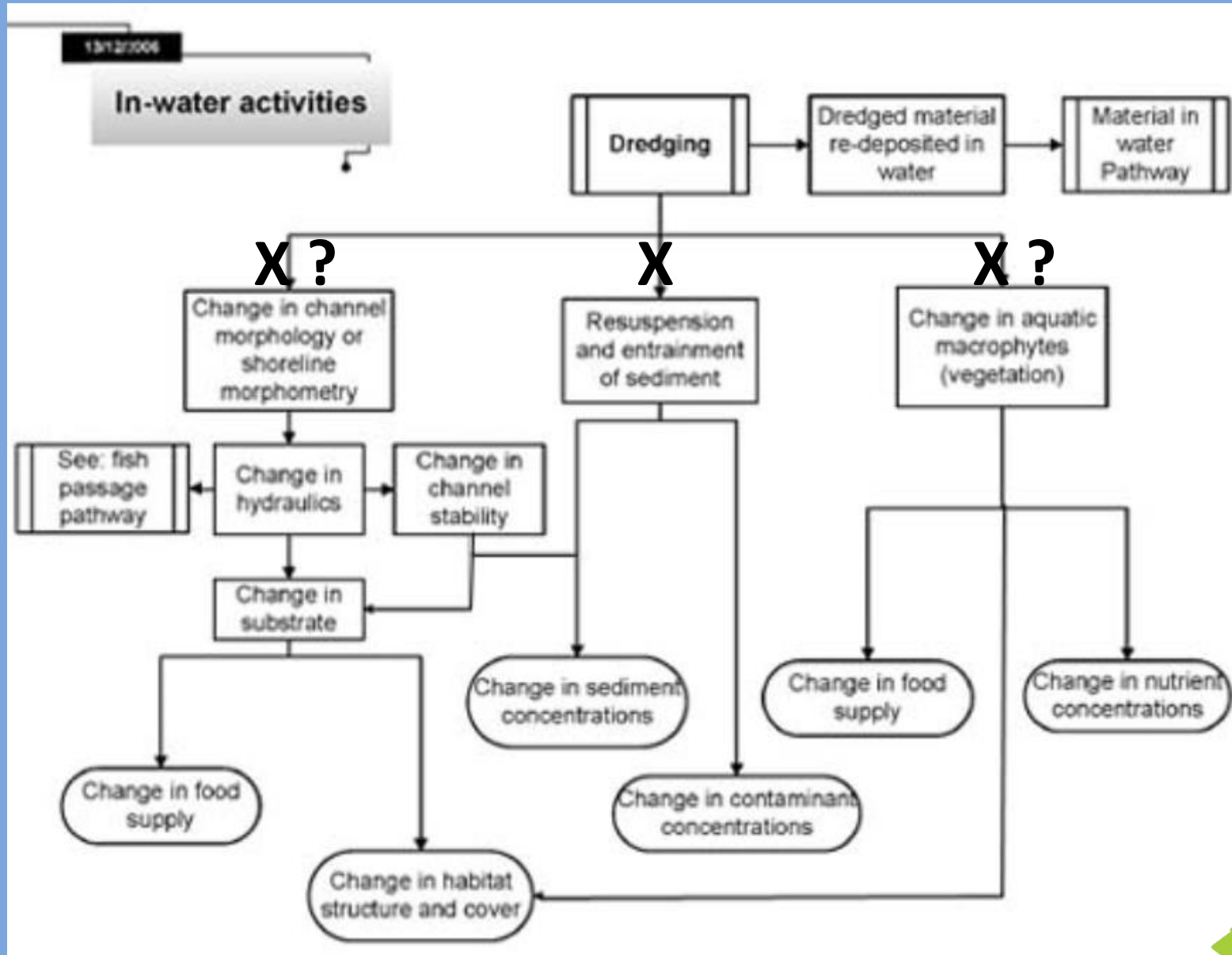
- Cleaning or maintenance of bridges or other structures
- Excavation
- Grading
- Riparian Planting
- Streamside livestock grazing
- Use of explosives
- Use of industrial equipment
- Vegetation Clearing

## In-Water Activities

- Addition or removal of aquatic vegetation
- Change in timing, duration and frequency of flow
- Dredging
- Fish passage issues
- Marine seismic surveys
- Organic debris management
- Placement of marine finfish aquaculture site
- Placement of material or structures in water
- Structure removal
- Use of explosives
- Use of industrial equipment
- Wastewater management
- Water extraction

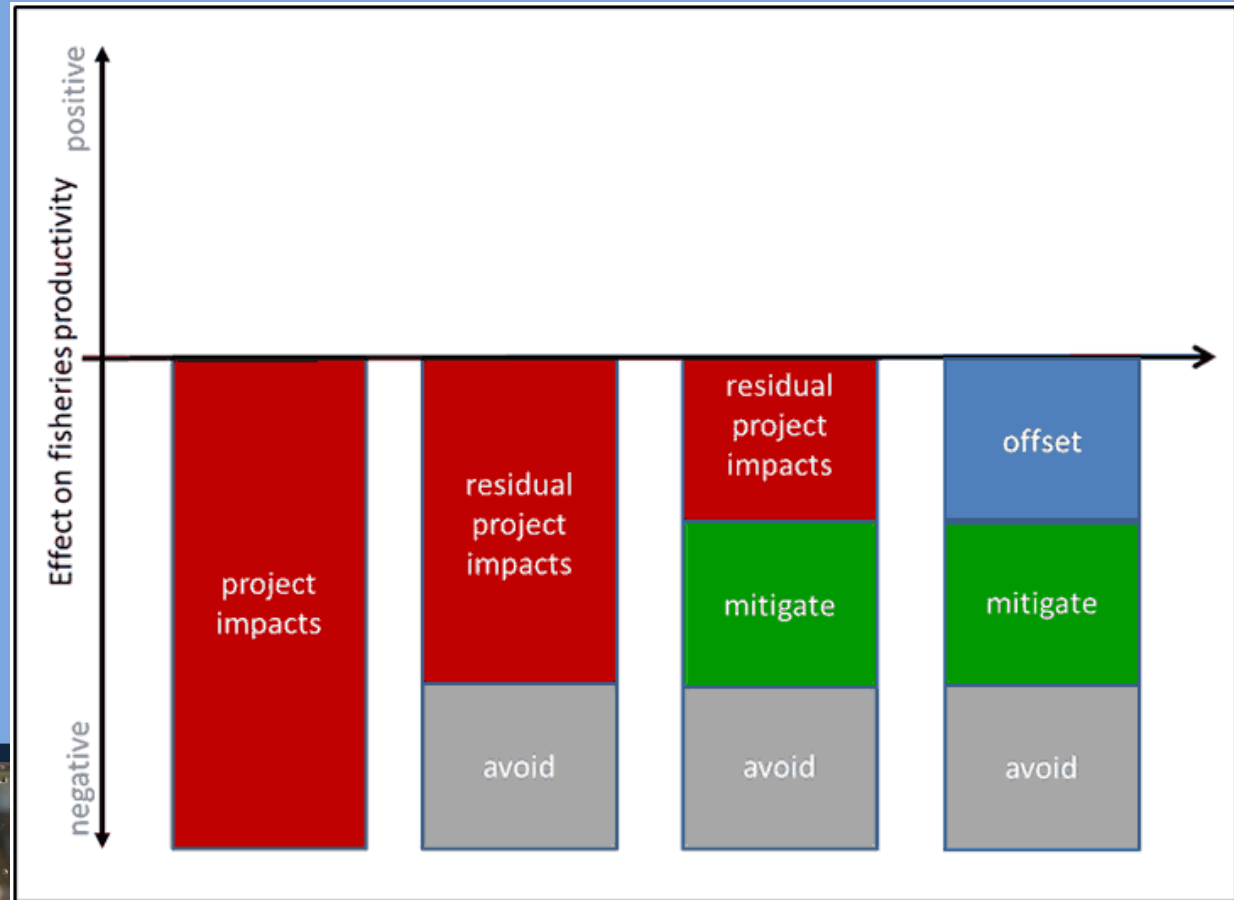


# Pathways of Effects – dredging





# Changes to the *Fisheries Act*



# Changes to the *Fisheries Act*

- Compensation for HADD is now Offsetting for *Serious Harm*
- Offsetting Principals
  - Support Local Fisheries Management Obj's
  - Benefits should balance project impacts
- Measures should provide additional benefit to fishery
- Should generate self-sustaining benefits over the long term





# What happens if a project may cause *serious harm*?

- *Minister to consider if authorization required*
  - *The contribution of the relevant fish to ongoing productivity of CRA fishery*
  - *Fisheries management objectives*
  - *Measures and standards to avoid, mitigate or offset serious harm to CRA fish*
  - *Public interest*



# Other changes to the *Fisheries Act*

- Authorization no longer triggers CEAA
- Section 35 allows the creation of regulations
  - Ecologically Significant Areas
  - Aquatic Invasive Species
- Enhanced Partnerships
  - Agreements with Provinces
  - Enable other departments to issue Authorizations





# Section 36 of the *Fisheries Act*

- Section 36 speaks to *deleterious substances*
- Not just CRA fish, *any fish anywhere*
- Solely the responsibility of the *MOECC*
  - Dirty water is MOECC
  - If it settles and impacts fish habitat - DFO







# FISH HABITAT 101





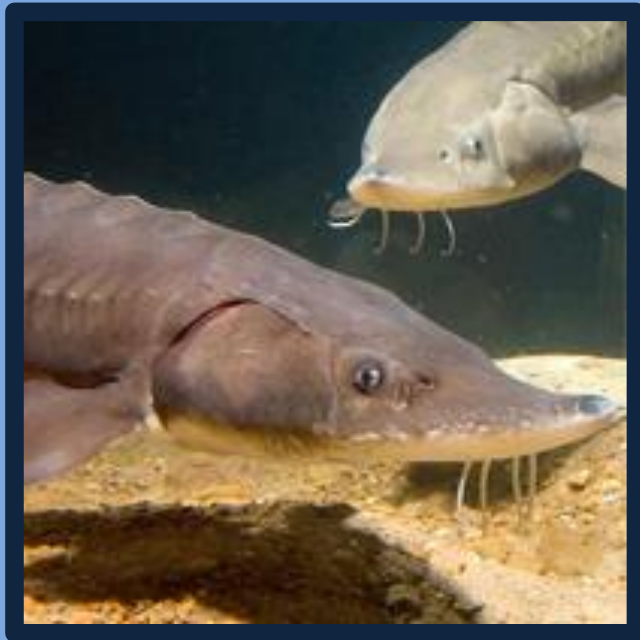
# Fish Habitat 101 - Muskoka

- How many fish in Muskoka River Watershed?
  - 70 ish
  - Compared to 253 in all of Ontario





# Aquatic Species at Risk in Muskoka?







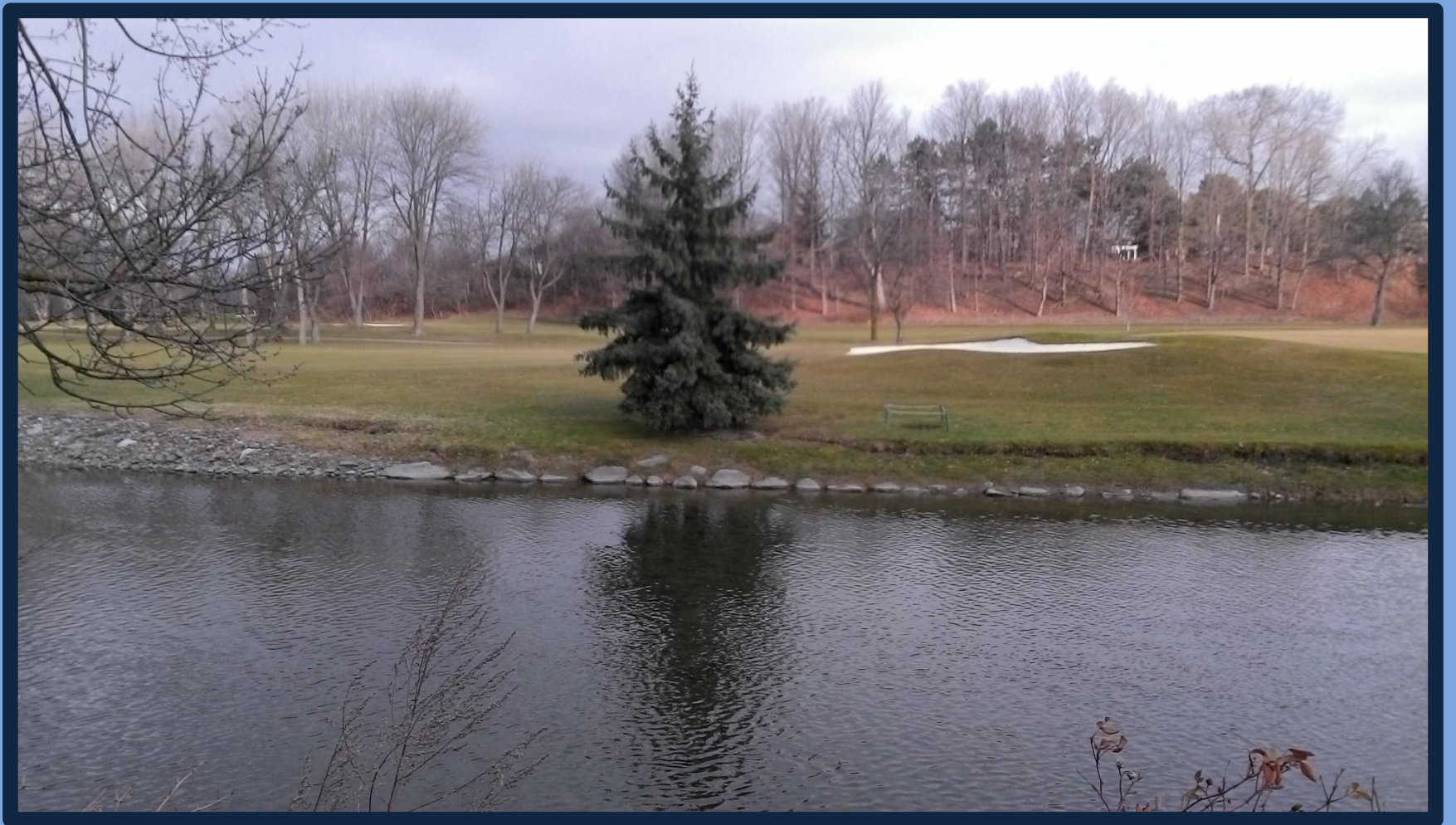




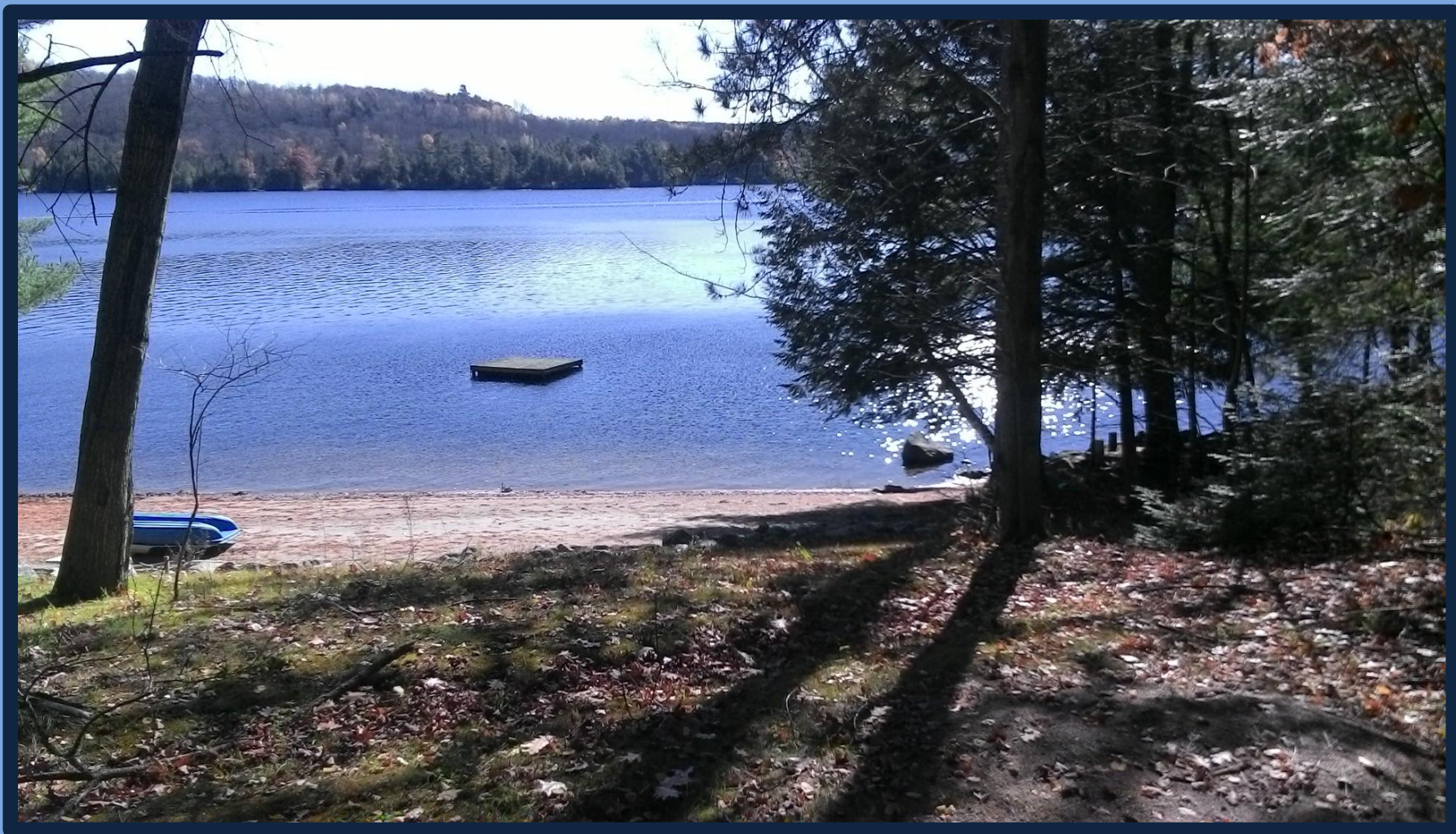














# Fish Habitat Characteristics in Muskoka

- Canadian Shield, glaciation
- Rock dominated substrates
- Aquatic vegetation
- Wetland dominance in some sub-watersheds
- Water quality
  - Cold water
  - Low nutrient content (TP)
  - Wetland systems high in TP and DOC



# Threats to Fish Habitat in Muskoka



## *Where I was going with this talk !*

- We have a large recreational fishery, essentially all lakes and waterbodies meet the description – so the *Fisheries Act* applies
- DFOs Focus is on larger projects – oil & gas, mining, hydropower, linear development
- In Muskoka – docks, boathouses, boat ramps, minor infills, shoreline alteration, small dredges, culverts.....

### Fisheries Act?

- Municipal policies, habitat designations, tree cutting and site alteration bylaws

















# What can we do about it

- **Strengthen Provincial and Municipal Policies to include cumulative impacts**
- **Stewardship, Restoration, Education**



# Recreational Fisheries Conservation Partnership Program - DFO

- Objective to restore, rebuild and rehabilitate compromised and/or threatened fisheries habitat that are important to CRA fisheries
- Projects lead by recreational angling groups and conservation organizations – MWC?
- Focus on small to medium size projects (\$20,000-\$100,000). Fed support can be up to 50% (remainder can be municipal \$ and in-kind support)
- Project types – fish access, bank stabilization, stream and lake habitat restoration









# Thank you! QUESTIONS?

