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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, 2017 to March 31, 2018



Canada

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1.0 Overview

1.1 Introduction

Fisheries and Oceans Canada (DFO) and Environment and Climate Change Canada (ECCC) are committed to protecting Canada's environment in ways that benefit future generations while supporting today's growing economy. More specifically, these departments actively work to achieve an integrated approach to the conservation and protection of fish and fish habitat across Canada and seek 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.

In 2017-18, the Government made significant progress in support of the Minister of Fisheries, Oceans and the Canadian Coast Guard mandate letter commitment to review the previous government's changes to the *Fisheries Act*. On February 6, 2018, the Government introduced Bill C-68 an Act to amend the *Fisheries Act* and other Acts in consequence in Parliament. This was the culmination of a significant review process which was initiated mid-2016 by engaging Parliament's Standing Committee on Fisheries and Oceans in a formal review. 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.

Upon introduction of Bill C-68, Canadians were informed of the proposed changes to the Act. The bill introduces modern safeguards to support the conservation and protection of fish and fish habitat and supports reconciliation with Indigenous peoples. It aims to provide better certainty for Canadian industry and ensure the long-term sustainability of aquatic resources. Leading to the introduction of Bill C-68, the Government considered the recommendations of the Standing Committee on Fisheries and Oceans and input received during departmental consultations with Canadians including targeted consultation with provinces, territories, and Indigenous peoples.

This Annual Report summarizes the administration, enforcement, and other activities undertaken in 2017 to early 2018 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 are 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 2017-18, the FPP continued to follow and implement the Fisheries Protection Policy Statement and the Fisheries Productivity Investment Policy. For example, to promote conservation and protection, the FPP helped regulated parties understand their responsibilities and comply with applicable laws and regulations by advising these parties throughout the year. The FPP also updated and maintained the Projects Near Water website¹ so that proponents and stakeholders had access to best practices for avoiding harm to fish and fish habitat. In addition, the 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 as highlighted in the Departmental Performance Report for 2017-18². This is achieved, in part, by conducting site-specific reviews of projects where available best practices could not avoid or mitigate all impacts to fish and fish habitat. The FPP also gives standardized advice for low-risk projects, so proponents can apply measures to avoid and mitigate harm.

The FPP is also 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 legislative duties

¹ www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html

² <http://www.dfo-mpo.gc.ca/dpr-rmr/2017-18/drr-eng.html>

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 2017-18, DFO's Conservation and Protection Program dedicated a total of 17,157 hours to conservation and protection activities related to fish habitat and fisheries. This included issuing directions, laying charges and seeking convictions.

Supporting Sustainability

Over 2017-18, 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* except for aquaculture, aquatic invasive species and aquatic species that constitute a pest to the fisheries. The Department administers these provisions through activities such as compliance promotion, regulations, water quality monitoring, response to environmental emergencies, and agreements with provinces and territories.

Compliance Promotion

ECCC engages in activities to increase the awareness and contribute to the understanding of the pollution prevention provisions of the *Fisheries Act* and related regulations to help ensure these achieve the desired environmental results.

ECCC personnel across Canada respond to enquires and provide information to regulated communities on what is required to comply with the *Fisheries Act* and related regulations, the benefits of compliance, and the consequences of non-compliance.

Compliance promotion is achieved primarily through a collaborative and coordinated approach across ECCC's programs, including with regions and enforcement. The Department uses various tools and approaches to promote compliance such as website postings, letters, emails, brochures, site visits, responses to enquiries, and information sessions.

Administering Related Regulations

ECCC administers a number of regulations made under section 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 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 provisions under provincial law has an equivalent effect to provisions 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 decrees 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); and,
- 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*; and,
- Section 40: Outlines offences and punishment.

Pollution Prevention Provisions

The pollution prevention provisions are generally understood to describe 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*:

- 4.1(1), (3) and (4), 4.2(4), 4.3, and 4.4;
- 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 subsection 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 prevention provisions.

2.0 Fisheries and Oceans Canada

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 2017-18 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.

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, the 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.

The FPP also maintains the Projects Near Water website³ 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*.⁴

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* form⁵ 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.

³ www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html

⁴ www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/measures-mesures-eng.html

⁵ www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/index-eng.html

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 which are listed under the *Species at Risk Act*. The 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 2017-18, 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, 2017 and March 31, 2018 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

Determination	2017-2018 ⁶
Deemed unlikely to result in serious harm to fish as company proposed to use DFO's "Measures to Avoid Harm"	1539
Deemed unlikely to result in serious harm to fish after additional review/input from NEB	47
Deemed likely to result in serious harm to fish and referred to DFO	10 ⁷
Total	1596

⁶ Data include both applications and operation and maintenance activities that NEB completed a final determination on in 2017/2018.

⁷ DFO determined that five of these water crossings did not require a *Fisheries Act* authorization.

Table 2: Projects Monitored by the National Energy Board

Determination	2017 - 2018
Deemed to be compliant with NEB Act and <i>Fisheries Act</i> requirements for fish and fish habitat protection	97
Non-compliance with NEB Act requirements for fish and fish habitat protection addressed by NEB	18
Non-compliance with <i>Fisheries Act</i> - notification/discussion with DFO	0
Total	115

With the support of DFO, CNSC led the discussion with proponents on the preparations of the applications for authorizations under the *Fisheries Act*, and continued to facilitate and lead consultations with Indigenous peoples. In summary, during the fiscal 2017/2018 year there was one *Fisheries Act* authorization issued; one *Fisheries Act* non-compliance event reported; and one letter sent out to a proponent notifying of the requirement to submit a *Fisheries Act* authorization application. No other notifications of potential serious harm to fish, or impacts on aquatic species at risk were reported by DFO or CNSC 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, 2012* (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 2012 substitute environmental assessment (EA) process. In these cases, the 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.

The FPP maintains the Projects Near Water website⁸ 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 2017-18, DFO completed the following:

- reviewed 3,390 development proposals (referrals, Table 3);
- advised provided and program responses provided to proponents or others on 3,147 occasions (Table 4); and,
- issued 365 authorizations under paragraph 35 (2)(b) of the *Fisheries Act* (Table 4 and Table 5).

⁸ www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html

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 the 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.

Fisheries and Oceans Canada Regions



Figure 1: DFO Regions

Table 3 summarizes data on the number of referrals in 2017-18, by work category, for each DFO region.

Table 3 Summary of Habitat Referrals by Primary Impact Fiscal Year 2017-2018⁹										
Region	Primary Impact									
	Changes in Flows/Water Levels	Deposition of Non-Deleterious Substances	Dredging/Excavating	Fish Mortality	Fish Passage	Infilling/Footprint	Watercourse Alteration	No Potential Impact	Other ¹⁰	Total
Newfoundland and Labrador	4	5	19	5	36	48	1	71	0	189
Maritimes	37	4	43	4	83	133	19	59	5	387
Gulf	8	2	52	6	70	85	12	70	2	307
Quebec	8	5	19	2	89	164	31	39	0	357
Central & Arctic	54	12	423	16	115	759	20	86	23	1508
Pacific	24	13	100	16	7	359	85	35	3	642
Total	135	41	656	49	400	1548	168	360	33	3390

⁹ 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.

¹⁰ "Other" includes referrals identified with the primary impact of "To be determined".

2.1.5 Advice Provided and Authorizations Issued

The FPP interacts with proponents in various circumstances with regards to proposed works, undertakings or activities that could affect fish and fish habitat. The support provided by the FPP helps proponents remain compliant with legislation. The continuum of the non-regulatory activities is illustrated in the column containing the “Advice/Response Provided” while the regulatory activities are comprised in the column depicting the number of “Authorizations issued” per region.

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, provided a program response or issued authorizations over 2017-18.

Table 4 Advice/Responses Given and Authorizations Issued Fiscal Year 2017-18			
REGION	Advice/Response Provided to Proponent or Others¹¹	Authorizations Issued¹²	TOTAL
Newfoundland and Labrador	233	1	234
Maritimes	360	11	371
Gulf	271	10	281
Quebec	469	47	516
Central and Arctic	1352	42	1394
Pacific	462	30	492
TOTAL	3147	141	3288

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

¹¹ 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. 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.

¹² The total number of authorizations includes both new and amended authorizations issued under the *Fisheries Act*.

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 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.

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 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 5 summarizes the use of class authorizations in fiscal year 2017-18.

Table 5 Notifications of Use of Class Authorizations Fiscal Year 2017-18	
REGION	Class Authorizations Notifications
Newfoundland and Labrador	0
Maritimes	0
Gulf	0
Quebec	0
Central and Arctic	156
Pacific	68
TOTAL	224

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*.

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 2017-18, C&P:

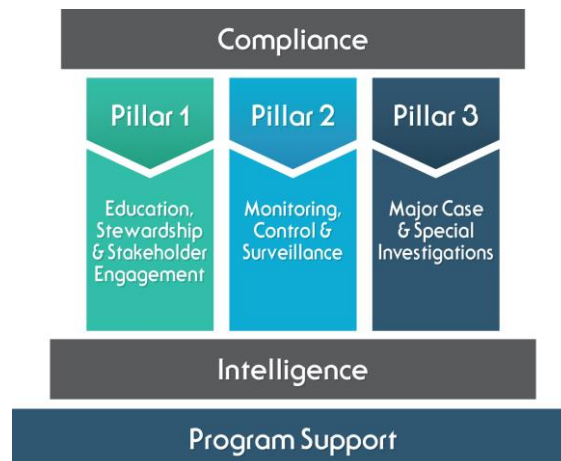
- dedicated a total of 17,157 hours to verifying compliance and enforcing fish habitat/fisheries protection provisions (Table 6);
- issued three warnings under the fish habitat/fisheries protection provisions

- (Table 7);
- issued seven directions (Table 7);
 - laid eight charges (Table 7); and,
 - had one conviction under the fish habitat/fisheries protection and pollution prevention provisions (Table 8).

2.2.2 Compliance and Enforcement

C&P has adopted a three-pillar approach to deliver its enforcement 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;
- 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; and,
- Pillar 3: *Major Cases/Special Investigations* includes formal intelligence gathering and analysis, forensic audits and prosecutions.



For fiscal year 2017-18, fishery officers dedicated a total of 17,157 hours to fish habitat/fisheries protection compliance and enforcement activities, an increase of 1,677 hours from last year.

In addition, in 2017-18, more than 40 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 activities that may potentially affect fish habitat and to promote compliance with Act.

Table 6 Allocation of Compliance Effort Fiscal Year 2017-18		
Habitat Activities	Hours	Percentage
Agriculture	366	2%
Aquaculture	220	1%
Death of Fish	101	1%
Forestry	802	5%
Hydro	1902	11%
Industrial/Commercial	1384	8%
Mining	7475	44%
Oil/Gas	82	0%
Recreational	660	4%
Rural/Urban Dev.	3243	19%
Transportation	924	5%
TOTALS	17,157	100%

Table 7 summarizes C&P enforcement activities by Region, while Table 8 summarizes convictions reported under the Fisheries Protection and Pollution Prevention Provisions of the Act.

Table 7 Summary of Fisheries Enforcement Activities by Region Fiscal Year 2017-18				
Region	Warnings Issued	Fisheries Act Directions	Charges Laid	Alternatives to Prosecution¹³
Newfoundland and Labrador	0	0	0	0
Maritimes	2	0	0	0
Gulf	0	0	0	0
Quebec	0	1	8	0
Central and Arctic	1	2	0	0
Pacific	0	4	0	0
TOTAL	3	7	8	0

¹³ 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.

Table 8 Convictions Reported under the Fisheries Protection and Pollution Prevention Provisions Fiscal Year 2017-18	
Region	Section 35(1)
Newfoundland and Labrador	0
Maritimes	0
Gulf	0
Quebec	0
Central and Arctic	1
Pacific	0
TOTAL	1

2.2.3 Habitat Enforcement Highlights

The Obed Mountain Mine case is an example of a successfully coordinated multi-year major habitat case that was a joint investigation by Fisheries and Oceans Canada, Environment and Climate Change Canada, and the Province of Alberta.

On October 31, 2013, a dike that was holding back a large volume of waste water at the Obed Mountain Mine failed, resulting in more than 670 million litres of contaminated water and sediment (made up of coal, clay and sand) spilling into the Apetowun Creek and Plante Creek and additionally impacting the Athabasca River.

In June 2017, the Prairie Mines & Royalty ULC (formerly known as Coal Valley Resources Inc.) responsible for the Obed Mountain Mine pleaded guilty in Alberta Provincial Court to two counts of violating the *Fisheries Act*:

- one count of carrying on a work, undertaking or activity that resulted in in the harmful alteration or disruption, or the destruction, of fish habitat in contravention of s.35(1) of the *Fisheries Act*; and,
- one count of depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish in contravention of s.36(3) of the *Fisheries Act*.

The company was sentenced to pay monetary penalties totalling \$3,500,000. \$1,150,000 of this sentence will be put into a trust to be managed by the University of Alberta to create the Alberta East Slopes Fish Habitat and Native Fish Recovery Research Fund. This fund will support research related to restoration of fish habitat with a particular focus on recovery of native fish populations in Alberta's East Slopes. \$2,150,000 will be directed to the Environmental Damages Fund.

The Environmental Damages Fund is administered by ECCC and was created in 1995 to provide a mechanism for directing funds received as a result of monetary penalties to priority projects that will benefit our environment.

As of October 2018, restoration works on the waterways have begun.

2.2.4 Habitat Monitoring Pilot Project

In February 2018, the Minister of Fisheries and Oceans announced the Government's intent to proceed with regulatory amendments to restore fish and fish habitat protection provisions to the *Fisheries Act*. To support the Minister's initiative to strengthen fish and fish habitat legislation, a Conservation and Protection-led habitat monitoring pilot project took place between January and March, 2018.

Task teams of habitat monitors were deployed in Pacific, Gulf, and Newfoundland and Labrador Regions. These teams included several Indigenous participants. The teams were able to conduct 259 site visits across these three regions in a three month period. Sites of interest included a variety of development projects like culverts, private docks, foreshore works, road works, bridgeworks and other sensitive fish habitat areas.

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

Aquatic ecosystems include plants, animals and microbes that support one another and are interdependent in order to thrive. Ecosystem science supports the management of human activities that are undertaken in the same areas – such as fishing, aquaculture, transportation, and oil and gas exploration – and provides scientific evidence and tools to better manage and understand how these activities interact with one another and affect aquatic ecosystems.

Some of the research products and scientific advice provided in the fiscal 2017-18 included:

- residual infectious pancreatic necrosis (IPN) transmission risk from arctic char transfers into British Columbia;

- evaluation of the scientific evidence to inform the probability of effectiveness of mitigation measures in reducing shipping-related noise levels received by southern resident killer whales; and,
- review of the environmental impact statements for the Flemish Pass Exploration Drilling Project and the Eastern Newfoundland Offshore Exploration Drilling Project.

Research results are transferred to Fisheries Protection Program and Aquaculture Management staff in various ways, including in the form of peer-reviewed scientific advice, scientific workshops, briefings, factsheets and personal consultations. Information provided 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 (CSAS) within the Ecosystems and Oceans Science Sector is the vehicle for the provision of formal scientific advice, and maintains a website¹⁴ 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 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.

¹⁴ <http://www.dfo-mpo.gc.ca/csas-sccs/index-eng.htm>

2.4.2 Aquaculture

The *Fisheries Act* sets out authorities in sections 35 and 36 regarding fisheries protection and pollution prevention. DFO's 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), pursuant to sections 35 and 36 of the *Fisheries Act*, came into force on June 29, 2015¹⁵ and 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. 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 regulations require annual reporting to DFO on the above measures and any deposits of deleterious substances. AAR requirements of the various sectors are shown in Table 9 below.

Table 9
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

The administration of the AAR is supported by a robust set of policies, standards, and guidelines. DFO, ECCC, and Health Canada (HC) are also undertaking a Science Review to support implementation of these regulations and potential options for strengthening

¹⁵ <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2015-177/>

pesticide and drug environmental monitoring related to pest and pathogen treatments at aquaculture sites. 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.

Consistent with the Government of Canada's commitment to openness and transparency, DFO publishes detailed drug and pesticide data collected under the AAR, including contextual information.¹⁶

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 (FPP) 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 the 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.

¹⁶ www.dfo-mpo.gc.ca/aquaculture/management-gestion/apr-rpa-reporting-eng.htm

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 recreational fisheries habitat through contribution funding.

In 2017-18, RFCPP expended over \$7.8 million for 177 projects taking place across Canada. Among the results achieved:

- 776 partners directly supported the projects;
- Over \$48.2 million was leveraged by the program (i.e., for every \$1 expended by RFCPP, \$6.1 was provided by other sources);
- More than 3,300 volunteers donated their time or support toward the projects; and
- Over 3.7 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.

2.5.2 Restoration Success Stories

Perth, Ontario

Downtown Perth on the Tay River was an abandoned weir blocking fish passage. The weir was decommissioned and replaced by rocky ramps that allowed fish passage and also provided spawning habitat for walleye (*Sander vitreus*) and white sucker (*Catostomus commersonii*) in a very public, visible and accessible area, highlighting the effectiveness of these structures in maintaining historic water levels without a fish barrier or negative riverine processes. The removal of this barrier to fish migration made available 1500 metres of the main Tay River and over 3,000 metres of the upstream Grants Creek – a provincially significant wetland (PSW) with many open tributaries. This rocky ramp was also a better alternative for species at risk turtles, such as stinkpots, because the historic higher water levels are now maintained. Finally, the rocky ramps has alleviated flooding in Stewart Park.

The project has been the solution to 3 specific problems observed: 1) it has been a fish access improvement; 2) an enhancement of spawning shoal; and, 3) permitted stream channel and bank erosion control and stabilization.



Before: Haggart Island dam

*Photo credits: Rideau Valley Conservation Authority



After: Rocky ramps

*Photo credits: Rideau Valley Conservation Authority

Maria-Chapdelaine Regional County Municipality, Québec

Several issues related to the passage of fish had been observed in the territory of Zec des Passes due to the presence of natural and artificial obstacles that obstructed potential breeding sites. To address these concerns the Zec des Passes carried out restoration activities at the Ysa Lake outfall to replace an old artificial impoundment structure that obstructed the natural flow of water and was an obstacle to fish run (brook trout, walleye and lake trout). This included the construction of a type of “living shoreline” (i.e., a riprap sill) with native vegetation to consolidate the remaining portion of shoreline to ensure fish passage and stabilize the lake at its current level.



Before



During: Rocks used for the construction of the sill



After: Revegetation and stabilization

Clean-up along the Guy Lake main tributary also took place to remove a series of beaver dams and natural debris and to allow brook trout access to potential breeding sites.



Sediment extraction, location for spawning



Sill Construction and Planning of Spawning Habitat

Little River, New Brunswick

This project led by the Fort Folly First Nation (i.e., the Fort Folly Habitat Recovery) focused on reducing sedimentation through the stabilization of an 80 m. length of failing streambank on the lower portion of the Little River by enlarging the local radius of curvature in the river, reducing bank angle, installing a rock toe and planting woody vegetation stabilize the soil and increase shade on the river.

The result was improved freshwater habitat, with sedimentation being reduced through the coir lift stabilization that will protect spawning as well as juvenile rearing habitat. Water quality will also be improved over time through the re-establishment of an intact riparian buffer reducing the rate of run off and increasing shade on the stream. Lastly the changes in the site also improved habitat for species at risk (e.g., Atlantic salmon).



Before photo of Knee Restoration



Cutting the bank to gain access to begin rock toe installation



Coir lift a soil setting



Completed Project

2.5.3 Coastal Restoration Fund

DFO's commitment to working with Canadians on habitat restoration has continued under the Coastal Restoration Fund (CRF) which was announced in November 2016 as a part of the Ocean Protection Plan. The CRF, with its \$75 million in contributions was officially launched May 31, 2017, along with its initial application process. The CRF facilitates collaborations that contribute to the development and implementation of coastal restoration plans, identify restoration priorities, implement projects, and address threats to marine species located on Canada's coasts. The program also contributes to the mitigation of stressors affecting aquatic habitats and marine life, and engage Indigenous groups, resource users, and local groups and communities in undertaking planning, restoration, capacity building, monitoring, and reporting activities.

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 generally understood to describe 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 fish¹⁷ 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 2017-18 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 amendments¹⁸. In 2017-18, ten 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).

¹⁷ "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."

¹⁸ The Metal Mining Effluent Regulations (MMER) are referenced in this document as they were the relevant regulations during the time period covered by this report. The final amendments to the Metal Mining Effluent Regulations were published in May 2018 and are now the Metal and Diamond Mining Effluent Regulation (MDMER).

- 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).
- 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 2017-18, 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 updated and 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 enforcement action. 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.

3.2 Compliance Promotion

The goal of compliance promotion is to increase awareness and contribute to the understanding of the pollution prevention provisions in the *Fisheries Act* and related regulations. ECCC personnel across Canada respond to enquiries and provide relevant

information to regulated communities about the benefits of compliance and the consequences of non-compliance.

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. These activities are aimed at increasing the voluntary compliance, thereby mitigating consequential enforcement actions.

In 2017-18, 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 2017-18:

- ECCC participated in the reviews of 369 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.
- 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 2016¹⁹ 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 2016, 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, 97.3% for the requirement that effluent not be acutely lethal to rainbow trout, and 96% 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 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.

In September 2017, ECCC launched a process to modernize the PPER with the publication of a consultation document to inform interested parties of the key areas where ECCC sees the need for modernization and to seek feedback. ECCC received a number of comments from various stakeholders and will consider them when developing a detailed proposal.

3.3.2 Metal Mines

ECCC's analysis of the self-reported effluent data generated during 2016²⁰ 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 2016, these regulations applied to 137 mining facilities across the country. The compliance rate of the self-reported data with the monthly mean concentration limits was over 99.8% for metals and pH, 98% for total suspended solids and 100% for cyanide.

The Metal Mining Effluent Regulations also require that effluent not be acutely lethal to rainbow trout. In 2016, the compliance rate of the self-reported data for this

¹⁹ 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 2016.

²⁰ The most recent year for which data have been pooled, tabulated and analyzed at an aggregate level is 2016.

requirement was 95.7%. The compliance rate for EEM requirements during fiscal year 2017-18 was approximately 94%.

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.²¹ 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 main queries of the mining industry related to preparing the assessment of alternatives when developing proposals to use 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 2017-18, ten 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 set out the authorities that must be notified of unauthorized releases of deleterious substances as per subsection 38(5) of the *Fisheries Act* by requiring notification in such events.

In order to reduce notification duplication, the regulations provide regulates and the public with the name and telephone number of the 24-hour authorities operating in the

²¹ Canada Gazette I publication: www.gazette.gc.ca/rp-pr/p1/2017/2017-05-13/html/reg2-eng.html

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 (WSER) 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.

The WSER apply to wastewater systems with 100m³ of daily influent or more. Most of these are owned/operated by municipalities. Based on the latest national data, 2,429 wastewater systems are subject to the WSER. Of these systems, an estimated 247 are located in Indigenous communities and federal departments own 26.

Transitional authorizations were issued for 65 wastewater systems to provide time to upgrade to meet the standards. Holders of transitional authorizations have until either 2020, 2030 or 2040 to meet the standards. The deadline for upgrading a given system depends on the level of risk associated with the wastewater effluent and the sensitivity of the receiving environment.

Two of the 65 systems for which transitional authorizations were issued have completed upgrades and are now meeting the WSER effluent quality standards; as such they no longer hold a transitional authorization.

Under the regulations, wastewater system owners or operators are required to submit an identification report as well as regular monitoring reports. In 2016-17, the compliance rate for the submission of identification reports was 71%. In 2017-18, enforcement activities led to an additional 129 approved identification reports submitted, increasing the compliance rate to 76.3% nationally.

In 2017-18, 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.

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 CSSP, 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 under the Management of Contaminated Fisheries Regulations. In 2017-18, over 26,400 marine water quality samples were collected from nearly 6,800 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 2017-18, 20 comprehensive assessments of wastewater systems have been completed resulting in revised harvesting limits for some locations.

In 2017-18, there were 2,210 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 2017-18 to build the awareness of wastewater treatment plant operators about the importance of timely reporting pursuant to section 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 of the *Fisheries Act* and its associated regulations. In carrying out their duties, enforcement officers are guided by the Compliance and Enforcement Policy for Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*.²²

²² <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 2017-18 include inspections, investigations, and taking 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. Enforcement officers will conduct an investigation when they have reasonable grounds to believe that an offence has occurred under the Act and prosecution is contemplated.

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 prevent the unauthorized deposit or to counteract, remedy or mitigate any adverse effects that result from it or might reasonably be expected to result from it.

Table 10 presents inspections conducted during 2017-18, as well as investigations begun during the fiscal year as a result of inspections or information obtained, and any enforcement measures taken.

Table 10 – Enforcement Activities and Measures taken during Fiscal Year 2017-18²³

	INSPECTIONS ²⁴			INVESTIGATIONS ²⁵	Enforcement Measures ²⁶ from Inspections and Investigations			
					Written Warnings		Directions	
Instrument	TOTAL	ON-SITE	OFF-SITE		No. of letters	No. of infractions ²⁷	No. of directions	No. of infractions
<i>Fisheries Act</i> (Grand Total)	1803	986	817	190	154	474	17	64
General Prohibition ²⁸	876	641	235	141	72	140	13	30
Deposit Out of Normal Course of Events	2	2	-	7	2	2	-	-
Metal Mining Effluent Regulations	517	166	351	22	29	175	4	34
Petroleum Refinery Liquid Effluent Regulations	14	2	12	-	2	2	-	-
Pulp and Paper Effluent Regulations	258	50	208	19	6	13	-	-
Wastewater Systems Effluent Regulations	136	125	11	1	52	142	-	-

²³ Only those regulations under which an inspection and/or investigation occurred during the time period are listed in this table.

²⁴ The total number of inspections relates to the number of regulatees inspected for compliance under the applicable Act or Regulation, using the start date of the inspection for the reference period. Only inspections started between April 1, 2017 and March 31, 2018 are tabulated here.

²⁵ Investigations are tabulated by the number of investigation files that took place during 2017-18.

²⁶ 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. As enforcement measures may include multiple regulations, the column totals may not add up. For example, in the “No. of letters” column there was a grand total of 154 letters issued while the actual total of the rows below add up to 163.

²⁷ 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.

²⁸ Includes all inspections and violations under the pollution prevention provisions of the *Fisheries Act*.

Table 11 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 11 – Investigations Breakdown for Fiscal Year 2017-18

	No. of Investigations
(A) Started before the fiscal year and ongoing after the fiscal year	124
(B) Started in the fiscal year	25
(C) Ended in the fiscal year	41

Table 12 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 – Prosecutions and Results in Fiscal Year 2017-18

Instrument	Prosecutions ²⁹			
	Charges Laid		Concluded	
	Prosecuted Subjects ³⁰	Charges ³¹	Convicted Subjects ³²	Counts ³³
<i>Fisheries Act</i> (Grand Total)	14	225	11	25
General Prohibition ³⁴	12	119	10	14
Meat and Poultry Products Plant Liquid Effluent Regulations	-	-	-	-
Metal Mining Effluent Regulations	4	106	1	11
Petroleum Refinery Liquid Effluent Regulations	-	-	-	-
Potato Processing Plant Liquid Effluent Regulations	-	-	-	-
Pulp and Paper Effluent Regulations	-	-	-	-
Wastewater Systems Effluent Regulations	-	-	-	-

3.5.2 Enforcement Highlights

Québec

On February 5, 2018, the company Montreal, Maine and Atlantic Canada Co. was found guilty of unlawfully depositing or permitting the deposit of crude oil—a deleterious substance—into the Mégantic Lake and the Chaudière River—waters frequented by fish—contrary to the *Fisheries Act*. As a result, Montreal, Maine and Atlantic Canada Co. was fined \$1,000,000. This amount was allocated to the Environmental Damages Fund,

²⁹ As prosecutions may involve charges relating to violations of both laws and regulations, column totals may not add up. For example, see the “prosecuted subjects” column. There were a grand total of 14 prosecuted subjects, while the actual total of the rows below add up to 16. If a prosecution file contains one subject, and the subject was prosecuted under both the General Prohibition 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.

³⁰ The number of prosecuted subjects is tabulated by the number of defendants to the court action.

³¹ 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 in relation to subsection 36(1) and two counts in subsection 36(3). This is considered three charges.

³² Convicted subjects are the number of persons (individuals or organizations) sentenced during the reporting period.

³³ 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 of violating subsection 36(1) and two counts of violating subsection 36(3), this is considered one conviction against the subject and three counts.

³⁴ Includes all prosecutions under the pollution prevention provisions of the *Fisheries Act*.

which is administered by ECCC. The funds will be used to support projects focused on the Mégantic Lake and the Chaudière River, waters which were directly impacted by the spill of crude oil.

Alberta

On June 9, 2017, Prairie Mines & Royalty ULC pleaded guilty to two counts of violating the *Fisheries Act*. As a result, the company was fined \$3,500,000. \$1,150,000 of this amount was allocated to a trust to be managed by the University of Alberta to create the Alberta East Slopes Fish Habitat and Native Fish Recovery Research Fund, and \$2,150,000 was directed to the Environmental Damages Fund.

On October 31, 2013, a multi-year joint investigation was launched by ECCC, Fisheries and Oceans Canada, and the Province of Alberta, following the failure of a dike that was holding back a large volume of waste water at the Obed Mountain Mine. This failure resulted in more than 670 million litres of contaminated water and sediment spilling into the Apetowun Creek and Plante Creek and additionally impacted the Athabasca River.

Prairie Mines & Royalty ULC pleaded guilty to the following violations of the *Fisheries Act*:

- One count of carrying on a work, undertaking or activity that resulted in the harmful alteration or disruption, or the destruction, of fish habitat in contravention of ss.35(1); and,
- One count of depositing or permitting the deposit of a deleterious substance of any type in water frequented by fish in contravention of ss.36(3).

On June 15, 2017, Canadian National Railway Company (CN), pleaded guilty to one offense under the *Fisheries Act*, and three offences under the *Canadian Environmental Protection Act, 1999*, (CEPA) that occurred in 2015. A joint investigation with Alberta Environment and Parks determined that the oil-water separator and fuel storage system at Bissell Yard was not compliant with the relevant regulations, which caused an estimated 90 litres of diesel to be released to the storm sewer. As a result, CN Rail was ordered to pay \$2,500,000 total, \$500,000 for violations committed under CEPA, and \$2,000,000 of which was for the following offence under the *Fisheries Act*:

- Deposit of a deleterious substance to fish-bearing water or to a place where it may enter fish-bearing water.

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

British Columbia

On January 12, 2018, Barkerville Gold Mines Ltd. was ordered to pay \$200,000 after pleading guilty, in the Provincial Court of British Columbia, to violations under the *Fisheries Act* related to the *Metal Mining Effluent Regulations*. The penalty will be paid to the Environmental Damages Fund.

Routine inspections conducted by ECCC enforcement officers revealed that the company failed to complete sampling, to notify authorities of having deposited effluent into fish-bearing water without authorization, and to submit reports on time. The effluent was deposited into Lowhee Creek, part of the Willow River system—an important fish-bearing watershed. The *Metal Mining Effluent Regulations* authorize deposits of effluent provided that conditions stipulated in the regulations are respected.

On February 19, 2018, Garden Protein International Inc. (Gardein) pleaded guilty in the Provincial Court of British Columbia to one count of depositing a deleterious substance in an area where it may enter the Fraser River in violation of the *Fisheries Act*. The company was ordered to pay a penalty of \$285,000, which was directed to the federal Environmental Damages Fund. Additionally, the company was ordered to install further infrastructure at its Richmond-based plant to prevent future spills.

On October 5, 2017, Teck Coal Limited pleaded guilty to three counts of contravening the *Fisheries Act*. As a result, the company was fined \$1,425,000, which will be directed to the federal Environmental Damages Fund, and used for purposes related to the conservation and protection of fish or fish habitat or the restoration of fish habitat in the East Kootenay region of British Columbia.

On October 17th, 2014, an ECCC investigation was launched and it was found that the effluent from the water treatment facility going into Line Creek was deleterious to fish. Numerous dead fish were found in the Line Creek watershed as a result of this discharge, including Bull trout which are identified as a species of special concern in this area of British Columbia.

Nunavut

On May 1, 2017, Agnico Eagle Mines Limited pleaded guilty to one offence under the *Fisheries Act*. The company was fined \$50,000, which was directed to the federal Environmental Damages Fund. In August 2013, an inspection at the Meadowbank Gold Mine revealed seepage from the tailings impoundment area into an area immediately next to a fish-bearing waterbody. The release had not been reported to an ECCC inspector or to the territorial spill line. The company was charged with violating subsection 38(4) of the *Fisheries Act* - failing to notify an inspector following the unauthorized deposit of a deleterious substance into water frequented by fish.

3.6 Environmental Emergencies

ECCC contributes to the protection of 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 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 2017-18, NEEC recorded 4,475 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. This agreement was renewed in February 2018. In the 2017 calendar year, provincial officials conducted 50 interactions with the regulated community related to compliance promotion, verification and shared information on these interactions 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 2017 calendar year, provincial officials conducted 69 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 Systems 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 two inspections in the 2017 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, 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 Agreements³⁵ 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.

In 2017-18, ECCC continued to work with its provincial and territorial counterparts to implement the Notification Agreements. This work advanced the establishment of management committees and the development of standard operating procedures for the collection and processing of notifications of environmental occurrences. The current Notification Agreements with the governments of Alberta, British Columbia, Manitoba,

³⁵ www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5200AB4B-1

the Northwest Territories, Ontario, Saskatchewan and Yukon, are 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	Canadian Environmental Protection Act
CEAA	Canadian Environmental Assessment Act
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	Nuclear Safety and Control Act
PATH	Program Activity Tracking System for Habitat
PPER	Pulp and Paper Effluent Regulations
RFCPP	Recreational Fisheries Conservation Partnerships Program
SARA	Species at Risk Act
SMEs	Small and Medium-sized Enterprises
WSER	Wastewater System Effluent Regulations