



**ONTARIO
RIVERS
ALLIANCE**

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Ecosystem Management Directorate
Mail Stop: 10W085
200 Kent Street
Ottawa, ON
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By Email To: FPP-PPP.XNCR@DFO-MPO.GC.ca

Re: Consultation Paper: Approach to a key regulation under the proposed
Fish and Fish Habitat Divisions of the Fisheries Act
Proposed Amendments to the Applications for Authorization Regulations (SOR/2013-191)

Dear Sirs:

The Ontario Rivers Alliance (ORA) is a Not-for-Profit grassroots organization acting as a voice for several stewardships, associations, private and Indigenous citizens, who have come together to protect, conserve and restore riverine ecosystems.

ORA is very supportive of Fisheries and Oceans Canada's efforts to strengthen the Fisheries Act Regulations and are pleased to provide our comments on the proposed amendments to the existing Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations.

1. New and Amended Provisions as Part of the Fisheries Act:

ORA supports the proposed amendments that would reverse the previous government's harmful gutting of the Fisheries Act and would restore the language to include the prohibition against "harmful alternation, disruption or destruction of fish habitat (HADD)". This and the measures included in Bill C-68 to return the prohibition against causing the "death of fish" by means other than fishing will make a welcome contribution towards protecting our Canadian fisheries.

2. Amending, Suspending or Cancelling Authorizations:

ORA supports the amendments and proposed framework that would allow the Minister to amend, suspend or cancel authorizations, including clear processes for project proponents to follow in keeping their authorizations up to date, and to set out the manner and circumstances by which a project proponent could request to amend, suspend or cancel an authorization.



However, there is also a need for a process whereby stakeholders and Indigenous communities can make a formal request for an amendment, suspension or cancellation of an authorization when impacts are occurring as a result of the Project.

Recommendation:

ORA recommends a provision be included in the amended regulations to provide a process and guidelines for Indigenous and other stakeholders to request an amendment, suspension or cancellation of an authorization.

3. Certified Habitat Credits in Place of, or in Addition to Offsetting Plan:

ORA supports the Minister having the authority to administer the proponent-led banking practices and the use of certified habitat credits as a means of offsetting anticipated adverse effects on fish and fish habitat.

Combining impacts of smaller geographic areas into a single large project could lead to more significant habitat improvements; however, it is also important that the credits be used within close proximity to the project whenever possible.

Recommendation:

ORA recommends a stipulation that certified habitat credits must be used within the same river system and watershed in which the project is located.

4. Expanding Ways to Request Financial Security:

ORA supports using financial securities or performance bonds as a tool to provide a financial assurance mechanism to ensure an offsetting plan is completed.

5. Requiring Geographic Coordinates of Proposed Offsetting Measures:

ORA supports requiring geographical coordinates of the project to allow for enhanced detail and reporting.

6. Notifying Indigenous Communities:

ORA supports the notification of Indigenous communities whenever an application for authorization is made by the proponent. Additionally, we recommend that Indigenous communities be notified whenever any directive from the Minister is made regarding the project/facility or application.

Recommendation:

Indigenous communities be notified whenever any change is made to a project, including an application for authorization and/or a Ministerial directive.

7. Other - Notification of Stakeholders:

In addition to notifying indigenous communities, it is also imperative that any registered stakeholder be kept abreast of proposed changes/directives regarding a project.

Recommendation: ORA also recommends that all registered stakeholders be notified of any application for authorization and/or Ministerial directive.



We ask that you include ORA in any further consultation opportunities with respect to the Fisheries Act and its proposed regulations. Thank you for this opportunity to comment!

Respectfully,

Linda Heron
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