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### **Top 10 Recommendations for a renewed *Fisheries Act***

This submission responds to the “Let’s Talk Fish Habitat” consultation process on reform of the federal *Fisheries Act*.

It sets out West Coast Environmental Law Association’s (WCELA) top ten recommendations, but before doing so WCELA wishes to flag the paramount importance of reconciliation with Canada’s Indigenous peoples, and notes that in addition to constitutionally protected Aboriginal and treaty rights, the government of Canada has committed to reconciliation and to full implementation of all recommendations from the Truth and Reconciliation Commission, and to a review of federal laws to ensure consistency with Canada’s obligations arising from the UN *Declaration on the Rights of Indigenous Peoples*. The Standing Committee on Fisheries and Oceans’ (SCOFO) report, "Review of Changes Made in 2012 to the Fisheries Act: Enhancing the Protection of Fish and Fish Habitat and the Management of Canadian Fisheries" published February 24, 2017 does not address these topics. This fundamental defect must be remedied in a new amended *Fisheries Act*.

Our overarching recommendation is that Canada must engage on a government-to-government basis with Indigenous peoples on a new Act, including for example, by designing provisions on fisheries co-governance, and ensuring that regulation of fish and fish habitat maintains the ecological basis for the meaningful exercise of fishing rights.

Provided that this obligation is fulfilled, our Top Ten Recommendations for an amended *Fisheries Act* that restores lost protections and introduces modern safeguards are set out below. The Top Ten Recommendations are followed by a chart which compares West Coast’s recommendations from two briefs on the *Fisheries Act* submitted to the government – *Habitat 2.0: A new approach to Canada’s Fisheries Act*, and *Scaling up the Fisheries Act: Restoring lost protections and incorporating modern safeguards* – with the SCOFO report "Review of Changes Made in 2012 to the Fisheries Act: Enhancing the Protection of Fish and Fish Habitat and the Management of Canadian Fisheries" and the Government response to the SCOFO review.

## Top Ten Recommendations for an Amended *Fisheries Act*

A new Act must:

- 1) **Restore the Act's focus on fish habitat: No habitat, no fish.** Bring back the prohibition on harmful alteration, disruption or destruction of fish habitat (HADD) unless authorized, and turn it into a modern safeguard by updating and improving it:
  - a. Include a prohibition on HADD.
  - b. Include a more complete definition of HADD, clear threshold for HADD, and factors to be considered in its authorization.
  - c. Retain “activities” along with “works and undertakings” in a revised HADD prohibition.
  - d. Explicitly restrict or prohibit fishing practices that harm fish habitat.
  
- 2) **Modernize the HADD authorization process with:**
  - a. an explicit requirement to consider cumulative effects to fish and fish habitat when making authorization decisions;
  - b. regulations exempting minor projects and works from the requirement to obtain an authorization if the proponent complies with specified guidelines and best practices and submits all required information, such as the project or work's location, potential effects and cumulative impacts and their significance, and proposed mitigation measures to the government for inclusion in a database<sup>1</sup>;
  - c. creation of a new publicly accessible database that requires proponents to record all projects and works constructed pursuant the new regulations, and to further record all habitat referrals, authorizations, charges, warnings prosecutions, convictions, fines, and other regulatory activities.
  
- 3) **Protect fish habitat from cumulative impacts by:**
  - a. **requiring the avoidance and mitigation of cumulative impacts** relative to legally established ecosystem-based habitat targets at appropriate geographic scales (e.g., stream, watershed and seabed levels) using the best available science and Indigenous law and knowledge;
  - b. **entrenching the principle of *Net Gain*** in the Act. We support the Canadian Wildlife Federation's call for the Act to establish minimum requirements for offsetting ratios that reflect a net gain for every project to help reduce the cumulative effects of underperforming and abandoned offset projects;<sup>2</sup>

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<sup>1</sup> Though a regulation of this type could allow cumulative impacts in the short term, after several years, due to the ability to evaluate these impacts by examining the public database recommended below, the government, scientific and nongovernmental communities, among others, will have a much clearer sense of what is happening on a particular watershed. This evidence base will make it easier to assess which works, activities, or undertakings are causing cumulative impacts, and thus require more detailed regulatory scrutiny, such as potentially a revision to require an authorization for the most problematic of these works, activities or undertakings. See section 3, Martin Olszynski et al., *Strengthening Canada's Environmental Assessment and Regulatory Processes: Recommendations and Model Legislation for Sustainability*, Aug. 18, 2017.

<sup>2</sup> CWF, 2017. *Options and mechanisms for addressing cumulative effects of human activities on fish habitat*.

- c. setting **restoration standards** for decisions with respect to fish and fish habitat, similar to the National Standards for the Practice of Ecological Restoration in Australia (2016), because in addition to a specified quantity of replacement habitat, quality of habitat is also critical.
- 4) Restore the other “lost protections” for fish and fish habitat:**
- a. Remove references to Commercial, Recreational and Aboriginal fisheries from the Act to clarify that the Act applies to all fish, not just ‘fisheries fish.’
  - b. Restore the prohibition on killing fish by means other than fishing.
- 5) Environmental flows are regarded as the ‘master variable’ for river health, and the Act should clearly **protect environmental flows** through these provisions:
- a. Define environmental flow, using the 2007 *Brisbane Declaration* definition: “Environmental flows describe the quantity, timing, and quality of water flows required to sustain freshwater and estuarine ecosystems and the human livelihoods and well-being that depend on these ecosystems.”
  - b. Define conditions of flow alternation that trigger section 20 of the Act on flows and fish passage, based on science advice from DFO’s Canadian Science Advisory Secretariat (CSAS).
  - c. List ‘environmental flow protection’ as a goal for fish habitat protection in a Purposes or Preamble section of a renewed Act.
  - d. Require the maintenance of environmental flows in listed transboundary rivers of national significance.
  - e. Establish national regulations on flow.
  - f. Reform provisions related to orders for the free passage of fish for example by increasing Ministerial authority to make flow orders under s. 20.
- 6) Provide for new entrenched requirements for reports on habitat assessment and monitoring:**
- a. Require a systematic assessment of key fish habitats throughout Canada to be presented to Parliament three to five years after the amended Act comes into force. Should the report indicate deficiencies, the Act should require DFO to take reasonable action to correct them, failure of which would be subject to judicial review, and also require:<sup>3</sup>
    - i. a government response and action plan to address the report’s recommendations, and
    - ii. follow-up monitoring of fish habitat for all section 35 authorizations.
- 7) Make rebuilding depleted fish stocks and preventing overfishing explicit purposes of the Act** in a new Purposes section to guide decision-makers.

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<sup>3</sup> This provision is required to address the longstanding need to understand the true state of Canada’s fish habitat, and to require government action when assessments reveal deficiencies in protecting this habitat. See references in WCELA’s briefs, and reports from the Commissioner on Environment and Sustainable Development regarding fish habitat.

- 8) **Require** fish conservation and management decisions to be based on an **expanded list of sustainability principles** as outlined in WCELA's two briefs, including the **precautionary principle, sustainable development, and adaptive management**. We support the submission from Professors Olszynski, Stacey, MacLean, Kwasniak, and Gibson, which discusses the need for detailed legislative provisions governing the application of adaptive management that could be included in either the forthcoming new impact assessment legislation that would be made also applicable to DFO and proponents under the *Fisheries Act*, or could be replicated in the *Fisheries Act*.<sup>4</sup>
- 9) **Enable delegation of monitoring and enforcement authority to First Nations**, including the power to enforce Indigenous laws, backed by sufficient funding equivalent to that provided for DFO's fisheries officers.
- 10) **Make fisheries authorizations triggers for environmental assessments** by re-establishing s. 32, 35, and 36 authorizations of the Act as environmental assessment triggers, bearing in mind WCEL's recommendation that minor projects would be subject to regulations, not ministerial authorizations.

Linda Nowlan, Staff Counsel  
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<sup>4</sup> See Part IV, Gaps, (ii) Adaptive management, and Appendix D: Model Legislation: Adaptive Management in Martin Olszynski et al., *Strengthening Canada's Environmental Assessment and Regulatory Processes: Recommendations and Model Legislation for Sustainability*, Aug. 18, 2017.

Appendix 1 – Comparison of West Coast’s Fisheries Act Recommendations with Standing Committee on Fisheries and Oceans report and Government Response to SCOFO report

The following chart compares West Coast’s recommendations from two briefs submitted to the government, *Habitat 2.0* and *Scaling up the Fisheries Act*, with the Standing Committee on Fisheries and Oceans’ report "Review of Changes Made in 2012 to the Fisheries Act: Enhancing the Protection of Fish and Fish Habitat and the Management of Canadian Fisheries" published February 24, 2017 and the Government response to the SCOFO review tabled in Parliament on June 20th, 2017.

Each WCEL recommendation is compared to the SCOFO Report and Government response in order to better understand what has been picked up and what is yet to be addressed. In its response, the Government of Canada established four key areas to guide discussion on the *Fisheries Act*: (1) Planning and Integrated Management; (2) Regulatory and Enforcement Activity; (3) Partnering and Collaboration; and (4) Monitoring and Reporting Back to Canadians. These categories are included in the chart as they are being used in the government’s current public consultation, “Let’s Talk Fish Habitat.”

| <b>West Coast Recommendation</b>   | <b>SCOFO Report</b>   | <b>Government Response</b>   |
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| <p><u>Rec. 1 (a) (b) <i>Scaling Up</i></u></p> <p>Restore HADD definition of 29 June 2012:<br/> <i>“No person shall carry on any work, undertaking or activity that results in the harmful alteration or disruption, or the destruction, of fish habitat.”</i></p> <p><u>Rec. 1 <i>Habitat 2.0</i></u></p> <p>Set enforceable Criteria for determining what constitutes HADD</p> <p>HADD = habitat alteration, damage or destruction</p>   | <p>Support</p> <p>Recommendation 1: Remove the concept of serious harm from section 35(1) of the <i>Fisheries Act</i> and return to its wording as of 29 June 2012 which reads:<br/> <i>“No person shall carry on any work, undertaking or activity that results in the harmful alteration or disruption, or the destruction, of fish habitat.”</i></p> | <p>Strong Support</p> <p><b><u>Category 2: Regulatory and Enforcement Activities</u></b></p> <p>“The Government of Canada agrees that legislative and policy changes would contribute to the protection of fish and fish habitat from harmful impacts.”</p>  |
| <p><u>Rec. 1 <i>Habitat 2.0</i></u></p> <p>A stronger HADD will:<br/>           Include a modern definition of fish habitat.</p> <ul style="list-style-type: none"> <li>Defining “fish habitat” as any area on which fish depend directly or indirectly in order to carry out their life processes, including spawning grounds, nursery areas, food supply areas, migration areas, <u>environmental flows and any other areas on which fish depend directly or indirectly</u></li> </ul> | <p>Support</p> <p>Recommendation 11: That the <i>Fisheries Act</i> should include a clear definition of what constitutes fish habitat.</p>  | <p>Support</p> <p><b><u>Category 2: Regulatory and Enforcement Activities</u></b></p> <p>“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 <i>Fisheries Act</i> and the application of a prohibition that protects fish and fish habitat.”</p> |

| (emphasis added).   |  |  |
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| <b>West Coast Recommendation</b>  | <b>SCOFO Report</b>  | <b>Government Response</b>   |
| <p><u>Rec. 1 Habitat 2.0</u></p> <p>Defining HADD as “a change in the physical, chemical or biological attributes of fish habitat which is of a type and magnitude likely to render the habitat less suitable, or unsuitable, for supporting one or more life processes of fish.”</p> | <p>Support</p> <p>Recommendation 3: Any revision of the <i>Fisheries Act</i> 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.</p>  | <p>Support</p> <p><b><u>Category 2: Regulatory and Enforcement Activities</u></b></p> <p>“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.”</p>   |
| <p><u>Rec. 1 (a) Scaling Up</u></p> <p>Restore protection for all native fish and fish that sustain First Nations food, ceremonial and social needs, not just those that are part of or support a fishery.</p>  | <p>Support</p> <p>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.</p>  | <p>Support</p> <p><b><u>Category 2: Regulatory and Enforcement Activities</u></b></p> <p>“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.”</p>                  |
| <p><u>Rec. 1 Habitat 2.0</u></p> <p>Create a defined threshold for harmful alteration, disturbance and destruction (HADD) of fish habitat.</p>  | <p>Support</p> <p>Recommendation 14: That Fisheries and Oceans Canada clearly define the parameters of what is considered a violation of the <i>Fisheries Act</i>.</p>   | <p>Support</p> <p><b><u>Category 2: Regulatory and Enforcement Activities</u></b><br/><b><u>FOPO Response:</u></b></p> <p>“Precision on the administration and enforcement of the Fisheries Act may be explored through future legislative changes to clarify the scope and threshold of protection provided through fish and fish habitat and through the development of regulations, policies, standards and guidelines”</p> |
| <p><u>Rec. 1 Habitat 2.0</u></p> <p>Restore the terms ‘alteration’, ‘disruption’ and ‘destruction’ to provide guidance due to the existence of forty years of judicial interpretation of those terms.</p>   | <p>Support</p> <p>Recommendation 30: Any revision of the <i>Fisheries Act</i> 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.</p> | <p>Support</p> <p><b><u>Category 2: Regulatory and Enforcement Activities</u></b><br/><b><u>FOPO Response:</u></b></p> <p>“The Government will consider future legislative changes to the prohibition that protects fish and fish habitat from harmful impacts.”</p>   |
| <p><u>Rec. 1 Habitat 2.0</u></p> <p>Require proponents to follow the mitigation hierarchy and demonstrate the steps taken to</p>  | <p>Not addressed</p>   | <p>Not addressed</p>   |

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| first avoid, then mitigate, and finally offset any serious harm to fish that are part of or support a fishery.   |   |  |
| <b>West Coast Recommendation</b>   | <b>SCOFO Report</b>   | <b>Government Response</b>   |
| <u>Rec. 1 Habitat 2.0</u><br><br>Define factors which must be considered when authorizing HADD.  | Not addressed   | Not addressed  |
| <u>Rec. 1 (c) Scaling Up</u><br><br>Restore the prohibition against destroying fish by means other than fishing.   | Not addressed   | Not addressed  |
| <u>Rec. 1 (d) Scaling Up</u><br><br>Limit the Minister's regulatory powers to exempt works, undertakings, activities, deleterious substances and water bodies from the habitat and pollution provisions (s. 35 and 36)   | Not addressed   | Not addressed  |
| <u>Rec. 1 (e) Scaling Up</u><br><br>Pass regulations for minor projects and bodies of water to set standards for works and activities that, if followed by proponents, would avoid a HADD finding in order to strengthen regulatory oversight of minor works and minor waters. | Supports concept, does not address in detail<br><br>Recommendation 7: To protect fish habitat from key activities that can damage habitat, such as destructive fishing practices and cumulative effects of multiple activities.<br><br>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). | Supports concept, does not address in detail<br><br><b><u>Category 2: Regulatory and Enforcement Activities</u></b><br><b><u>FOPO Response:</u></b><br><br>"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." |
| <u>Rec. 1 (f) Scaling Up</u><br><br><u>Rec. 4 Habitat 2.0</u><br><br>Re-establish s. 32, 35, and 36 authorizations as environmental assessment triggers.   | Support<br><br>Recommendation 26: Re-examine sections 32, 35 and 36 <i>Fisheries Act</i> authorizations as environmental assessment triggers.   | The recommendation was passed on to the Minister of Environment and Climate Change, as well as to the Canadian Environmental Assessment Agency.  |

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| <u>Rec. 2 (a) Scaling Up</u><br>Acknowledge Indigenous rights and the need for reconciliation  | Not addressed  | Not addressed   |
| <u>Rec. 2 (b) Scaling Up</u><br>Strengthen provisions for co-management<br><br><u>Rec. 6 Habitat 2.0</u><br>The Act must strengthen provisions for co-governance and co-management             | Not addressed  | Not addressed   |
| <b>West Coast Recommendation</b>   | <b>SCOFO Report</b>  | <b>Government Response</b>  |
| <u>Rec. 2 (c) Scaling up</u><br>Guide and limit discretion through sustainability guiding principles and purposes.   | Not addressed  | Not addressed   |
| <u>Rec. 2 (c) i. a. Scaling up</u><br>Take into account the principles of sustainable development, as set out in the Rio Declaration on Environment and Development.                           | Not addressed  | Not addressed   |
| <u>Rec. 2 (c) i. b. Scaling up</u><br><u>Rec. 1 Habitat 2.0</u><br>Apply an ecosystem approach in the management of fisheries and in the conservation and protection of fish and fish habitat. | Support<br><br>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:<br>1) Adopting key sustainability principles;<br>2) Protecting the ecological integrity of fish habitat; and<br>3) Protecting key areas of fish habitat. | Support<br><br><b><u>Category 1: Planning and Integrated Management</u></b><br><br>“Appropriate mechanisms to engage partners in integrated resource management planning activities will be considered.”  |
| <u>Rec. 2 (c) i. c. Scaling up</u><br>Apply a precautionary approach.  | Not addressed  | Support<br><br>In response to Recommendation 30: the Government states that a key component of the Sustainable Fisheries Framework (SFF) is the departmental Precautionary Approach.  |
| <u>Rec. 2 (c) i. d. Scaling up</u><br>Apply a science-based approach to decision-making and take into account the best available science, research, and technical information.                 | Partially addressed<br><br>Recommendation 5: That Fisheries and Oceans Canada fund more research dedicated to ecosystem science.   | Partially addressed<br><br><b><u>Category 1: Planning and Integrated Management</u></b><br><br>“Fisheries and Oceans Canada currently dedicates funding toward 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.” |
| <u>Rec. 2 (c) i. e. Scaling up</u><br>Take into account climate change,  | Not addressed  | Not addressed   |



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| <p>when making decisions affecting fish stocks and ecosystem management.</p> <p><u>Rec. 5 Habitat 2.0</u></p> <p>Use the <i>Fisheries Act</i> to protect fish habitat from key threats such as climate change.</p> |  |  |
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| <b>West Coast Recommendation</b>   | <b>SCOFO Report</b> | <b>Government Response</b> |
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| <p><u>Rec. 2 (c) i. f. <i>Scaling up</i></u></p> <p>Manage fisheries and conserve and protect fish and fish habitat in a manner consistent with Aboriginal treaty rights.</p> <p><u>Rec. 6 <i>Habitat 2.0</i></u></p> <p>The Act must acknowledge Indigenous Rights.</p> | Not addressed       | Not addressed              |
| <p><u>Rec. 2 (c) i. g. <i>Scaling up</i></u></p> <p>Consider traditional knowledge.</p>  | Not addressed       | Not addressed              |
| <p><u>Rec. 2 (c) i. h. <i>Scaling up</i></u></p> <p>Consider the cultural significance of fisheries to indigenous peoples of Canada, as stipulated under UNDRIP.</p>   | Not addressed       | Not addressed              |
| <p><u>Rec. 2 (c) i. i. <i>Scaling up</i></u></p> <p>Act in cooperation with other governments and bodies under land claims agreements.</p>   | Not addressed       | Not addressed              |
| <p><u>Rec. 2 (c) ii. <i>Scaling up</i></u></p> <p>Include purposes such as rebuilding depleted fish stocks and preventing overfishing.</p>   | Not addressed       | Not addressed              |
| <p><u>Rec. 2 (e) <i>Scaling up</i></u><br/><u>Rec. 2 <i>Habitat 2.0</i></u></p> <p>Protect environmental flows.</p>  | Not addressed       | Not addressed              |
| <p><u>Rec. 2 <i>Habitat 2.0</i></u></p> <p>Define environmental flow, using the <i>Brisbane Declaration</i> definition.</p>  | Not addressed       | Not addressed              |
| <p><u>Rec. 2 <i>Habitat 2.0</i></u></p> <p>Define conditions of flow alternation that constitute HADD, based on science advise from CSAS.</p>  | Not addressed       | Not addressed              |
| <p><u>Rec. 2 <i>Habitat 2.0</i></u></p> <p>List 'environmental flow protection' as a goal for fish habitat protection in a Purposes or Preamble section of a renewed Act.</p>  | Not addressed       | Not addressed              |
| <p><u>Rec. 2 <i>Habitat 2.0</i></u></p> <p>Require the maintenance of environmental flows in listed transboundary rivers of national significance.</p>   | Not addressed       | Not addressed              |

| <b>West Coast Recommendation</b>  | <b>SCOFO Report</b>  | <b>Government Response</b>  |
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| <u>Rec. 2 Habitat 2.0</u><br>Establish national regulations on flow.  | Not addressed  | Not addressed   |
| <u>Rec. 2 Habitat 2.0</u><br>To protect environmental flows, reform provisions related to orders for the free passage of fish for example by increasing Ministerial authority to make flow orders under s. 20.  | Not addressed  | Not addressed   |
| <u>Rec. 2 (f) Scaling up</u><br>Prohibit HADD from fishing practices.   | Not addressed  | Not addressed   |
| <u>Rec. 2 (g) Scaling up</u><br>Designate essential fish habitat that cannot be destroyed or compensated.   | Not addressed  | Not addressed   |
| <u>Rec. 2 (i) Scaling up</u><br>Require habitat monitoring.   | Not addressed  | Not addressed   |
| <u>Rec. 2 (j) Scaling up</u><br>Allow for delegation of monitoring and enforcement powers to Indigenous and coastal community groups.   | Not addressed  | Not addressed   |
| <u>Rec. 4 Habitat 2.0</u><br>Establish a requirement of habitat identification and designation of key habitat areas or types in Integrated Fishery Management Plans to draw attention to threatened or vulnerable fish habitat.   | Not addressed  | Not addressed   |
| <u>Rec. 2 (k) Scaling up</u><br><u>Rec. 4 Habitat 2.0</u><br>To ensure cumulative impacts of minor works are understood, the Act should require creation of an accessible database and require proponents of all projects so send DFO notifications that contain basic information – location, potential effects and cumulative impacts and their significance and proposed mitigation measures. The database should also capture all habitat referrals, authorizations, charges, warnings and other regulatory activities. | Support<br><br>Recommendation 20: That Fisheries and Oceans Canada make investments into a public and accessible database system that will identify:<br><ol style="list-style-type: none"> <li>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;</li> <li>2. The location of different aquatic species;</li> <li>3. Up-to-date monitoring of aquatic species at risk and their status; and</li> <li>4. The status of authorizations</li> </ol> | Support<br><br><b><u>Category 4: Monitoring and Reporting Back to Canadians</u></b><br><br>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 <i>Fisheries Act</i><br><br><b><u>Category 2: Regulatory and Enforcement Activities</u></b><br><b><u>FOPO Response:</u></b><br>“The government is exploring opportunities to incorporate modern safeguards that can be used to address these threats [destructive fishing practices and cumulative impacts] to fish and fish |

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|   |               | habitat.”     |
| <p><u>Rec. 4 Habitat 2.0</u></p> <p>The Act should encourage and promote the development and implementation of integrated watershed plans, and the need for habitat decision making to take these plans into account.</p> | Not addressed | Not addressed |