



Ottawa, Canada K1A 0E6

Mr. Scott Simms
Chair
Standing Committee on Fisheries and Oceans
House of Commons
Ottawa ON K1A 0A6

Dear Mr. Simms:

I am pleased to provide you with a copy, in both official languages, of the Government Response to the report of the Standing Committee on Fisheries and Oceans (the Committee) entitled: "*Review of Changes Made in 2012 to the Fisheries Act: Enhancing the Protection of Fish and Fish Habitat and the Management of Canadian Fisheries*", tabled in the House of Commons on February 24, 2017. The Government Response is being tabled in the House of Commons pursuant to Section 109 of the Standing Orders of the House of Commons.

The Government of Canada was pleased to receive the Standing Committee's recommendations concerning the 2012 changes of the *Fisheries Act*. The resulting recommendations are a valuable contribution to the review of the changes to the Act, and associated policies and programs. These recommendations also inform the ongoing, broader review of environmental and regulatory processes in Canada.

In the Government Response, the Committee's recommendations are supported and going forward, the Government intends to consider legislative, policy and program changes to address the Committee's recommendations to restore lost protections and incorporate modern safeguards.

The Government of Canada would like to thank the Committee members for their comprehensive study and subsequent report and all those who took the time to participate in the Committee process.

Please find enclosed a copy of the Government Response to the recommendations of the Report.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read "D. LeBlanc".

Dominic LeBlanc, P.C., Q.C., M.P.

Enclosure

GOVERNMENT RESPONSE

GOVERNMENT RESPONSE TO THE SIXTH REPORT OF THE STANDING COMMITTEE ON FISHERIES AND OCEANS: “REVIEW OF CHANGES MADE IN 2012 TO THE *FISHERIES ACT*: ENHANCING THE PROTECTION OF FISH AND FISH HABITAT AND THE MANAGEMENT OF CANADIAN FISHERIES”

INTRODUCTION

The Government of Canada would like to thank the House of Commons Standing Committee on Fisheries and Oceans (the Standing Committee) for their comprehensive study and subsequent report on the *Review of the Changes Made in 2012 to the Fisheries Act: Enhancing the Protection of Fish and Fish Habitat and the Management of Canadian Fisheries*, tabled in the House of Commons on February 24, 2017.

The Standing Committee’s thorough study allowed for conversations with Canadians about their views on the 2012 *Fisheries Act*. The Standing Committee extended an open invitation for submissions related to scope of the review, which included:

- the scope of application of the serious harm to fish prohibition;
- how the prohibition is implemented to protect fish and fish habitat;
- the capacity of the Government to deliver on fish and fish habitat protection through project review, monitoring and enforcement;
- the definitions of serious harm to fish and commercial, recreational and Aboriginal fisheries; and
- the use of regulatory authorities under the Act and other related provisions.

To complement the work of the Standing Committee, Fisheries and Oceans Canada sought the views of Indigenous groups and provided financial assistance to support their participation in the review. Fisheries and Oceans Canada made \$2.3 million in funding available for Indigenous groups to prepare their submissions to the Standing Committee or to Fisheries and Oceans Canada. An online engagement tool was also used to seek feedback from the Canadian public. The views of provinces and territories were gathered through task group established under the Canadian Council of Fisheries and Aquaculture Ministers.

All of the input provided to both the Standing Committee and Fisheries and Oceans Canada has greatly contributed to this response and continues to inform work on the review of the 2012 changes to the Act, including potential regulatory, policy or program changes.

As part of the Government of Canada’s commitment to renewing its relationship with Indigenous Peoples based on the recognition of rights, mutual respect, cooperation and partnership, the government will continue working with Indigenous groups to ensure that their

input informs potential legislative, policy and program changes.

The Government of Canada is pleased to receive the Standing Committee's recommendations concerning the 2012 changes of the *Fisheries Act*. The resulting recommendations are a valuable contribution to the review of the changes to the Act, and also to the ongoing, broader review of environmental and regulatory processes in Canada. The Government would like to thank the Standing Committee members and all those who took the time to participate in the Committee process.

The Government of Canada will seek to address the comments and recommendations brought forward by Indigenous peoples as part of the review, during the second phase of engagement and as part of future legislative drafting processes.

The Standing Committee's report and the majority of the input received by Fisheries and Oceans Canada support the need to restore the protections that were lost as part of the 2012 amendments to the *Fisheries Act*, and affirm that the legislation, policies and program should be modernized and updated to reflect the evolving nature of fish and fish habitat management in Canada.

In general, the Government of Canada supports the Standing Committee's recommendations. Going forward the Department will seek to improve fish habitat protection activities in the following key areas:

- i) Planning and Integrated Management;
- ii) Regulatory and Enforcement Activities;
- iii) Partnering and Collaboration; and
- iv) Monitoring and Reporting Back to Canadians.

Many partners and stakeholders, including federal departments, provincial and territorial governments, Indigenous groups, recreational fishing and angling groups, environmental and conservation organizations and industry groups, share a common interest in the conservation and protection of fish and fish habitat. The sustainability of fisheries and the resources upon which they depend are best achieved when partners and stakeholders work together to conserve and protect fish and fish habitat. The Government of Canada is keen to work with these parties to leverage capacity, build expertise, and create opportunities to achieve greater fish and fish habitat protection outcomes for Canadians.

RESPONSES TO COMMITTEE RECOMMENDATIONS

Planning and Integrated Management

Recommendation 2: That Fisheries and Oceans Canada take an ecosystem approach to protection and restoration of fish habitats so that the entire food web is preserved for fish by:

- 1. Adopting key sustainability principles;**
- 2. Protecting the ecological integrity of fish habitat; and**
- 3. Protecting key areas of fish habitat.**

Response: The Government of Canada supports this recommendation. Fisheries and Oceans Canada aims to work in collaboration with provinces and territories, Indigenous groups and stakeholders to establish management priorities, identify sensitive habitats, and to understand the needs and objectives of resource users.

Appropriate mechanisms to engage partners in integrated resource management planning activities will be considered.

Recommendation 5: That Fisheries and Oceans Canada fund more research dedicated to ecosystem science.

Response: The Government of Canada supports this recommendation.

Budget 2016 stated that the federal government has an important role to play in advancing science, research and innovation, the pillars of strong and advanced economies, and has invested in federal laboratories and other federal assets that support science, research and innovation. Budget 2017 further elevates the importance of science within the federal government, and offers a more integrated and effective approach to the federal science community, ensuring that federal science is effectively communicated across government.

Fisheries and Oceans Canada currently dedicates funding towards ecosystem science and will continue to work within existing and expanding networks and fiscal resources to coordinate, develop and provide expertise in fish habitat science.

Recommendation 29: That the Minister, in the exercise of his or her discretionary power over licencing, may specify conditions of licence respecting and in support of social and economic objectives, in addition to the conservation objectives currently identified.

Response: The Government of Canada supports this recommendation. The Government of Canada notes that under the existing legislative framework, the Minister of Fisheries, Oceans and the Canadian Coast Guard may consider social and economic objectives, such as the Owner-Operator, Fleet Separation and Preserving the Independence of the Inshore Fleet in Canada's Atlantic Fisheries (PIIFCAF) policies, when granting licences to fish, including the authority to impose conditions of licence. These considerations will continue to be taken into account in the development of licence conditions in order to further the effective management of fisheries.

Recommendation 32: That Fisheries and Oceans Canada renew its commitment to the “No Net Loss” and “Net Gain” policies with a renewed focus, effort and resources on restoration and enhancement of fish habitat and fish productivity and that the Department allow project proponents flexibility to fulfill this requirement.

Response: The Government of Canada supports this recommendation.

Project proponents are responsible for avoiding, mitigating and offsetting impacts resulting from their projects.

The Government’s current and new contribution programs facilitate multi-interest processes and partnerships that engage Indigenous groups, resource users and local and national organizations in the maintenance and restoration of compromised or threatened fisheries habitats. To achieve a renewed focus on restoration and enhancement of fish habitat, opportunities to further develop these programs will be explored.

Regulatory and Enforcement Activities

Recommendation 1: That section 35(1) of the Fisheries Act return to its wording as of 29 June 2012 which reads: “No person shall carry on any work, undertaking or activity that results in the harmful alteration or disruption, or the destruction, of fish habitat.” Remove the concept of “serious harm” to fish from the Act.

Response: The Government of Canada supports this recommendation. Concerns have been expressed by Indigenous and stakeholder groups that a narrower scope of protection, limited to prohibiting serious harm to fish that are part of or support commercial, recreational and Aboriginal fisheries could leave some fish species and their habitat with insufficient protection.

The Government of Canada agrees that legislative and policy changes would contribute to the protection of fish and fish habitat from harmful impacts. Furthermore, the Government will consider policy and program amendments to ensure that the prohibition is easily understood and applied. The development of measures to avoid and mitigate negative impacts will continue to be pursued as well as clarification of when authorizations would be required.

Recommendation 3: Any revision of the Fisheries Act should review and refine the previous definition of HADD due to the previous definition’s vulnerability to being applied in an inconsistent manner and the limiting effect it had on government agencies in their management of fisheries and habitats in the interest of fish productivity.

Response: The Government of Canada supports this recommendation. The Standing

Committee's report, as well as concerns expressed to Fisheries and Oceans Canada by Indigenous groups and stakeholders indicated a need for clarity around the definition and application of the previous prohibition against harmful alteration, disruption or destruction (HADD) of fish habitat.

The Government will consider future legislative changes to the prohibition that protects fish and fish habitat from harmful impacts. Furthermore, policy and program amendments to ensure that the prohibition is easily understood and applied will be considered. This may include the development of policies, standards and guidelines that establish how impacts can be effectively avoided and adequately mitigated.

Recommendation 4: That Fisheries and Oceans Canada emphasize protection for priority habitats that contribute significantly to fish production within the context of section 6 of the Act.

Response: The Government of Canada supports this recommendation. Section 6 in the *Fisheries Act* sets out the factors that the Minister must consider prior to making a decision to issue an authorization or recommending the making of certain regulations. The Government heard from Canadians that section 6 was a positive change in that it provides a clear framework for regulatory decision-making and will continue to look for new ways to identify and protect priority fish habitats.

Recommendation 6: That protection from harmful alteration or disruption, or the destruction, of fish habitat be extended to all ocean and natural freshwater habitats to ensure healthy biodiversity.

Response: The Government of Canada supports this recommendation. Concerns have been expressed by Indigenous and stakeholder groups that a narrower scope of protection, limited to prohibiting serious harm to fish that are part of or support commercial, recreational and Indigenous fisheries could leave some fish species and their habitat with insufficient protection.

The Government will continue to look for new ways to identify and protect priority fish habitats.

Recommendation 7: To protect fish habitat from key activities that can damage habitat, such as destructive fishing practices and cumulative effects of multiple activities.

Response: The Government of Canada supports this recommendation. The Government is exploring opportunities to incorporate modern safeguards that can be used to address these threats to fish and fish habitat.

In particular, the Government will seek to establish principles and practices to ensure that regulatory and enforcement activities manage impacts from various threats to the fish and fish habitat.

In 2009, Fisheries and Oceans Canada launched its Sustainable Fisheries Framework (SFF), which is a suite of policies designed to ensure that Canadian fisheries management supports conservation and sustainable use, while also supporting economic prosperity in the fishing industry. A key component of the SFF is a *Policy for Managing the Impacts of Fishing on Sensitive Benthic Areas*. This policy details the process the Department follows to assess the risk a fishery poses to benthic habitats, species and ecosystems and to make a decision on management action, taking into account both ecological and socio-economic factors. Under this policy, the Department has established a number of fishery closures to protect sensitive benthic areas. The Department has established other fishery closures, specifically to protect fish habitat, as part of its overall management of fisheries.

In addition, under its Marine Conservation Target initiative, the Government of Canada has committed to protecting 10% of Canada's marine environment by 2020. This initiative involves establishing marine protected areas and other area-based measures, including measures that provide protection to fish habitat.

Additional measures to protect fish habitat in the marine environment are implemented through Integrated Fisheries Management Plans (IFMPs). Each IFMP describes the measures and the fisheries and the fish stocks to which they apply. The Department has IFMPs for the vast majority of its major marine fish stocks and has put in place a plan to complete IFMPs for those major stocks which do not have one. In the absence of an IFMP, fisheries are managed using other types of fishery plans.

The Government of Canada will continue to support the provision of advice and expertise in ecosystem science. This work will enhance the approach to understanding potential cumulative impacts of development projects on fish and fish habitat.

Recommendation 8: That Fisheries and Oceans Canada put sufficient protection provisions into the Fisheries Act that act as safeguards for farmers and agriculturalists, and municipalities.

Response: The Government of Canada supports this recommendation. Provinces, territories, Indigenous groups, municipalities and the agricultural community have a significant role in the protection of fish and fish habitat.

The Government of Canada will consider how future legislative, policy and program changes may provide regulatory certainty for farmers, agriculturalists and municipalities. Predictable

standards and guidelines for typical works, undertakings and activities undertaken by these groups will continue to be developed, recognizing their unique roles as land users.

The Government supports the use of increased voluntary practices and stewardship to help those working in or around fish habitat. Partnering in conservation and cooperative work with others, and programs and initiatives that contribute toward Canada's fish and fish habitat protection, will be explored further.

Recommendation 10: That permitting be expedited to allow for works that involve the restoration of damaged infrastructure and emergency works to protect people and communities.

Response: The Government of Canada supports this recommendation. The Standing Committee's report has outlined concerns from partners and stakeholders regarding exceptions to the *Fisheries Act's* prohibition against impacts to fish and fish habitat, and has indicated the importance of establishing clear and enforceable guidelines.

Ways to clarify and refine the review of restoration activities and emergency works to ensure they are efficient as well as effective in protecting fish and fish habitat that are proportional to their scale and risk, will be considered.

Recommendation 11: That the Fisheries Act should include a clear definition of what constitutes fish habitat.

Response: The Government of Canada supports this recommendation. The Standing Committee's report, as well as feedback provided to Fisheries and Oceans Canada by partners and stakeholders indicated a need for clarity about the definition of fish habitat in the *Fisheries Act* and the application of a prohibition that protects fish and fish habitat.

The Government of Canada will continue to look for new ways to identify and protect priority fish habitats.

Recommendation 14: That Fisheries and Oceans Canada clearly define the parameters of what is considered a violation of the Fisheries Act.

Response: The Government of Canada supports this recommendation. The Standing Committee's report, as well as concerns expressed to Fisheries and Oceans Canada by Indigenous groups and stakeholders indicated an interest in avoiding conflicting interpretations and inconsistencies in enforcement of the *Fisheries Act* across Canada.

Precision on the administration and enforcement of the *Fisheries Act* may be explored through

potential future legislative changes to clarify the scope and threshold of protection provided to fish and fish habitat and through the development of regulations, policies, standards and guidelines.

Recommendation 16: To broaden the Minister's mandate to consider long-term conservation and protection of fish and fish habitat when evaluating projects that contravene the Fisheries Act.

Response: The Government of Canada supports this recommendation. Fisheries and Oceans Canada is exploring opportunities for legislative, policy and program changes to identify and protect priority fish habitats

When evaluating each project, the Government will take into account the state, resiliency and natural biodiversity of the aquatic ecosystem to ensure that management measures to avoid, mitigate and offset project impacts are applied to all phases of the project.

Recommendation 18: That any changes to habitat protection in the Fisheries Act must be supported by a reduced reliance on project proponent self-assessment.

Response: The Government of Canada supports this recommendation. The Standing Committee's report, as well as input received by Fisheries and Oceans Canada from Indigenous groups and interested parties, highlighted concerns about proponent-led self-assessment.

To address these concerns, the Government will aim to work with partners and stakeholders to establish clear standards and guidance for project proponents to determine when they should submit their plans for review under the *Fisheries Act*. In addition, opportunities will be explored to work with proponents to ensure they have the necessary information to effectively plan and implement their projects, to develop processes for efficient project notifications, and to identify the level of information and expertise the proponent requires to assess the risks to fish and fish habitat posed by proposed projects.

Recommendation 21: That Fisheries and Oceans Canada ensure that significant investments are made in hiring more field personnel to improve fish habitat enforcement, to assist in fisheries enhancement projects and to establish positive consultative relationships with local communities.

Response: The Government of Canada supports this recommendation and the concerns expressed by Indigenous groups and stakeholders regarding the availability of sufficient resources to implement programs to deliver and enforce the fisheries protection provisions under the *Fisheries Act*.

In order to deliver on the wider scope of fish and fish habitat protection associated with increased protections in the *Fisheries Act*, opportunities to invest in staff, resources, and training will be explored.

Recommendation 23: That Fisheries and Oceans Canada increase enforcement staff on the ground by recruiting and retaining habitat monitors, including fishery officers who are dedicated to habitat protection.

Response: The Government of Canada supports this recommendation and the concerns expressed by Indigenous groups and stakeholders regarding the availability of sufficient resources to implement programs to deliver and enforce the fisheries protection provisions under the *Fisheries Act*.

Current monitoring, compliance and enforcement activities are being reviewed to identify areas for improvement, and to identify better processes for carrying out these activities. As the Government considers initiatives to restore lost protections and incorporate modern safeguards, an assessment of the resources required will need to be conducted. This will determine the Government's ability to implement meaningful monitoring, compliance and enforcement programs.

Recommendation 24: That Fisheries and Oceans Canada ensure that habitat protection staff are adequately trained and resourced with long-term funding and empower field staff to do their job to protect fish and fish habitat.

Response: The Government of Canada supports this recommendation and the concerns expressed by Indigenous groups and stakeholders regarding the availability of sufficient resources to implement programs to deliver and enforce the fisheries protection provisions under the *Fisheries Act*. Opportunities to expand training programs will be explored.

Recommendation 25: That Fisheries and Oceans Canada re-establish the Habitat Protection Branch, adequately resourced to provide advice to proponents of projects that may impact marine and freshwater habitats and to enforce compliance.

Response: The Government of Canada supports the intent of this recommendation, to ensure that the Department is adequately resourced to provide advice to project proponents to ensure the protection of fish and fish habitat. Policy and program level changes will be considered.

Recommendation 26: Re-examine sections 32, 35 and 36 Fisheries Act authorizations as

environmental assessment triggers.

Response: The Government of Canada appreciates the comments put forward by witnesses and in written submissions to the Standing Committee on provisions of the *Fisheries Act* as triggers under the *Canadian Environmental Assessment Act, 2012*.

This recommendation has been communicated to the Minister of Environment and Climate Change, as well as to the Canadian Environmental Assessment Agency. The Government of Canada will examine this recommendation closely in collaboration with Environment and Climate Change Canada and the Canadian Environmental Assessment Agency as part of the review of the *Canadian Environmental Assessment Act, 2012*. Collaboration will determine the best approach to ensure that projects that may adversely impact fish and fish habitat are appropriately assessed under federal environmental assessment legislation.

Recommendation 30: That any revision to the Fisheries Act should include direction for restoration and recovery of fish habitat and stocks.

Response: The Government of Canada supports this recommendation. This recommendation is part of the Government's efforts to implement its Sustainable Fisheries Framework (SFF), which is a suite of policies designed to ensure that Canadian fisheries management supports conservation and sustainable use, while also supporting economic prosperity in the fishing industry. A key component of the SFF is the departmental Precautionary Approach (PA) Policy Framework which requires that when a stock has reached or fallen below a limit reference point a rebuilding plan must be in place with the aim of rebuilding the stock out of the critical zone within a reasonable timeframe. In addition, the policy states that when a stock is in the critical zone, removals from all sources must be kept at the lowest possible level until the stock has cleared the critical zone. The policy is supported by a guidance document that describes the requirements for individual rebuilding plans. The implementation of the PA Policy Framework and the development and implementation of rebuilding plans involves engagement with fishery stakeholders and Indigenous groups through the existing fishery planning processes, or alternative processes where required.

In response to the October 2016 Commissioner of the Environment and Sustainable Development (CESD) audit on fisheries, the Government has put in place a plan to complete rebuilding plans for those stocks in the critical zone, which do not have one. Fisheries and Oceans Canada has identified priorities for 2017-18 and established timelines for updating the plan each year until the work is complete.

Further, the Government has recently, reassigned resource capacity towards developing priorities, targets, and timelines for completing rebuilding plans that are in line with the Department's Guidance for the Development of Rebuilding Plans under the Precautionary Approach Framework for stocks that are in the critical zone.

Recommendation 31: That the Government of Canada address known regulatory gaps to ensure that Fisheries and Oceans Canada, in collaboration with all fisheries stakeholders, is capable of responding to all activities that are harmful to fish or fish habitat and is able to actually determine effect (e.g. ongoing collection of baseline data that allows determination of changes due to activities).

Response: The Government of Canada supports this recommendation. Indigenous groups and stakeholders have emphasized the importance of ongoing baseline assessment and data collection of fish habitat conditions to support evidence-based decision-making and tracking the outcome of habitat restoration projects.

Numerous groups have indicated their interest in enhancing the breadth of partnering opportunities with Fisheries and Oceans Canada. Building upon this interest, opportunities for collaborative arrangements with partners, such as Indigenous groups, and stakeholders to undertake fish and fish habitat monitoring, restoration and conservation activities will be explored. The results of these activities will provide important information for administering and enforcing the *Fisheries Act*.

Data-sharing arrangements to facilitate the sharing of scientific and spatial information are becoming an important means to understand and manage aquatic ecosystems. Through existing and new collaborative programs, the Government will explore opportunities to engage partners and stakeholders in the collection of baseline data.

Partnering and Collaboration

Recommendation 9: That Fisheries and Oceans Canada work with the farm community and rural municipalities to provide incentives and expert advice to conserve and enhance fish habitat and populations and utilize the enforcement approach as a last resort.

Response: The Government of Canada supports this recommendation. The farm community and rural municipalities have a vital role to play in the conservation and protection of Canada's fish and fish habitat. The Government is interested in working with these partners and others to improve fish and fish habitat protection outcomes for Canadians.

Work with other federal departments, other levels of government and partners to develop programs and initiatives to support rural activities that aim to conserve and enhance fish habitat will continue. Collaboration with others and the incorporation of standard measures to avoid harm to fish and fish habitat into existing planning and regulatory processes will continue to be important areas for further work. The Government of Canada will continue to implement a compliance and enforcement process for these activities that is proportional to the scale and

risk of the activity.

Recommendation 12: That Fisheries and Oceans Canada assess and improve communications between fisheries stakeholders and the Department's upper management and decision makers.

Response: The Government of Canada supports this recommendation. The provinces and territories, Indigenous groups, other partners and stakeholders have a vital role to play in the conservation and protection of Canada's fish and fish habitat. The Government is keen to work with these partners to leverage capacity, develop expertise, and create opportunities to achieve fish and fish habitat protection outcomes for Canadians.

Opportunities to support the establishment of a multi-interest advisory committee to facilitate collaboration on the administration and implementation of the fisheries protection provisions of the *Fisheries Act* will be explored. Such a committee could build on existing relationships within Fisheries and Oceans Canada and with Indigenous groups, partners and stakeholders through various partnering arrangements.

Recommendation 13: That communication within and between all levels of Fisheries and Oceans Canada be improved.

Response: The Government of Canada supports this recommendation. The Government will look to strengthen governance and improve communication among all levels of government and all regions.

Recommendation 15: That Fisheries and Oceans Canada should create a widely representative advisory committee to provide ongoing recommendation regarding the administration and enforcement of the Fisheries Act. The advisory committee should include but not be limited to, industry groups, project proponents, agricultural groups, municipal government representatives and commercial, recreational and Indigenous fisheries representatives.

Response: The Government of Canada supports this recommendation. The provinces and territories, Indigenous groups, other partners and stakeholders, have a vital role to play in the conservation and protection of fish and fish habitat.

Opportunities to support the creation of a multi-interest advisory committee to facilitate collaboration on the administration and implementation of the fisheries protection provisions of the *Fisheries Act* will be explored. Such a committee would build on relationships already established between Fisheries and Oceans Canada and various Indigenous groups, partners and

stakeholders through various partnering arrangements.

Recommendation 27: That Fisheries and Oceans Canada continue to fund fisheries conservation and enhancement projects in co-operation with the Indigenous communities, the agricultural communities, and fisheries conservation organizations.

Response: The Government of Canada supports this recommendation, and will continue to work with partners to leverage capacity, develop expertise, and establish opportunities for fish and fish habitat restoration and enhancement.

Monitoring and Reporting Back to Canadians

Recommendation 17: That Fisheries and Oceans Canada provide the Committee with a report within two years after the revision to the Fisheries Act detailing authorization requests and decisions timelines.

Response: The Government of Canada supports this recommendation. Indigenous groups and stakeholders have indicated an interest in increased reporting and transparency regarding the fisheries protection provisions of the *Fisheries Act*. The monitoring of projects and improved reporting on the outcomes of these projects strengthens the Government's decision-making and contributes to the credibility of the decision-making process.

Recommendation 19: That Fisheries and Oceans Canada put in place consistent monitoring requirements for proponents, with clear standards and rationale.

Response: The Government of Canada supports this recommendation. Indigenous groups and stakeholders have indicated that clear standards setting out monitoring requirements for proponents will support the effective monitoring of project effects on fish and fish habitat, and contribute towards the analysis of cumulative effects.

Recommendation 20: That Fisheries and Oceans Canada make investments into a public and accessible database system that will identify:

- 1. The location and status of projects that have been flagged by the Department of having a potential to cause harm to fish and fish habitat (authorizations, monitoring results and convictions) and their cumulative effects;***
- 2. The location of different aquatic species;***
- 3. Up-to-date monitoring of aquatic species at risk and their status; and***
- 4. The status of authorizations.***

Response: The Government of Canada supports this recommendation. Indigenous groups and stakeholders have indicated that a public registry would support monitoring, reporting and understanding of project impacts on fish and fish habitat.

Fisheries and Oceans Canada currently publishes an Annual Report to Parliament that includes a summary of the administration and enforcement of the fisheries protection of the *Fisheries Act*. The Department will explore ways of providing increased transparency through the establishment of a publicly-accessible listing of projects related to the administration of the fisheries protection provisions of the *Fisheries Act*.

Recommendation 22: That Fisheries and Oceans Canada meaningfully resource the monitoring, compliance and enforcement components of the Department.

Response: The Government of Canada supports this recommendation. Input received indicates a clear desire for increased levels of effort to implement programs to deliver and enforce the fisheries protection provisions under the *Fisheries Act*.

Current monitoring, compliance and enforcement activities are being reviewed to identify areas for improvement, and to identify better processes for carrying out these activities. The Government will assess the requirements to implement meaningful monitoring, compliance and enforcement activities, in order to move forward on initiatives to restore lost protections and incorporate modern safeguards.

Recommendation 28: That the exercise of ministerial discretion be subject to transparency principles and public disclosure.

Response: The Government of Canada supports this recommendation. Indigenous groups and stakeholders have indicated the requirements for increased transparency regarding the activities carried out under the *Fisheries Act*. The Committee recognizes that meaningful and effective public disclosure and participation provides vital information and strengthens the quality of decision-making.

Fisheries and Oceans Canada publishes an Annual Report to Parliament that summarizes the activities of the Department and Environment and Climate Change Canada in the administration and enforcement of the fisheries protection and pollution prevention provisions of the *Fisheries Act*.

The Government of Canada will explore alternative ways of enhancing transparency related to the administration of the fisheries protection provisions of the *Fisheries Act*.

CONCLUSION

The Government of Canada's review of environmental and regulatory processes includes restoring lost protections and incorporating modern safeguards into the *Fisheries Act*. Fisheries and Oceans Canada will continue to work with other departments including Transport Canada, the Canadian Environmental Assessment Agency, and the National Energy Board, as part of this review.

The Government of Canada has committed to continuing the conversation with Indigenous groups, provinces and territories, and other partners, stakeholders and Canadians about the review of environmental and regulatory processes over the summer of 2017. Fisheries and Oceans Canada will launch an online engagement, as part of the review of the 2012 changes to the *Fisheries Act*, through letstalkfishhabitat.ca. In addition, Fisheries and Oceans Canada is working to make participant funding available to Indigenous groups to support participation in the review of the Act.

The Government of Canada would like to thank the Standing Committee for the study of the 2012 changes to the *Fisheries Act*, those that participated as witnesses, and those that provided input into the study. Partners and stakeholders will continue to be engaged in reviewing the *Fisheries Act* and proposing ways to restore lost protections and incorporate modern safeguards for the management of fish and fish habitat in Canada.