



Government  
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# ANNUAL REPORT TO PARLIAMENT

on the Administration and Enforcement of the Fisheries Protection and  
Pollution Prevention Provisions of the *Fisheries Act*

April 1, 2016 to March 31, 2017

Canada 



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Published by:

Communications Branch, Fisheries and Oceans Canada, Ottawa, Ontario K1A 0E6

DFO/2018-2012

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PDF version: Cat. No. Fs1-57E-PDF ISSN 1910-2356

Correct citation for this publication:

Fisheries and Oceans Canada. Annual Report to Parliament on the Administration and Enforcement of the Fisheries Protection and Pollution Prevention Provisions of the *Fisheries Act* – April 1, 2016 to March 31, 2017.: v + 45 p.

[www.dfo-mpo.gc.ca/pnw-ppe/fpp-ppp/guide-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/fpp-ppp/guide-eng.html)



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# 1.0 Overview

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## 1.1 Introduction

Protecting Canada's oceans, coasts, waterways and fisheries is vital to safeguarding the environment for future generations, while continuing to support today's growing economy.

Fisheries and Oceans Canada (DFO) and Environment and Climate Change Canada (ECCC) are working to achieve an integrated approach to the conservation and protection of fish and fish habitat. These departments are also working to empower Canadians to be more informed and effective in managing threats and impacts to Canada's aquatic ecosystems. This effort includes the support and collaboration of Indigenous groups, stakeholders, other governments and the international community.

The *Fisheries Act* recognizes that healthy and productive fisheries require healthy fish habitat through its fisheries protection and pollution protection provisions. In 2012, significant changes were made to these provisions. As a result, DFO needed to realign its regulatory review requirements and processes, develop new standardized guidance and assessment materials, and implement regulated timelines. DFO and ECCC were also required to prepare and submit an annual report to Parliament on the administration and enforcement of fisheries protection and pollution prevention provisions.

In 2015, the newly elected government released ministerial mandate letters that prioritized the protection of Canada's natural resources. For DFO, this included a mandate to review the 2012 changes made to the *Fisheries Act* in order to restore lost protections and incorporate modern safeguards. This review process was initiated mid-2016 by engaging Parliament's Standing Committee on Fisheries and Oceans in a formal review of the 2012 changes. The Department also directly engaged Indigenous groups, provinces and territories, and all interested Canadians, through an open online consultation and ideas forum, and by receiving correspondence and other submissions.

Through these engagement activities, Canadians identified lost protections that they want to see restored to the *Fisheries Act*. They also called for fundamental, modern approaches to be taken by the Fisheries Protection Program to better safeguard fish and fish habitats. As a result, Bill C-68, *An Act to Amend the Fisheries Act and other Acts in Consequence*, was tabled in the House of Commons on February 6, 2018.

This Annual Report summarizes the administration, enforcement, and other activities undertaken in 2016 to early 2017 by the Minister of Fisheries, Oceans and the Canadian Coast Guard and the Minister of Environment and Climate Change to ensure compliance with the fisheries protection and pollution prevention provisions of the *Fisheries Act*.



## 1.2 Highlights

### FISHERIES AND OCEANS CANADA ACTIVITIES

DFO is the federal lead for managing Canada's fisheries, oceans, and freshwater resources. The Department's programs and activities support economic growth in the marine and fisheries sectors, and healthy and sustainable aquatic ecosystems. This includes conservation and protection, compliance and enforcement, sustainability, and restoration activities.

#### Supporting Conservation and Protection

DFO's goal to conserve and protect fish and fish habitat is achieved by collaborating with a number of partners and by setting the frameworks, regulations, and policies for shared stewardship of freshwater ecosystems. This includes the Fisheries Protection Policy Statement and the Fisheries Protection Investment Policy.

The Fisheries Protection Policy Statement helps Canadians comply with the fisheries protection provisions of the *Fisheries Act*. It also strengthens the ability of the Fisheries Protection Program (FPP) to address key threats to the productivity and sustainability of fisheries by establishing standards and guidelines to avoid, mitigate and offset impacts to fisheries and to ensure compliance with these requirements. The Fisheries Productivity Investment Policy builds on the policy statement to help proponents of existing or proposed projects undertake effective measures to offset serious harm to fish that are part of or that support a commercial, recreational or Aboriginal fishery.

In 2016-17, FPP continued to follow and implement the Fisheries Protection Policy Statement and the Fisheries Productivity Investment Policy. For example, to promote conservation and protection, FPP helped regulated parties understand their responsibilities and comply with applicable laws and regulations by advising these parties throughout the year. FPP also updated and maintained the Projects Near Water website<sup>1</sup> so that proponents and stakeholders had access to best practices for avoiding harm to fish and fish habitat. In addition, FPP participated in the Canadian Science Advisory Secretariat peer-review process to support the preparation of science advisory documents and operational policies.

FPP activities are aligned with DFO's strategic outcome of sustainable aquatic ecosystems. Specifically, and as elaborated in the Departmental Performance Report for 2016-17,<sup>2</sup> FPP activities contribute to managing threats to the sustainability and ongoing productivity of commercial, recreational, and Aboriginal fisheries in the context of government-wide initiatives for responsible resource development and streamlined regulations. This is achieved, in part, by continuing to do site-specific reviews of projects where available best practices could not avoid or mitigate all impacts to fish and fish habitat. FPP also gives standardized advice for low-risk projects, so proponents can apply measures to avoid and mitigate harm.


FPP is responsible for administering certain provisions of the *Species at Risk Act* with respect to aquatic species at risk. Over the past year, it has undertaken these

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<sup>1</sup> [www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html)

<sup>2</sup> [www.dfo-mpo.gc.ca/dpr-rmr/2016-17/dpr-eng.html](http://www.dfo-mpo.gc.ca/dpr-rmr/2016-17/dpr-eng.html)





legislative duties in federal environmental assessment regimes, such as the *Canadian Environmental Assessment Act*, 2012, as well as regimes in the territories and under land claims agreements.

### **Supporting Compliance and Enforcement**

Compliance and enforcement monitoring activities are key to protecting Canada's fish and fish habitat. DFO fishery officers conduct patrols in coastal and inshore areas, monitor catches, undertake forensic investigations and audits, and inform fish harvesters about government policies and regulations.

During 2016-17, DFO's Conservation and Protection Program dedicated a total of 15,481 hours to conservation and protection activities related to fish habitat and fisheries. This included issuing warnings and corrective measures, laying charges, providing alternative measures to prosecution, and issuing convictions.

### **Supporting Sustainability**

Over 2016-17, DFO programs continued to implement frameworks, regulations, and policies to prevent aquatic invasive species from entering Canada's waterways where they can harm the natural ecosystems and pose significant risks to Canadian fish and the fisheries sector.

### **Supporting Restoration**

FPP supports a non-regulatory partnership approach to habitat restoration through initiatives such as the Recreational Fisheries Conservation Partnerships Program (RFCPP). This program backs multi-partner projects at the local level which are aimed at restoring

fisheries habitat in order to enhance the productivity of Canada's recreational fisheries. Through \$53 million in contribution funding over six years, RFCPP enables proponents to manage and execute projects that restore compromised and/or threatened fisheries habitat.

## **ENVIRONMENT AND CLIMATE CHANGE CANADA ACTIVITIES**

ECCC is the overall lead for the administration and enforcement of the pollution prevention provisions of the *Fisheries Act*. The Department administers these provisions through activities such as compliance promotion, regulations, water quality monitoring, environmental emergencies, and agreements with provinces and territories.

### **Compliance Promotion**

ECCC engages in activities to increase the awareness and understanding of regulatees with respect to the *Fisheries Act* and related regulations. Compliance promotion related to the pollution prevention provisions is achieved primarily through a collaborative and coordinated approach across ECCC's programs, including with regions and enforcement. In 2016-17, the Department used various tools and approaches to promote compliance such as website postings, letters, emails, brochures, site visits, responses to enquiries, and information sessions.

In addition to providing information and responding to general enquiries about the pollution prevention provisions, ECCC also promotes compliance for specific regulations under the Act.





### Administering Related Regulations

ECCC administers a number of regulations made under subsection 36(5) of the *Fisheries Act*, including the Pulp and Paper Effluent Regulations, Metal Mining Effluent Regulations, and the Wastewater Systems Effluent Regulations. The Department also promotes compliance and enforces existing regulations, including the Environmental Effects Monitoring requirements. In addition, ECCC administers The Deposit Out of the Normal Course of Events Notification Regulations, which applies to verbal notification requirements for the unauthorized release of deleterious substances as per subsection 38(5) of the *Fisheries Act*.

### Water Quality Monitoring

Under the Canadian Shellfish Sanitation Program, ECCC makes growing-area classification recommendations to DFO for the harvesting of species such as clams, oysters, mussels and scallops. DFO opens and closes shellfish harvesting areas based on these recommendations, as well as the recommendations of the Canadian Food Inspection Agency, through its authority under the Management of Contaminated Fisheries Regulations.

### Enforcement

ECCC's enforcement activities under the *Fisheries Act* include inspections, investigations, and enforcement measures, such as prosecutions. Enforcement measures to address alleged violations of the *Fisheries Act* include warnings, directions, Ministerial orders, injunctions, and prosecutions.

### Environmental Emergencies

ECCC's Environmental Emergencies Program protects Canadians and their environment from the effects

of environmental emergencies by providing science-based expert advice and developing and administering regulations under both the *Fisheries Act* and the *Canadian Environmental Protection Act*, 1999. In the event of a significant pollution incident, the program oversees that reasonable response actions are taken by the responsible party to counteract, mitigate or remedy any adverse effects as per subsection 38(6) of the *Fisheries Act*.

### Agreements with Provinces and Territories

The *Fisheries Act* allows the Ministers of Environment and Climate Change and of Fisheries, Oceans and the Canadian Coast Guard to enter into agreements with a province or territory in order to further the purposes of the Act. These agreements may facilitate co-operation, enhance communication, and streamline administration. An equivalency agreement may also be established to reduce regulatory duplication when a provision under provincial law has an equivalent effect to a provision of regulations made under the *Fisheries Act*.

Under an administrative agreement, both federal and provincial regulatory requirements remain in force but provincial officials administer the federal regulations in that province on behalf of ECCC. Under an equivalency agreement, the Governor in Council orders that the federal regulations do not apply to regulatees that are subject to a provincial or territorial regulatory regime, because it has been determined to be equivalent in effect to the federal regulations.



## 1.3 The *Fisheries Act*

### About the Act

The *Fisheries Act* provides the Minister of Fisheries, Oceans and the Canadian Coast Guard and the Minister of Environment and Climate Change with powers and authorities to conserve and protect fish and fish habitat. Two key provisions essential to sustaining freshwater and marine fish species are the ‘fisheries protection provisions’ and the ‘pollution prevention provisions.’

### Fisheries Protection Provisions

The fisheries protection provisions are considered to be sections 20, 21, and 35 and parts of sections 6, 6.1, 37, 38, 40 and 43 of the *Fisheries Act*. Sections 20, 21, and 35 are especially important:

- Enabling powers for the Minister of Fisheries, Oceans and the Canadian Coast Guard to ensure the free passage of fish and to prevent harm to fish (i.e., request that obstructions be removed, fish guards be installed, fishways be constructed, and minimal flows of water be maintained, as per sections 20 and 21).
- Prohibiting the carrying on of 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, unless authorized by the Minister of Fisheries, Oceans and the Canadian Coast Guard, through regulations, or other mechanisms provided under section 35.

The purpose of section 6 and its provisions is to provide for the sustainability and ongoing productivity of

commercial, recreational and Aboriginal fisheries. It supports implementation of section 35 by requiring that the Minister of Fisheries, Oceans and the Canadian Coast Guard take into account four factors for consistent and transparent decision-making:

- (a) the contribution of relevant fish to fisheries;
- (b) fisheries management objectives;
- (c) avoidance, mitigation and offsetting measures; and
- (d) public interest.

The purpose of each of the other fisheries protection provisions is as follows:

- Section 37: Empowers the Minister to request plans and specifications for any work, undertaking or activity that may cause serious harm to fish or is proposed in an ecologically significant area (as defined in regulations).
- Subsection 38(1): Authorizes the Minister to appoint inspectors and analysts.
- Subsections 38(3), 38(7.1), and 38(8): Outlines the powers of inspectors, including entry, search and direction of preventive, corrective or clean-up measures.
- Subsection 38(4): States the proponents’ Duty to Notify an inspector, fishery officer or a prescribed authority of any works, undertakings or activities that result in serious harm to fish.
- Subsections 38(6) and 38(7): States the proponents’ Duty to Take Corrective Measures and Reporting.
- Subsection 40(1): Outlines offences and punishment.



### Pollution Prevention Provisions

The pollution prevention provisions are considered to be section 36, subsections (3) to (6), of the *Fisheries Act*. In 2014, an *Order Designating the Minister of the Environment as the Minister Responsible for the Administration and Enforcement of Subsections 36(3) to (6) of the Fisheries Act* (referred to as the *Designation Order*) established the Minister of Environment and Climate Change legally responsible for administering and enforcing these subsections.

To administer the pollution prevention provisions, ECCC also uses the following sections and subsections of the *Fisheries Act*:

- Subsections 4.1(1), (3) and (4), subsection 4.2(4), and sections 4.3 and 4.4;
- Subsections 5(1) and (2);
- Paragraph 37(1)(b), subsection 37(1.1) and (2), paragraphs 37(3)(a) and (b), and subsections 37(4) and (5);
- Subsections 38(1) and (2);
- Paragraphs 40(3)(a.1) and (d);
- Subsection 42.1(1);
- Subsections 71(2) to (4) and subsection 71.1(1);
- Section 73;
- Subsection 75(3);
- Section 76;
- Paragraphs 79.2(d) and (h), subsection 79.4(2) and (3), and paragraph 79.7(4)(b);
- Subsections 89(1) to (3); and
- Section 91.

DFO administers the pollution prevention provisions for subject matters related to aquaculture facilities and any resulting effects of those activities on the waters frequented by fish, as well as control or eradication of any aquatic invasive or other species that constitute a pest to fisheries.

### Annual Report to Parliament

The Minister of Fisheries, Oceans and the Canadian Coast Guard and the Minister of Environment and Climate Change share the legislative requirement under section 42.1 of the *Fisheries Act* to annually report on their administration and enforcement of the fisheries protection and pollution preventions provisions.



## 2.0 Fisheries and Oceans Canada

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*Administration of the Fisheries Act with respect to fisheries protection provisions as well as the pollution protection provisions as they relate to aquaculture, aquatic invasive species and aquatic species that constitute a pest to fisheries.*

DFO's approach to the administration of the *Fisheries Act* is science-based, collaborative, and innovative. The Department undertakes research, participates in environmental assessments, and conducts regulatory reviews for large resource projects. It also gives advice to guide proponents in complying with applicable laws and regulations that aim to respect Aboriginal or treaty rights and to prevent serious harm to commercial, recreational, and Aboriginal fisheries.

The following section summarizes DFO's legislative reporting requirements under the *Fisheries Act* and demonstrates the fulfillment of key commitments and investment into Canada's fisheries and oceans. This includes various program roles and responsibilities, as well as activities undertaken in 2016-17 to support the administration of the fisheries protection provisions and the pollution protection provisions that are under DFO's responsibility.

### 2.1 Fisheries and Habitat Protection


By protecting habitats, DFO supports the conditions that fish species need to live and thrive. This, in turn, supports the activity of fishing.

#### 2.1.1 Fisheries Protection Program

The Fisheries Protection Program (FPP) seeks to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. The Program is the departmental lead for the administration of the 'fisheries protection provisions' of the *Fisheries Act*. This responsibility includes:

- the review of proposed works;
- engaging partners and stakeholders;
- reviewing activities that may affect fish and fish habitat;
- issuing authorizations and permits, when appropriate, with conditions for offsetting, monitoring and reporting;
- ensuring compliance with the *Fisheries Act* and the *Species at Risk Act*;
- administering certain provisions of the *Species at Risk Act*;
- providing scientific expertise to federal custodial departments to foster effective and cost-efficient contaminated site management according to goals of the Federal Contaminated Sites Action Plan; and
- working collaboratively with others to manage impacts to commercial, recreational and Aboriginal fisheries resulting from habitat degradation or loss, alterations to fish passage and flow, and aquatic invasive species.





If an authorization may adversely affect Aboriginal or Treaty rights, FPP consults potentially affected Indigenous peoples and, as appropriate, applies measures to accommodate.

The FPP has 16 service delivery points across the country with centralized regional headquarters in six DFO regions. Regulatory review assessors in the regions are divided into specialized industry sector-based units including: Triage; Mining; Oil and Gas; Linear Development; Marine and Coastal; and Hydro and Flows. Each regional headquarter's office also has a Client Liaison, Partnerships, Standards and Guidelines team that is the focal point for developing partnership arrangements and clear requirements for complying with the Act.

Staff located in National Headquarters are responsible for coordinating program delivery and giving national policy direction, strategic advice and liaison to other DFO sectors, federal departments, national industry, and non-governmental organizations.

FPP also maintains the Projects Near Water website<sup>3</sup> which features best practices for proponents to emulate in order to avoid harming fish and fish habitat, and helps regulated parties understand their legal responsibilities for avoiding harm to fish and fish habitat. The best practices section is entitled, *Measures to Avoid Causing Harm to Fish and Fish Habitat*.<sup>4</sup>

When a proponent is unable to meet the self-assessment criteria and avoid serious harm to fish that are part of

or support a commercial, recreational or Aboriginal fishery, they must complete a *Request for Review* form<sup>5</sup> and submit it to DFO for review.

## 2.1.2 Collaborative Arrangements

DFO partners with other government departments to support consistent and efficient administration and enforcement of the fisheries protection provisions.

On December 16, 2013, DFO signed memoranda of understanding with the National Energy Board (NEB) and the Canadian Nuclear Safety Commission (CNSC) to reduce overlap by the parties when they review the same projects, while still ensuring the protection of fish and fish habitat.

The NEB regulates energy infrastructure projects under the *National Energy Board Act*. Projects reviewed by NEB typically relate to the installation or maintenance of pipeline watercourse crossings. The CNSC regulates the use of nuclear energy and materials, including nuclear facilities under the *Nuclear Safety and Control Act*.

Under the memoranda, fisheries experts within NEB and CNSC review applications for projects submitted to them under their respective legislation. At CNSC, fisheries experts also review licensee documentation to ensure appropriate measures are being applied to avoid and mitigate impacts to fish and fish habitat, including the aquatic species and their critical habitat

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<sup>3</sup> [www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html)

<sup>4</sup> [www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/measures-mesures-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/measures-mesures-eng.html)

<sup>5</sup> [www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/index-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/index-eng.html)

which are listed under the *Species at Risk Act*. FPP becomes involved in the review of these projects when impacts cannot be avoided.

The Minister of Fisheries, Oceans and the Canadian Coast Guard remains responsible for decisions on the issuance of *Fisheries Act* authorizations and conditions of authorization and permits under the *Species at Risk Act*.

In 2016-17, DFO continued to work closely with NEB and CNSC, including with ongoing support and communication to implement the memoranda of understanding.


Table 1 lists the numbers of projects reviewed by NEB between April 1, 2016 and March 31, 2017 and the outcome of those reviews. Table 2 summarizes the works, undertakings or activities that were monitored by NEB.

**Table 1:**  
**Projects Reviewed by the National Energy Board**  
**Fiscal Year 2016-17**

Determination	
Company proposed to use DFO's "Measures to Avoid Harm"	204
Deemed unlikely to result in serious harm to fish after additional review/input from NEB that resulted in the identification of additional mitigation measures	44
Deemed likely to result in serious harm to fish and referred to DFO	4
<b>Total</b>	<b>252</b>

**Table 2:**  
**Projects Monitored by the National Energy Board**  
**Fiscal Year 2016-17**

Determination	
Deemed to be compliant with <i>National Energy Board Act</i> and <i>Fisheries Act</i> requirements for fish and fish habitat protection	80
Non-compliance with <i>National Energy Board Act</i> requirements for fish and fish habitat protection was corrected through actions directed by NEB	3
Deemed to be non-compliant with <i>Fisheries Act</i> – Notification/discussion with DFO	0
<b>Total</b>	<b>83</b>



In 2016-17, there were no new projects requiring *Fisheries Act* authorizations or applications from existing facility licensees requiring authorizations by the Canadian Nuclear Safety Commission. CNSC also confirmed there were no non-compliant events to report to DFO and no notifications of potential serious harm to fish, or impacts on aquatic species, during this reporting period.

### 2.1.3 Related Legislative Requirements, Policies and Guidance

DFO administers federal policies, guidance documents, and regulations under the *Fisheries Act* that deal with water pollution and protecting the quality of the natural environment.

#### ***Canadian Environmental Assessment Act***

Under the *Canadian Environmental Assessment Act* (CEAA 2012), DFO must, if requested, provide specialist or expert information and knowledge to a responsible authority, a review panel or a province that has been deemed to have a CEAA substitute environmental assessment (EA) process. In these cases, FPP gives specialist advice on fish and/or fish habitat or on aquatic species at risk. These EA's focus largely on metal mining, oil and gas facilities and pipelines, and hydroelectric and nuclear energy projects.

A section 35(2)(b) *Fisheries Act* authorization for works, undertakings or activities associated with a project

subject to an environmental assessment under CEAA 2012 cannot be issued unless the following is determined:

- carrying out the project is not likely to cause significant adverse environmental effects; or
- carrying out the project is likely to cause significant adverse environmental effects but the Governor in Council decides that those effects are justified.

The Minister of Fisheries, Oceans and the Canadian Coast Guard has decision-making responsibilities related to the assessment of projects under the *Mackenzie Valley Resource Management Act*, the *Yukon Environmental and Socio-economic Assessment Act*, and other EA regimes established under land claims agreements when DFO has jurisdictional responsibilities related to these projects.

DFO also advises and supports ECCC and other custodian departments concerning the impacts on fish habitats from federal contaminated sites through the Federal Contaminated Sites Action Plan program.

### 2.1.4 Review of Development Proposals (Referrals)

FPP activities contribute to the sustainability and ongoing productivity of Canada's commercial, recreational and Aboriginal fisheries by minimizing threats from works, undertakings and activities taking place in and near Canadian waters.



FPP maintains the Projects Near Water website<sup>6</sup> for project proponents to access DFO's recommended best practices to avoid harming fish and fish habitat as well as project-specific self-assessment criteria to help proponents determine if a DFO review is needed. Self-assessment criteria consist of lists of project activities and water body types for which a DFO review is not required if DFO best practices are followed.

When a proponent is unable to meet the self-assessment criteria and avoid serious harm to fish, they must complete a *Request for Review* form and submit it to DFO for review. As part of the review process, staff must verify whether the project under review has the potential to adversely affect aquatic species listed under the *Species at Risk Act*, or their critical habitat, so that appropriate measures can be taken. An "authorization" pursuant to paragraph 35(2) (b) of the *Fisheries Act* would be issued if serious harm to fish could not be avoided.

In 2016-17, DFO completed the following:

- Reviewed 3,229 development proposals (referrals, Table 3);
- Advised proponents or others on 1,272 occasions (Table 4); and,
- Issued 248 authorizations under paragraph 35 (2)(b) of the *Fisheries Act* (Table 4 and Table 6).

### Program Activity Tracking for Habitat System

The Program Activity Tracking for Habitat (PATH) system is a national computer system designed, developed, supported and managed by FPP for staff to have one national system to collect, share and report information on FPP activities. In addition to being a daily operational tool, the PATH system is used for reporting at the individual, office, area, region and national levels. This includes data recorded on review of referrals as presented in Tables 3-5 below.

## Figure 1: Fisheries and Oceans Canada Regions



<sup>6</sup> [www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html](http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html)



Table 3 summarizes data on the number of referrals in 2016-17, by work category, for each DFO region.

**Table 3:**  
**Summary of Habitat Referrals by Primary Impact**  
**Fiscal Year 2016-17<sup>7</sup>**

REGION	Primary Impact									Total
	Changes in Flows/ Water Levels	Deposition of Non-Deleterious Substances	Dredging/ Excavating	Fish Mortality	Fish Passage	Infilling/ Footprint	Watercourse Alteration	No Potential Impact	Other <sup>8</sup>	
Newfoundland and Labrador	0	3	16	12	19	100	3	70	14	237
Maritimes	15	2	22	3	97	201	15	31	5	391
Gulf	4	1	41	1	82	106	20	67	1	323
Quebec	9	0	40	10	44	118	6	17	0	244
Central and Arctic	38	3	435	19	149	520	69	162	10	1,405
Pacific	27	7	106	9	13	302	99	62	4	629
<b>Total</b>	<b>93</b>	<b>16</b>	<b>661</b>	<b>54</b>	<b>404</b>	<b>1,347</b>	<b>212</b>	<b>409</b>	<b>34</b>	<b>3,229</b>

<sup>7</sup> Note: For reporting purposes, the receipt of a referral by DFO is accounted for in the statistics of the same year that event actually occurred; while any DFO decisions linked to the referral could occur in a subsequent year and be accounted for separately in the statistics for that year.


<sup>8</sup> "Other" includes referrals identified with the primary impact of "To be determined."

## 2.1.5 Advice Provided and Authorizations Issued

The Department achieved a 100% compliance rate for processing applications for authorizations under the *Fisheries Act* within the regulated 60- and 90-day time limits.

Table 4 shows the number of times that each DFO region gave advice or issued authorizations over 2016-17. Table 5 summarizes the number of program responses given in 2016-17 by region.

**Table 4:**  
**Advice Given and Authorizations Issued**  
**Fiscal Year 2016-17**



REGION	Advice Given to Proponent or Others <sup>9</sup>	Authorizations Issued <sup>10</sup>	TOTAL
Newfoundland and Labrador	266	3	269
Maritimes	47	13	60
Gulf	153	7	160
Quebec	298	23	321
Central and Arctic	391	32	423
Pacific	117	30	147
<b>Total</b>	<b>1,272</b>	<b>108</b>	<b>1,380</b>

<sup>9</sup> Advice given to others includes: written advice to federal agencies, provincial/territorial/other agencies and boards, letters of advice to proponents, and mitigation measures to permitting agencies.

<sup>10</sup> The total number of authorizations includes both new and amended authorizations issued under the *Fisheries Act*.

**Table 5:**  
**Program Responses Given**  
**Fiscal Year 2016-17**

REGION	Responses <sup>11</sup>
Newfoundland and Labrador	17
Maritimes	307
Gulf	151
Quebec	92
Central and Arctic	718
Pacific	360
<b>Total</b>	<b>1,645</b>

The issuance of authorizations under this class provides a standardized approach which eliminates the requirement for a site-specific review process.

Another example of a regulatory tool to improve regulatory efficiency and compliance with section 35 of the *Fisheries Act* involves “class watershed” authorizations for works, undertakings and activities associated with placer mining in Yukon. This approach provides regulatory certainty by establishing pre-determined standards, mitigation and offsetting for specific activities in certain types of fish habitat. Placer mining activities which cannot meet these standards are subject to the site specific review and authorization process.

## 2.1.6 Notifications and Use of Regulatory Tools

Referrals are requests submitted to DFO either directly by a proponent or indirectly by a consultant, province or territory, or other agency about a proposed work, undertaking or activity that may affect fish, fish habitat or fisheries. (See Section 2.1.4 for more details.)

Due to the scope and number of projects that could possibly affect fish, fish habitat or fisheries, various tools are in place to make regulatory reviews of low-risk activities more efficient. One example is the “class” authorization process for agricultural municipal drains maintenance activities in southern Ontario.

The Projects Near Water website contains a proponent self-assessment process, which identifies activity and water body types for which a DFO review is not required if the *Measures to Avoid Causing Harm to Fish and Fish Habitat* are followed. These are general measures for preventing serious harm to fish. The self-assessment tool enables proponents to plan their projects to avoid harm and to determine the need for a DFO review before submitting their project. This allows the Department to focus the review process on the highest-risk projects for which site-specific review and advice are most beneficial.

In certain jurisdictions, DFO has arrangements with provincial governments so that certain low-risk projects do not require a DFO review. Examples of such regional

<sup>11</sup> Program responses given through triage and other processes include: best management practices, no concerns/no potential effect to fish or fish habitat, partnership/other process in place, web self-assessment can be used, regulatory review not required, no specialist advice to provide, and Yukon Environmental and Socio-economic Assessment Board-DFO not a Decision Body.

regulatory arrangements are in the Maritimes and Gulf Regions where the provincial review process for specified low-risk activities incorporates DFO regulatory requirements.

Class authorizations are tracked and reported because they authorize serious harm to fish and are in addition to the project-specific authorizations reported in Table 4. Not all of the other “streamlining” tools mentioned above have notification processes, and tracking is not a mandatory requirement for those that do.

Table 6 summarizes the use of class authorizations in fiscal year 2016-17.

## 2.2 Conservation and Protection

Compliance with, and enforcement of, the fisheries protection provisions contributes to the conservation of Canada’s aquatic resources and the protection of fish habitat and species at risk.

### 2.2.1 Conservation and Protection Program

DFO’s Conservation and Protection Program (C&P) is responsible for monitoring compliance with legislation and regulations regarding the conservation of fisheries resources and fisheries habitat. The Minister of Fisheries, Oceans and the Canadian Coast Guard appoints fishery officers to enforce fisheries regulations and management plans as well as the fish habitat/fisheries protection provisions of the *Fisheries Act*.

**Table 6:**  
**Notifications of Use of Class Authorizations**

Fiscal Year 2016-17

REGION	Class Authorizations Notifications
Newfoundland and Labrador	0
Maritimes	0
Gulf	0
Quebec	0
Central and Arctic	78
Pacific	62
<b>Total</b>	<b>140</b>

Fishery officers conduct at-sea and inland patrols in coastal and inshore areas, monitor catches, conduct forensic investigations and audits, and give information to fish harvesters about government policies and regulations. Compliance and enforcement monitoring activities of fishery officers are key to protecting Canada’s fish and fish habitat.

Enforcement of the fisheries protection provisions is carried out pursuant to the Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act* (2001).



During fiscal year 2016-17, C&P:

- dedicated a total of 15,481 hours to conservation and protection activities related to fish habitat/fisheries protection provisions;
- issued 10 warnings under the fish habitat/fisheries protection provisions (Table 8);
- issued three corrective measures (Table 8);
- laid zero charges (Table 8);
- proceeded with five alternative measures to prosecution (Table 9); and
- had zero convictions under the fish habitat/fisheries protection and pollution prevention provisions (Table 9).

- Pillar 2: *Monitoring, Control and Surveillance* includes activities such as land, sea and air patrols, inspections and compliance monitoring of third-party service providers, and enforcement response to non-compliance.
- Pillar 3: *Major Cases/Special Investigations* includes formal intelligence gathering and analysis, forensic audits and prosecutions.

## 2.2.2 Compliance and Enforcement

C&P has adopted a three-pillar approach to deliver its enforcement program in order to address existing challenges and to integrate intradepartmental compliance issues in a comprehensive compliance program. This approach, as described under the Fisheries and Oceans Canada National Compliance Framework, guides the application of compliance tools as follows:

- Pillar 1: *Education, Shared Stewardship and Stakeholder Engagement* includes informal and formal education programs and co-management/partnership agreements.

### Compliance



For fiscal year 2016-17, fishery officers dedicated a total of 15,480 hours, or 2% of their time, to fish habitat/fisheries protection compliance and enforcement activities.

In addition, in 2016-17, more than 130 departmental habitat biologists from across the country were trained and designated as Fishery Guardians under the *Fisheries Act*. This designation enables holders to conduct inspections of sites (such as dock construction, culvert


installation, or mining operations) in order to verify compliance with the *Fisheries Act*. This increases the capacity of the Department to monitor work which affects fish habitat and to promote compliance with Act for the benefit of all Canadians.

**Table 7:**  
**Allocation of Compliance Effort**  
**Fiscal Year 2016-17**

Habitat Activities	Hours	Percentage
Agriculture	542.25	4%
Aquaculture	364.25	2%
Death of Fish	106	1%
Forestry	539	3%
Hydro	1,133	7%
Industrial/Commercial	1,554.75	10%
Mining	6,146	40%
Oil/Gas	778	5%
Recreational	383	2%
Rural/Urban Dev.	2,681.5	17%
Transportation	1,253	8%
<b>Totals</b>	<b>15,480.75</b>	<b>100%</b>

**Table 8:****Summary of Fisheries Enforcement Activities by Region**


Fiscal Year 2016-17



REGION	Warnings Issued	Fisheries Act Corrective Measures	Charges Laid	Alternatives to Prosecution <sup>12</sup>
Newfoundland and Labrador	0	0	0	0
Maritimes	1	1	0	0
Gulf	0	0	0	0
Quebec	0	1	0	1
Central and Arctic	2	0	0	0
Pacific	7	1	0	4
<b>Total</b>	<b>10</b>	<b>3</b>	<b>0</b>	<b>5</b>

**Table 9:****Convictions Reported under the  
Fisheries Protection and Pollution  
Prevention Provisions**

Fiscal Year 2016-17



REGION	Section 35(1)
Newfoundland and Labrador	0
Maritimes	0
Gulf	0
Quebec	0
Central and Arctic	0
Pacific	0
<b>Total</b>	<b>0</b>

Table 8 summarizes C&P enforcement activities by Region while Table 9 summarizes convictions reported under the Fisheries Protection and Pollution Prevention Provisions.

<sup>12</sup> Alternatives to prosecution include out-of-court settlements aimed at restoring serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or that support such a fishery.



## 2.3 Sustaining Ecosystems and Oceans

Ocean ecosystems feature interdependent plant and animal life that may be impacted by one or more human activity taking place in the same area. This includes fishing, aquaculture, transportation, and oil and gas exploration. Ecosystem science offers scientific evidence and tools to better manage and understand how these activities interact with one another and affect aquatic ecosystems.

### 2.3.1 Ecosystems and Oceans Science Sector

Some of the research products and scientific advice given in 2016-17 included:

- National science advice related to thresholds for flow alterations across Canada.
- A review completed in the Pacific region of long-term monitoring results from small hydroelectric projects to verify impacts of in-stream flow diversion on fish and fish habitat.
- Science advice related to the Habitat Evaluation Procedure input parameters and model for the Meadowbank Gold Mine in Nunavut and the Habitat Suitability Index model results for fish species in the Athabasca oil sands region.
- Review and evaluation of the industry-led Pipelines and Associated Watercourse Crossings Fisheries Self-Assessment Tool in order to align it with the FPP self-assessment process.
- National peer-review meeting on productivity benchmarks for marine systems, of which the formal advice is forthcoming.

Research results from Ecosystems Science are transferred to FPP and Aquaculture Management staff in various ways, such as peer-reviewed scientific advice, scientific workshops, briefings, and personal consultations. Information given can range from informal, one-on-one discussions to regional peer-reviewed advice sessions and large-scale National Advisory Process workshops that follow a formal process to produce peer-reviewed, published advisory documents.

DFO's Canadian Science Advisory Secretariat is the vehicle for the formal scientific advice given by the Ecosystems and Oceans Science Sector. The Secretariat maintains a website<sup>13</sup> where published reports are available to Canadians. Many DFO research projects also result in peer-reviewed articles published in the primary literature.

## 2.4 Aquatic Invasive Species and Aquaculture

The administration of the pollution prevention provisions is primarily under the scope of ECCC, with the exception of aquatic invasive species and aquaculture. These remain the responsibility of DFO because they relate to pests to fisheries.


### 2.4.1 Aquatic Invasive Species

The Department works with federal, provincial and territorial partners to administer and enforce the Aquatic Invasive Species Regulations that came into force on May 29, 2015. The National Aquatic Invasive Species Committee serves as a collaboration forum for

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<sup>13</sup> [www.dfo-mpo.gc.ca/csas-sccs/index-eng.htm](http://www.dfo-mpo.gc.ca/csas-sccs/index-eng.htm)





these federal, provincial and territorial partners, under the Canadian Council of Fisheries and Aquaculture Ministers.

The Aquatic Invasive Species Regulations establish the species to be prohibited and offer a suite of regulatory tools, such as powers to prevent introductions and the establishment and spread of aquatic invasive species and powers to control existing species. Administration of these regulations continues to be supported by ongoing scientific activities, such as research on pathways of invasion, methodologies to detect new invasions, risk assessments and control measures, as well as by policies and guidelines.

## 2.4.2 Aquaculture

The *Fisheries Act* sets out authorities in sections 35 and 36 regarding fisheries protection and pollution prevention. The environmental management objective for aquaculture is to ensure that fish and fish habitat are protected using mitigation, monitoring and compliance approaches that are efficient, effective and appropriate with respect to the potential risk to the environment. These approaches are consistent with fisheries management approaches.

The Aquaculture Activities Regulations (AAR) were developed to clarify the conditions under which aquaculture operators may install, operate, maintain or remove an aquaculture facility, deposit organic matter or undertake measures to treat their fish for disease and parasites. These regulations are administered by Regional Aquaculture Management Offices.

The AAR prescribe three classes of deleterious substances that may be deposited in waters frequented by fish: biochemical oxygen demanding matter, pesticides, and drugs. The regulations allow aquaculture operators to do so only within specific restrictions to avoid, minimize, and mitigate any potential detriments to fish and fish habitat.

The administration of the AAR is supported by a robust set of policies, standards, and guidelines. DFO, ECCC, and Health Canada have also committed to undertake a three-year Science Review to support implementation of the regulations. In addition, DFO continues to work with provincial and territorial partners to maintain alignment with each other's aquaculture regulatory regimes via the Canadian Council of Fisheries and Aquaculture Ministers.

The Aquaculture Activities Regulations came into force on June 29, 2015.<sup>14</sup> As of April 1, 2016, the first annual AAR reports were submitted by industry to DFO. The regulations were developed from a risk-based perspective, thus the different aquaculture sectors (marine finfish, freshwater cage operations, land-based facilities and shellfish) have different reporting requirements. AAR requirements of the various sectors are shown in Table 10 below.

Consistent with the Government of Canada's commitment to openness and transparency, DFO publishes data collected under the AAR, including contextual information.<sup>15</sup>

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<sup>14</sup> <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2015-177/>

<sup>15</sup> [www.dfo-mpo.gc.ca/aquaculture/management-gestion/apr-rpa-reporting-eng.htm](http://www.dfo-mpo.gc.ca/aquaculture/management-gestion/apr-rpa-reporting-eng.htm)

**Table 10:**  
**Aquaculture Activities Regulations Requirements by Sector**

Marine Finfish	Freshwater Cage and Land-Based	Shellfish
Characterization of local fish and fish habitat (new sites)	N/A	N/A
Mitigation measures to reduce impact to fish and fish habitat	Mitigation measures to reduce impact to fish and fish habitat	Mitigation measures to reduce impact to fish and fish habitat
BOD monitoring data in surrounding aquatic environment	N/A	N/A
Consideration of alternatives to use of drugs or pesticides	Consideration of alternatives to use of drugs or pesticides	N/A
Amounts of pesticides and drugs deposited into waters used to treat pests and diseases	Amounts of pesticides and drugs deposited into waters used to treat pests and diseases	N/A
Incident of fish morbidity or mortality caused by pesticide use	Incident of fish morbidity or mortality caused by pesticide use	N/A


## 2.5 Habitat Restoration

The goal of habitat restoration is to rebuild a healthy, functioning ecosystem that works as it did before it was degraded, damaged or destroyed.

### 2.5.1 Recreational Fisheries Conservation Partnerships Program

The Fisheries Protection Program provides funding to Indigenous groups, recreational fisheries, and conservation groups to restore fish habitat in support of the common long-term goal of enhancing the sustainability and ongoing productivity of Canada's fish stocks.

While the regulatory regime administered by FPP helps mitigate current and future activities that are detrimental to the health of fish and fish habitat, regulations are not able to address previous damage or impacts on the ecosystem related to other factors (e.g. climate change, onshore development and other anthropogenic factors). Over the years, fisheries have faced multiple and interacting threats, including pollution, invasive species, and habitat loss and degradation. Of these, the issue of habitat loss is the most commonly identified threat to freshwater fish, the target of many food, social and ceremonial fisheries and much of Canada's recreational fishing activities. Common forms of fisheries habitat loss include habitat degradation and erosion, barriers to fish migration, and water flow alterations.



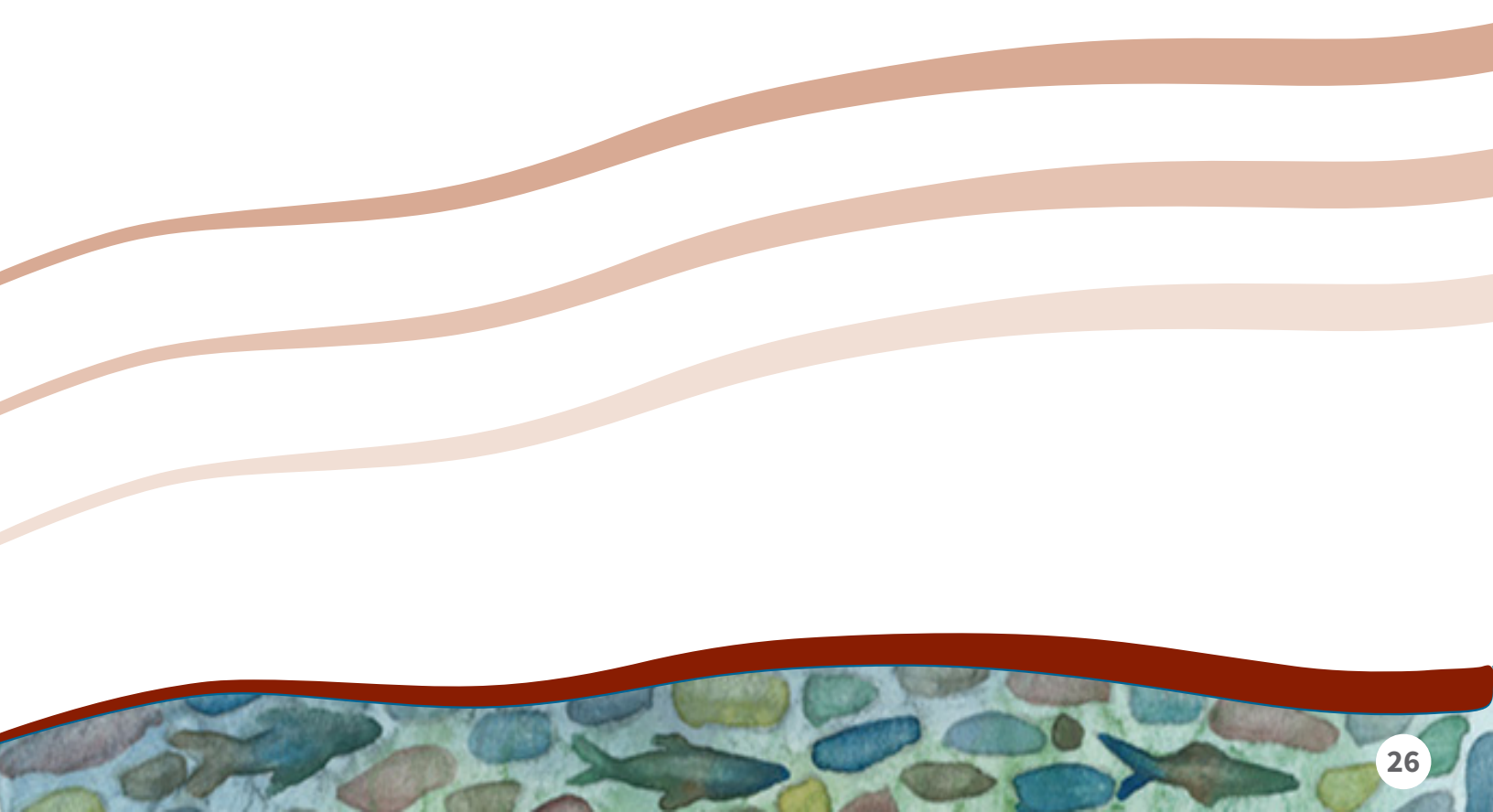
There is, however, potential to address these impacts through restorative action and partnerships. With government, recreational fishing/angling groups, Indigenous groups and others in the fisheries conservation field working together toward common goals, tangible progress can be made. At the local and community level, these groups provide important knowledge and capacity that can be used to help improve recreational fisheries across Canada.

To meet that potential, the Recreational Fisheries Conservation Partnerships Program (RFCPP) was established in June 2013 as a non-regulatory FPP initiative. It supports multi-partner projects at the local level aimed at restoring compromised and/or threatened fisheries habitat through contribution funding.

In 2016-17, RFCPP expended over \$9.5 million for 187 projects taking place across Canada. Among the results achieved:

- 736 partners directly supported the projects;
- Over \$15 million was leveraged by the program (i.e., for every \$1 expended by RFCPP, \$1.63 was provided by other sources);
- More than 2,812 volunteers donated their time or support toward the projects;
- 978 individuals received income from RFCPP; and
- Over 6 million square meters of fisheries habitat was restored.

These results illustrate continued success and interest in the program, as well as its continued capacity to increase the amount of fish habitat being restored. In the three years since the program began, 620 projects have been supported and more than 8 million square metres restored.





## 2.5.2 Restoration Success Stories

### Fraser Valley, British Columbia

With RFCPP funding, the Fraser Valley Watershed Coalition created 12,500 m<sup>2</sup> of off-channel aquatic habitat in the lower Stave River, located in the Fraser Valley of British Columbia. This project improved spawning, off-channel rearing and over-wintering habitat for Pacific salmon. Historic impacts in the lower

Stave River include diking and subsequent floodplain development, road and rail corridors, and hydroelectric facilities.

This project restored and extended off-channel tidal channels; added complexity to floodplain areas used by spawning and rearing salmonids, and re-planted riparian and aquatic bench habitats that support fish. Off-channel habitats restored by this project are key to the life-cycles of Chum, Chinook and Coho salmon; especially, at juvenile rearing stages.



New shallow aquatic benches for native sedge plantings



Completed aquatic bench with burlap sacks and plug plantings



New off-channel tidal channel habitat



Drone view showing extent and complexity of constructed off-channel habitat

\*Photo credits: Fraser Valley Watersheds Coalition



### Albert County, New Brunswick

Led by the Petitcodiac Watershed Alliance, this project is located in a priority river for stocking efforts for the endangered Inner Bay of Fundy Atlantic salmon: the Little River tributary of the Petitcodiac River watershed. This is also important habitat for recreational fish species such as brook trout, American shad, and striped bass.

As a result of RFCPP funding, the restoration facet of the project will reduce sedimentation by using heavy machinery to reduce the riverbank angle, secure the bank with a rock toe, and stabilize soils and shade waters with vegetation. It is also expected to significantly increase available habitat (42,500 linear meters) made through culvert remediation activities, such as rock weirs and debris removals.



Before and After: Photo credit – Christine Mclauchlan (Before), ©Petitcodiac Watershed Alliance (PWA) Inc. (After)



After: Photo credit - ©Petitcodiac Watershed Alliance (PWA) Inc.



## 3.0 Environment and Climate Change Canada

*Environment and Climate Change Canada administers and enforces the pollution prevention provisions of the Fisheries Act.*

The pollution prevention provisions are considered to be section 36, subsections (3) to (6), of the *Fisheries Act*. In 2014, these responsibilities became the legal responsibility of the Minister of the Environment and Climate Change for all purposes and subject matters with the exception of aquaculture and aquatic invasive species or aquatic species that constitute a pest to fisheries. These exceptions remain the responsibility of the Minister of Fisheries, Oceans and the Canadian Coast Guard.

A key provision of the pollution prevention requirements is subsection 36(3), which prohibits the deposit of deleterious substances in water frequented by fish<sup>16</sup> unless the deposit is authorized by regulations under the Act or other federal legislation. Deleterious substances include any substance that, if added to water, would degrade, alter or form part of a process of degradation or alteration of the quality of water so that it is rendered deleterious (harmful) to fish or fish habitat or for human consumption of any fish from that water.


ECCC administers and enforces the pollution prevention provisions through compliance promotion, regulations, environmental effects monitoring, water quality monitoring, emergencies management, and

administrative agreements. The Department's 2016-17 activities may be summarized as follows:

- Administered, promoted compliance, and enforced existing regulations made under subsection 36(5) for the pulp and paper sector and for metal mines, including the environmental effects monitoring elements of those regulations.
- Administered, promoted compliance, and enforced regulations made under subsection 36(5) for the wastewater sector (including federal, provincial, municipal and First Nations wastewater systems).
- Re-engaged stakeholders, Indigenous peoples, and other interested parties in the review of the Metal Mining Effluent Regulations concerning potential amendments. In 2016, four waterbodies were also added to Schedule 2 of the regulations which lists Tailings Impoundment Areas.
- Administered and promoted compliance for the Experimental Lakes Area Research Activities Regulations made under subsection 36(5.2).
- Contributed to environmental emergency management activities by managing ECCC's pollution incident notification system and responding to significant pollution incidents related to the deposit of deleterious substances not authorized under the Act, as per subsections 38(5) and 38(7).

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<sup>16</sup> "or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water."

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- Monitored water quality under the Canadian Shellfish Sanitation Program.
  - Implemented administrative and notification agreements with provinces that support the effective administration of the pollution prevention provisions and associated regulations.
  - Administered, promoted compliance, and enforced the subsection 36(3) general prohibition against the deposit of deleterious substances in water frequented by fish as well as subsections 38(5), 38(6) and 38(7), which require notification and preventive and remediation measures and reporting in the event of an unauthorized deposit.

### 3.1 General Reviews and Improvements

In May 2009, the Commissioner of the Environment and Sustainable Development (CESD) made a number of recommendations to improve the federal government's activities under the *Fisheries Act* to protect fish habitat. These included:

- Setting clearer objectives, results, expectations and accountabilities to improve ECCC's risk-based approach to assess and address the risks of non-compliance with the pollution prevention provisions;
- Reviewing older regulations and guidelines;
- Improving enforcement quality assurance; and
- DFO and ECCC working together to more clearly establish expectations with respect to administration of the pollution prevention provisions.

In 2016-17, ECCC and DFO continued to make progress on commitments made in response to the CESD recommendations. For example, to support more strategic identification of risks under the pollution prevention provisions, ECCC continues to implement a *Fisheries Act* prioritization process. This provides a systematic approach to evaluate activities that could be subject to the pollution prevention provisions and prioritizes efforts accordingly for risk management actions, compliance promotion or targeted enforcement. These and other activities will continue to improve ECCC's administration and enforcement of the pollution prevention provisions and support ongoing implementation of the recommendations made in the 2009 CESD report.

In 2012, a number of amendments were also made to the *Fisheries Act*. In general, these amendments were intended to introduce greater flexibility to more effectively manage deposits in waters frequented by fish. However, they did not change the scope of the prohibition against the deposit of deleterious substances, which continues to apply to all water frequented by fish. In 2016, the Government initiated the process to amend the *Fisheries Act* in order to restore lost protections and incorporate modern safeguards.





## 3.2 Compliance Promotion

Compliance promotion are planned activities that increase the awareness and understanding of regulatees with respect to the *Fisheries Act* and related regulations. During these planned activities, information about the pollution prevention provisions is given out, along with information about the benefits of complying with the law and the consequences of non-compliance. In addition to providing information and responding to general enquiries about the pollution prevention provisions, ECCC promotes compliance with specific regulations under the Act. (See Section 3.3 below.)

The approach to compliance promotion is collaborative and coordinated across the Department's programs and regions and with enforcement activities. It is achieved using various tools and approaches such as website postings, letters, emails, brochures, site visits, responses to enquiries, and information sessions.

ECCC continues to focus compliance promotion efforts on geographically dispersed, hard to reach, small- and medium-sized enterprises (SMEs), Indigenous communities, and the Federal House. The Department defines SMEs as businesses with fewer than 500 employees and/or businesses with a lower capacity to obtain and/or understand regulatory compliance requirements. SMEs often have fewer resources and a greater need for assistance regarding how to comply with the Department's regulations. The Federal House

consists of all federal government departments and agencies in Canada.

In 2016-17, ECCC undertook compliance promotion activities across the country for a number of sectors. Activities included group meetings, phone calls, emails, and letters. They primarily focused on the environmental assessment (EA) process (i.e., by making organizations aware of their regulatory requirements when they submit their projects for an EA) and in response to specific enquiries.

In addition, in 2016-17:

- ECCC participated in the reviews of 439 project proposals undergoing EA. These included transitional comprehensive studies, standard EA's, EA's on federal lands, and those conducted by a review panel, the National Energy Board, and northern boards, provincially and provincially substituted EA's, and Offshore Petroleum Board reviews.
- Reviews were used to identify issues related to the pollution prevention provisions and related regulations. Reviews also encouraged regulatees, through proactive planning of their projects, to ensure that they would meet all regulatory requirements. The reviews focused largely on metal mining, oil and gas facilities and pipelines, and hydro-electric and nuclear energy projects.

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<sup>17</sup> Reporting data for the Pulp and Paper Effluent Regulations are submitted through one of three electronic- and/or paper-based systems across Canada. This depends on which province a given mill is located. The most recent year for which data have been pooled, tabulated and analyzed at an aggregate level is 2015.



- ECCC gave scientific and technical advice related to federal contaminated sites and potential *Fisheries Act* pollution prevention provisions implications through various avenues, including the Federal Contaminated Sites Action Plan.

## 3.3 Administering Related Regulations

ECCC administers a number of regulations made under the pollution prevention provisions, including the Pulp and Paper Effluent Regulations (PPER), the Metal Mining Effluent Regulations (MMER), and the Wastewater Systems Effluent Regulations (WSER).

### 3.3.1 Pulp and Paper

ECCC's analysis of the self-reported effluent data generated during 2015<sup>17</sup> by Canadian pulp and paper mills concluded that these facilities continued to have high rates of compliance with the effluent quality limits prescribed in the PPER. In 2015, 77 pulp and paper mills across the country were subject to these regulations and were depositing effluent directly into water frequented by fish. Compliance rates calculated from self-reported data were over 99% for total suspended solids and biochemical oxygen demand, 97.6% for the requirement that effluent not be acutely lethal to rainbow trout, and 100% for the environmental effects monitoring (EEM) requirements.

ECCC continued to provide guidance and advice to the pulp and paper sector on the EEM requirements

under regulations. To promote compliance with regulations under the *Fisheries Act*, ECCC also continued to provide information to the pulp and paper sector respecting the requirements of the PPER. Compliance promotion activities included sending emails and letters to regulatees and continued support of electronic reporting of data by pulp and paper mills through the Regulatory Information Submission System for pulp and paper mills. The information system is a web-based reporting tool used by industry to report mandatory data as required under PPER.


### 3.3.2 Metal Mines

ECCC's analysis of the self-reported effluent data generated during 2015<sup>18</sup> by Canadian metal mines showed that these companies continued to report having high rates of compliance with the effluent quality limits prescribed in the MMER. In 2015, these regulations applied to 132 mining facilities across the country. The compliance rate of the self-reported data with the monthly mean concentration limits was over 100% for arsenic, lead and zinc, over 99% for copper, cyanide, nickel and radium 226, and 98% for total suspended solids. The compliance rate of the self-reported data with the pH limits was over 99%.

The Metal Mining Effluent Regulations also require that effluent not be acutely lethal to rainbow trout. In 2015, the compliance rate of the self-reported data for this requirement was 96%. The compliance rate for EEM requirements during fiscal year 2016-17 was approximately 93%.

<sup>18</sup> The most recent year for which data have been pooled, tabulated and analyzed at an aggregate level is 2015.

<sup>19</sup> Canada Gazette I publication: [www.gazette.gc.ca/rp-pr/p1/2017/2017-05-13/html/reg2-eng.html](http://www.gazette.gc.ca/rp-pr/p1/2017/2017-05-13/html/reg2-eng.html)



In April 2015, ECCC concluded multi-stakeholder consultations on the 10-year review of the MMER and began developing proposed amendments to the regulations. These propose to strengthen and improve requirements for metal mines, and expand the regulations to include diamond mining. Further engagement was conducted with stakeholders and interested parties in late 2016 and early 2017. This was aimed at promoting awareness and understanding of the proposed amendments in order to facilitate stakeholder participation in the regulatory process.<sup>19</sup> The Department also reached out to national Indigenous organizations to inform them of the upcoming publication of the proposed amendments.

ECCC continued to provide information to the metal mining sector on the EEM program required under the MMER. The Department promoted compliance by speaking with several mining companies across Canada in person or by telephone/conference call to explain the requirements of these regulations. The Compliance Promotion Program also undertook 85 activities reaching 15 facilities in 2016-17.

The main queries of the mining industry related to preparing the assessment of alternatives when developing proposals to use natural water bodies for the purposes of disposing of mine waste. The assessment of alternatives is a pre-requisite for moving forward with proposed amendments to Schedule 2 of the MMER, which lists Tailings Impoundment Areas. In 2016, four waterbodies were added to Schedule 2 of the MMER.

DFO continued to assist ECCC by providing expertise, as needed, on fish and fish habitat and evaluating and administering compensation plans submitted under section 27.1 of the MMER.

### 3.3.3 Notification of Unauthorized Releases of Deleterious Substances

In the event of an unauthorized deposit, such as an oil or chemical spill, federal and provincial/territorial authorities need to be notified so they may coordinate adequate oversight of the response. The Deposit Out of the Normal Course of Events Notification Regulations ensure that authorities are notified of unauthorized releases of deleterious substances as per subsection 38(5) of the *Fisheries Act* by requiring verbal notification in such events.

In order to reduce notification burden, and duplication of effort, the regulations provide the regulated community and the public with the name and telephone number of the 24-hour authorities operating in the province or territory to which notifications are to be made. This means that the polluter need only call one, well-known federal, provincial or territorial number.

The 24-hour operating centre that receives a call transfers the information to ECCC to enable timely and effective oversight, possible scientific support, compliance verification, and appropriate enforcement response.

### 3.3.4 Wastewater

The Wastewater Systems Effluent Regulations came into force in 2012. The regulations include minimum mandatory effluent quality standards achievable through secondary-level wastewater treatment, which came into force in 2015.

Wastewater treatment systems that have applied for a transitional authorization have additional time to comply with these regulations. For example, the wastewater systems with effluent posing the highest risk to the environment, such as those with no treatment, have until the end of 2020 to comply. Those with medium- and low-risk effluent have until 2030 and 2040, respectively. In addition to meeting minimum mandatory effluent quality standards, wastewater treatment systems need to submit an identification report.

The WSER apply to wastewater systems with 100m<sup>3</sup> of daily influent or more. Most of these are owned/operated by municipalities and address about 99% of the total wastewater discharged each year. Based on the latest national data, 2,475 wastewater systems are subject to the WSER. Of these systems, 220 are located in First Nations communities and 27 are owned by federal departments. Wastewater systems not covered by the WSER are very small and represent less than 0.1% of total wastewater discharges per year.

In 2015-16, the compliance rate for the submission of identification reports was 68%. In 2016-17, enforcement activities led to an additional 73 approved identification reports submitted, increasing the compliance rate to 71% nationally. ECCC also inspected 19 monitoring reports in 2016-17, which resulted in 10 warning letters. At the same time, the Department's Compliance Promotion Program undertook 136 compliance promotion activities reaching 27 facilities.

In late 2015, the Minister of Environment and Climate Change issued a Ministerial Order, under the authority of section 37 of the *Fisheries Act*, to the City of Montréal. The Order set conditions on the city to conduct critical maintenance of their wastewater infrastructure. A planned release into the St. Lawrence River was part of this Order to reduce the likelihood of an unplanned release that would have been more damaging to the river. The City met the conditions of the Order, including by participating in a comprehensive review of the events leading to the discharge. The report on this review is publicly available.<sup>20</sup>

In 2016-17, ECCC continued to strengthen working relationships with Indigenous communities and their partners to increase awareness and understanding of WSER requirements. Discussions also continued with provinces and territories on the development of agreements to reduce regulatory duplication for the wastewater sector. More information on the status of WSER agreements is included in Section 3.7.

<sup>20</sup> [www.canada.ca/en/environment-climate-change/services/discharge-untreated-wastewater-stlawrence.html](http://www.canada.ca/en/environment-climate-change/services/discharge-untreated-wastewater-stlawrence.html)



## 3.4 Water Quality Monitoring

Under the Canadian Shellfish Sanitation Program (CSSP), ECCC is responsible for recommending harvesting area classification based on monitoring marine water quality for sanitary conditions and identified sources of local waste discharge.

### 3.4.1 Canadian Shellfish Sanitation Program

Under the Canadian Shellfish Sanitation Program, ECCC surveys bivalve molluscan shellfish growing areas in order to classify areas for harvesting species such as clams, oysters, mussels and scallops. ECCC then makes growing-area classification recommendations to DFO and CFIA, pursuant to its responsibilities under CSSP Memorandum of Understanding, which are used by DFO to close and open shellfish harvesting areas. ECCC's powers are authorized under the Management of Contaminated Fisheries Regulations. In 2016-17, over 31,000 marine water quality samples were collected from nearly 7,400 marine sites to support shellfish harvest area classification along the coastlines of the Atlantic, Pacific and St. Lawrence Estuary regions of Canada.

In addition to temporary closures as a result of unpredicted spills, ECCC continues to redefine established classifications of harvesting areas in the immediate vicinity to wastewater treatment plants. ECCC has adopted a world-leading, three-dimensional

hydrodynamic modeling technology to support its wastewater treatment plant assessment work. As of 2016-17, 78 comprehensive assessments of wastewater systems have been completed resulting in revised harvesting limits for some locations.

In 2016-17, there were 2,916 environmental incidents reported with potential impacts to shellfish areas, including discharges from wastewater treatment plants and their associated collection systems. ECCC and its CSSP partners continued work in 2016 to build the awareness of wastewater treatment plant operators about the importance of timely reporting pursuant to subsection 38(5) of the *Fisheries Act*, which contributes to protecting the public from the consumption of contaminated shellfish.

## 3.5 Enforcement

ECCC is responsible for enforcing the pollution prevention provisions and its associated regulations. Enforcement officers carry out their duties according to the Compliance and Enforcement Policy for Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*.<sup>21</sup>

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<sup>21</sup> <http://ec.gc.ca/alef-ewe/default.asp?lang=en&xml=D6B74D58-C75B-4BE5-B353-146F066A094C>





### 3.5.1 Enforcement Activities and Measures

Enforcement activities undertaken during 2016-17 include inspections, investigations, and specific enforcement measures.

An *inspection* is the process of gathering information to verify compliance with legislation. This may include site visits, examining substances, products or containers, taking samples and analyzing records. An on-site inspection involves visiting a site to verify compliance, while an off-site inspection is normally undertaken at the officer's place of work or in another location that is not the regulated site. Off-site inspections are usually limited to document verification.

An *investigation* involves gathering evidence and information relevant to a suspected violation from a variety of sources. An enforcement officer will conduct an investigation when they have reasonable grounds to believe that an offence has been committed under the Act and it has been determined that prosecution may be the appropriate enforcement action.

*Enforcement measures* that may be taken to address alleged violations of the *Fisheries Act* are warnings, directions, Ministerial orders, injunctions, and prosecutions. Fishery officers and inspectors may issue a direction when immediate action is necessary to counteract, remedy or mitigate the adverse effects of an unauthorized deposit of a deleterious substance, or to prevent such a deposit. The direction may require the person to take all reasonable measures to counteract, mitigate or remedy any adverse effects that result or may result from the incident, or to prevent a serious and imminent deposit of a deleterious substance.

Table 11 presents inspections conducted during 2016-17, as well as investigations begun during the fiscal year as a result of inspections or information obtained, and any enforcement measures taken.

**Table 11:**  
**Enforcement Activities and Measures**  
**Fiscal Year 2016-17**

				INVESTIGATIONS <sup>23</sup>	Enforcement Measures <sup>24</sup> from Inspections and Investigations			
Instrument	INSPECTIONS <sup>22</sup>				Written Warnings		Directions	
	TOTAL	ON-SITE	OFF-SITE		No. of letters	No. of infractions <sup>25</sup>	No. of directions	No. of infractions
Fisheries Act (Grand Total)	2975	1112	1863	45	167	528	34	76
General Prohibition	1512	888	624	38	76	145	26	31
Meat and Poultry Products Plant Liquid Effluent Regulations	5	1	4	-	-	-	-	-
Metal Mining Effluent Regulations	505	81	424	3	20	101	6	24
Petroleum Refinery Liquid Effluent Regulations	31	1	30	-	-	-	-	-
Potato Processing Plant Liquid Effluent Regulations	2	1	1	-	-	-	-	-
Pulp and Paper Effluent Regulations	661	44	617	3	14	24	-	-
Wastewater Systems Effluent Regulations	259	96	163	1	57	258	2	21

<sup>22</sup> The total number of inspections relates to the number of regulatees inspected for compliance under the applicable Act or Regulation, using the end date of the inspection for the reference period. Only files closed between April 1, 2016 and March 31, 2017 are tabulated here.

<sup>23</sup> Investigations are tabulated by the number of investigation files, based on the start date of the investigation. Only investigations that started between April 1, 2016 and March 31, 2017 are tabulated here. An investigation file may include activities relating to multiple pieces of legislation and may include one or more regulations. Therefore, the total number of investigations shown by regulation may not add to the total at the legislation level.

<sup>24</sup> Enforcement measures are tabulated by the number of files closed during the year that show at least one infraction for which the measure was taken.

<sup>25</sup> Infractions are found at the section, subsection or paragraph level of an Act or Regulation. For example, if a written warning is sent to one person, but the alleged violations relate to three sections of the Fisheries Act; the number of written warnings in this column would be three, even though just one letter was sent.

Table 12 illustrates the number of investigations conducted during the reporting period. As investigations often extend over more than one fiscal year, the table below reflects the fact that at the beginning of the year, there are a number of investigations carried over from previous years (A), there are a number of investigations begun throughout the reporting year (B), and from all these, a certain number are closed and concluded in the reporting year (C).

Table 13 shows prosecutions: the instances in which charges were laid against a person (individual or company). When reviewing the data, it should be noted that prosecutions often continue through multiple fiscal years so there may be more convicted counts during a particular year than actual charges laid.

**Table 12:**  
**Investigations Breakdown**  
**Fiscal Year 2016-17**



	No. of Investigations
(A) Started before the fiscal year or were on-going at the beginning of the year	96
(B) Started in the fiscal year	45
(C) Ended in the fiscal year	69

**Table 13:**  
**Prosecutions and Results**  
**Fiscal Year 2016-17**

Instrument	Prosecutions <sup>26</sup>			
	Charges Laid		Concluded	
	Prosecuted Subjects <sup>27</sup>	Charges <sup>28</sup>	Convicted Subjects <sup>29</sup>	Counts <sup>30</sup>
<i>Fisheries Act</i> (Grand Total)	21	71	12	26
General Prohibition	18	59	7	14
Meat and Poultry Products Plant Liquid Effluent Regulations	-	-	-	-
Metal Mining Effluent Regulations	3	12	5	12
Petroleum Refinery Liquid Effluent Regulations	-	-	-	-
Potato Processing Plant Liquid Effluent Regulations	-	-	-	-
Pulp and Paper Effluent Regulations	-	-	-	-
Wastewater Systems Effluent Regulations	-	-	-	-

<sup>26</sup> As prosecutions may occur under both laws and regulations, column totals may not add up. E.g. See the convicted subjects column. There were a grand total of 16 convicted subjects, while the actual total of the rows below add up to 18. If a prosecution file contains one subject, and the subject was prosecuted under both the *Fisheries Act* and a regulation, one subject is counted for the grand total. However, in the rows below it, a subject will be counted under both the general prohibition and the regulation.

<sup>27</sup> The number of prosecuted subjects is tabulated by the number of defendants to the court action.

<sup>28</sup> Charges are tabulated based on the actual number of charges laid within the reporting period, at the section/subsection/paragraph level of the regulation. For example, a regulatee violating subsections 36(1) and 36(3) of the *Fisheries Act* may be charged with one count under subsection 36(1) and two counts under subsection 36(3). This is considered three charges.

<sup>29</sup> Convicted subjects are the number of persons (individuals or organisations) sentenced during the reporting period.

<sup>30</sup> Counts are the number of sections of legislation or regulations for which there was a conviction during the reporting period. For example, in a case where a regulatee is found guilty of one count under subsection 36(1) and two counts under subsection 36(3), this is considered one conviction against the subject and three counts.





## 3.5.2 Enforcement Highlights

### Nova Scotia

On May 11, 2016, the Northern Pulp Nova Scotia Corporation was ordered to pay \$225,000 for a *Fisheries Act* offence that occurred in June 2014. The offence related to a pipeline break that spilled over 47 million litres of untreated pulp and paper effluent into an area leading to the East River/Pictou Harbour. The penalty will be directed to the Environmental Damages Fund, which is administered by ECCC. The Mi'kmaw Conservation Group, the Pictou County Rivers Association, and the Pictou Landing First Nation will each receive \$75,000 under the program to carry out fish and fish habitat projects in Pictou County.

### Quebec

On February 24, 2017, Valero Energy Inc.-Jean Gaulin Refinery (formerly Ultramar Ltd.) in Lévis, Quebec pleaded guilty to six counts and was sentenced to pay \$500,000:

- a \$120,000 fine for failing to comply with an order issued by an officer, thereby committing an offence under paragraph 40(3)(g) of the *Fisheries Act*; and
- \$380,000 pursuant to paragraph 79.2(f), for the financial benefits it obtained through these violations.

The investigation conducted by ECCC found that Valero Energy Inc.-Jean Gaulin Refinery had committed the following violation six times: failure to comply with a directive requiring rehabilitation and environmental monitoring work issued following the deposit of a deleterious substance in water frequented by fish.

The total amount will be deposited in the Environmental Damages Fund.

### Manitoba

On October 31, 2016, CaNickel Mining Limited pleaded guilty to having committed two offences under the *Fisheries Act* in violation of the Metal Mining Effluent Regulations:

- depositing mine effluent containing radium-226 in excess of authorized limits into water frequented by fish; and
- depositing effluent containing nickel in excess of authorized limits into water frequented by fish in 2014.

The company was fined \$80,000, which will be directed to the Environmental Damages Fund. An investigation by ECCC related to Bucko Lake and the Bucko Lake Mine led to these charges.

### British Columbia

On October 7, 2016, Nyrstar Myra Falls pleaded guilty to two counts under the *Fisheries Act* and one count under the Metal Mining Effluent Regulations. As a result, they have been ordered to pay \$185,000 of which \$184,000 will be directed to the Environmental Damages Fund.

On September 5, 2014, Nyrstar Myra Falls Mine deposited untreated acidic wash water into Myra Creek. Testing of samples collected by ECCC enforcement officers confirmed that the wash water was deleterious (harmful) to fish.

## Yukon

On February 23, 2017, Air North Charter and Training Ltd. (Air North) and the Public Prosecution Service of Canada entered into an alternative measures agreement after a charge was laid by ECCC under the *Fisheries Act*. As part of the agreement, Air North will pay a total penalty of \$80,000, which will be used to remediate or improve the environment in Vuntut Gwitchin First Nation territory, with the balance donated to the Environmental Damages Fund for environmental restoration, improvement, or education in the Yukon. They will also publicly acknowledge and accept full responsibility for the fuel spill; improve their training, practices, and procedures for fuel delivery, including spill responses; and carry out clean up and remediation of the spill site.

Air North was charged with violating the *Fisheries Act* related to the deposit of a substance harmful to fish in an area where it could have entered fish-bearing waters, following an investigation by ECCC's enforcement officers. The spill took place on September 23, 2014.

## 3.6 Environmental Emergencies

ECCC protects Canadians during environmental emergencies by giving science-based expert advice and developing and administering regulations and agreements under both the *Fisheries Act* and the *Canadian Environmental Protection Act, 1999*.

### 3.6.1 Environmental Emergencies Program


The Environmental Emergencies Program (EEP) implements the departmental pollution incident notification system. In the event of a significant pollution incident, the program oversees that reasonable response actions are taken by the responsible party to counteract, mitigate or remedy any adverse effects of an unauthorized deposit of deleterious substances, as per subsection 38(6) of the *Fisheries Act*.

The EEP is also able to give science-based expert advice 24 hours a day, seven days a week, in collaboration with other federal, provincial and territorial governments, municipalities, and stakeholders to inform actions that reduce the consequence of environmental emergencies. This is done via the National Environmental Emergencies Centre (NEEC).

In 2016-17, NEEC recorded 4,219 notifications involving the unauthorized deposit, or the likelihood thereof, of a deleterious substance as per subsection 38(5) under the *Fisheries Act*.

NEEC's Environmental Emergencies Officers are designated as inspectors under the *Fisheries Act*. This means the officers may:

- receive notifications of deposits of deleterious substances into the environment;
- access and inspect the site of the deposits or any related documents in order to observe or to carry out spill response activities;
- collect relevant information and samples for the

- 
- purpose of establishing the fate and effects of the pollutant, and determine environmental damage;
  - evaluate that reasonable measures are taken to protect the environment and human health, and are able to take or direct reasonable measures as per subsection 38(7.1); and
  - support enforcement activities.

## 3.7 Agreements

The *Fisheries Act* allows the Ministers of Environment and Climate Change and Fisheries, Oceans and the Canadian Coast Guard to enter into agreements with a province or territory in order to further the purposes of the Act. These agreements may facilitate co-operation, enhance communication, and streamline administration. An equivalency agreement may also be established to reduce regulatory duplication when a provision under provincial law has an equivalent effect to a provision of regulations made under the *Fisheries Act*.

### Alberta

The *Canada-Alberta Administrative Agreement for the Control of Deposits of Deleterious Substances under the Fisheries Act* entered into force on September 1, 1994. The agreement establishes the terms and conditions for the co-operative administration of subsection 36(3) and the related provisions of the *Fisheries Act*, regulations under the Act, and the *Alberta Environmental Protection and Enhancement Act*. The agreement also streamlines and coordinates the regulatory activities of ECCC and Alberta Environment and Sustainable Resource Development to protect fisheries and reduces duplication of regulatory requirements for regulatees.

### New Brunswick


In June 2014, the *Administrative Agreement between the Government of New Brunswick and the Government of Canada Regarding the Administration of the Wastewater Systems Effluent Regulations in New Brunswick* came into effect. In administering these regulations on behalf of ECCC, provincial officials promote compliance with the WSER requirements among regulatees. In the 2016 calendar year, provincial officials conducted one site visit and inspections related to their provincial regulations and shared information on these inspections with ECCC.

### Quebec

The Province of Quebec and the Government of Canada have been collaborating since 1994. The parties currently co-operate through a memorandum of understanding for data collection, effective until March 2018, whereby Quebec provides a single data-entry portal for regulatees for the following federal regulations:

- Pulp and Paper Mill Effluent Chlorinated Dioxins and Furans Regulations made pursuant to the *Canadian Environmental Protection Act*, 1999;
- Pulp and Paper Mill Defoamer and Wood Chip Regulations made pursuant to the *Canadian Environmental Protection Act*, 1999; and
- Pulp and Paper Effluent Regulations made pursuant to the *Fisheries Act*.

Under the memorandum of understanding, pulp and paper mills continue to report their data for these regulations using the electronic reporting system administered by Quebec. Both levels of government retain full responsibility for carrying out inspections and



investigations and for taking appropriate enforcement measures in order to ensure compliance with their respective legislation.

### Saskatchewan

In July 2015, the *Administrative Agreement between the Government of Saskatchewan and the Government of Canada Regarding the Administration of the Wastewater Systems Effluent Regulations in Saskatchewan* came into effect. In the 2016 calendar year, provincial officials conducted 71 site visits and inspections related to their provincial regulations and shared information on these inspections with ECCC. Provincial officials also promoted compliance of the WSER requirements among regulatees.

In addition, the *Canada-Saskatchewan Administrative Agreement for the Control of Deposits of Deleterious Substances under the Fisheries Act* sets out the principles for co-operation and identifies a preliminary list of activities where detailed collaborative arrangements could be developed. Existing collaborative arrangements are described in the five annexes to this agreement.

### Yukon

In November 2014, the Governor in Council issued an Order declaring that the Wastewater System Effluent Regulations do not apply to wastewater systems that are subject to the *Agreement on the Equivalency of Laws Applicable to Wastewater Systems Located in Yukon*. As the regulator of the three wastewater systems covered by the Agreement, Yukon Environment conducted

three inspections in the 2016 calendar year. No warning letters or inspector's directions were issued as a result.

## 3.7.1 Environmental Occurrences Notification Agreements


In most cases, federal, provincial and territorial laws require notification of the same environmental emergency or environmental occurrence, such as an oil or chemical spill. To reduce duplication of effort, ECCC entered into Environmental Occurrences Notification Agreements (Notification Agreements) with the governments of Alberta, British Columbia, Manitoba, the Northwest Territories, Ontario, Saskatchewan and Yukon. These Notification Agreements<sup>31</sup> facilitate administration of the verbal reporting requirements under the *Fisheries Act* and the *Canadian Environmental Protection Act, 1999*.

The purpose of the Notification Agreements is to establish a streamlined notification system for persons required to verbally notify federal or provincial/territorial governments of an environmental emergency or environmental occurrence. Under these agreements, 24-hour authorities operating for the provinces/territories receive notifications of environmental emergencies or occurrences on behalf of ECCC. Once received, this information is then transferred to ECCC.

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<sup>31</sup> [www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5200AB4B-1](http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5200AB4B-1)





In 2016-17, ECCC continued to work with its provincial and territorial counterparts to implement Notification Agreements. This work included the establishment of management committees and the development of standard operating procedures for the collection and processing of notifications of environmental occurrences. ECCC also renewed Notification Agreements in 2017 with the governments of Alberta, British Columbia, Manitoba, the Northwest Territories, Ontario, Saskatchewan and Yukon, effective until March 2021.

## List of Acronyms and Abbreviations

AAR	Aquaculture Activities Regulations
AESRD	Alberta Environment and Sustainable Resource Development
Agency	Canadian Environmental Assessment Agency
AIS	Aquatic Invasive Species
AISR	Aquatic Invasive Species Regulations
AM	Aquaculture Management
BOD	Biochemical, Oxygen Demanding matter
C&P	Conservation and Protection Program
CCFAM	Canadian Council of Fisheries and Aquaculture
CEPA	<i>Canadian Environmental Protection Act</i>
CEAA	<i>Canadian Environmental Assessment Act</i>
CESD	Commissioner for Environment and Sustainable Development
CFIA	Canadian Food Inspection Agency
CNSC	Canadian Nuclear Safety Commission
CSAS	Canadian Science Advisory Secretariat
CSSP	Canadian Shellfish Sanitation Program
DFO	Fisheries and Oceans Canada
EA	Environmental Assessment
ECCC	Environment and Climate Change Canada
EEM	Environmental Effects Monitoring
EEP	Environmental Emergencies Program
EOSS	Ecosystems and Oceans Science Sector
FCSAP	Federal Contaminated Sites Action Plan
FPP	Fisheries Protection Program
HC	Health Canada
MMER	Metal Mining Effluent Regulations
MOU	Memorandum of Understanding
NEB	National Energy Board
NGO	Non-Governmental Organization
NSCA	<i>Nuclear Safety and Control Act</i>
PATH	Program Activity Tracking System for Habitat
PPER	Pulp and Paper Effluent Regulations
RFCPP	Recreational Fisheries Conservation Partnerships Program
SARA	<i>Species at Risk Act</i>
SMEs	Small- and Medium-sized Enterprises
WSER	Wastewater System Effluent Regulations