

Ring of Fire Annex 1

Regional Assessment in the Ring of Fire Area

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Federal Authority Advice Record

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Department/Agency Fisheries and Oceans Canada (DFO)

Lead RA Contact(s) Cindy Mitton-Wilkie

Full Address 867 Lakeshore Road Burlington ON L7R 4A6

Email Cynthia.mitton-wilkie@dfo-mpo.gc.ca

Telephone 905-630-8053

Alternate Departmental Contact Bev Ross bev.ross@dfo-mpo.gc.ca

PART 1

1. MANDATE AND AREA(S) OF EXPERTISE

The Fish and Fish Habitat Protection Program of Fisheries and Oceans helps conserve and protect fisheries and aquatic ecosystems for future generations by:

- conserving existing fish and fish habitat resources,
- protecting these resources against future impacts and,
- restoring fish habitat.

We administer and ensure compliance for development projects taking place in and around fish habitat under the;

- *Fisheries Act*
 - Prohibition against works, undertakings or activities, that result in harmful alteration, disruption or destruction of fish habitat
 - Prohibition against works, undertakings or activities, other than fishing, that result death of fish.
 - Maintenance of flows to protect fish and fish habitat
 - Management and control of obstructions to fish passage
 - Metal and Diamond Mining Effluent Regulations – DFO supports Environment and Climate Change Canada in delivery of the regulations.
 - Aquatic Invasive Species Regulation – prohibition against importation, possession, transportation and release of aquatic invasive species
- relevant provisions of the *Species at Risk Act* including prohibitions against killing, harming harassing, capturing or taking an individual of a species that is listed as extirpated, endangered or threatened.

DFO also supports Canada's commitment to reconciliation with Indigenous peoples through consideration of Indigenous perspectives and any provided Indigenous knowledge prior to exercising decision making authority on *Fisheries Act* Authorization processes.

2. REGULATORY AUTHORITIES

- *Fisheries Act*

- Section 2.4: When making a decision under this Act, the Minister shall consider any adverse effects that the decision may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the Constitution Act, 1982.
- Section 35(1): prohibition against the carrying on of any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat.
- Section 34.4(1): prohibition against the carrying on of any work, undertaking or activity, other than fishing, that results in the death of fish.
- Section 34.3: - ministerial powers to ensure flows of water to maintain the free passage of fish and the protection of fish passage, fish or fish habitat with respect to existing obstructions
- Section 34.1: – regulations pursuant to the deposit of deleterious substances in waters frequented by fish. E.g. Metal and Diamond Mining Effluent Regulations, Aquatic Invasive Species Regulations.
- Section 43(3): - Aquatic Invasive Species Regulations
- *Species at Risk Act*
 - Section 32(1): prohibition against killing, harming, harassing, capturing or taking an individual of a species that is listed as extirpated, endangered or threatened.
 - Section 32(2): prohibition against possessing, collecting, buying, selling or trading an individual of a species that is listed as extirpated, endangered or threatened, or any of its parts or derivatives.
 - Section 33: Prohibition against the destruction of the residence of a species listed as endangered or threatened.
 - Section 58(1): Prohibition against the destruction of critical habitat.
 - Section 79: requirement for an environmental assessment of potential effects of a development project on Species at Risk.

3. EXPERT INFORMATION OR KNOWLEDGE

DFO will be able to evaluate the potential implications to our mandate as the Regional Assessment proceeds and decisions are made about the geographic and temporal scope. We are currently assessing the appropriate level of scientific support for the Regional Assessment and will adjust as the Assessment progresses. DFO will need to assess existing information (including that from potential developers and the Province of Ontario) to determining science needs relating to the Regional Assessment.

- Baseline Status
- Quantifying fish and habitat to evaluate impacts
- Defining Ecologically Sensitive Areas
- Evaluating cumulative effects
- Monitoring and evaluating the effectiveness of mitigation measures
- Adaptive management
- Integrating available aquatic and marine data
- Consideration of Traditional Knowledge

We also see several opportunities to work collaboratively with partners including the federal government, Ministry of Natural Resources and Forestry, Indigenous people, Industry, and Lakehead and Laurentian Universities.

4. POLICIES, PROGRAMS OR INITIATIVES

4.1 Links to relevant DFO Policies are provided below

- Fish and Fish Habitat Protection Policy Statement - <https://www.dfo-mpo.gc.ca/pnw-ppe/policy-politique-eng.html>
- Codes of Practice — New Interim Standard and Codes of Practice | Talk Fish Habitat - Canada.ca

- <https://www.dfo-mpo.gc.ca/pnw-ppe/practice-pratique-eng.html>
- Policy for Applying Measures to Offset Adverse Effects on fish and Fish Habitat Under the Fisheries Act: <https://www.dfo-mpo.gc.ca/pnw-ppe/reviews-revues/policies-politiques-eng.html>
- Pathways of Effects: <https://www.dfo-mpo.gc.ca/pnw-ppe/pathways-sequences/index-eng.html>
- Aquatic Species at Risk Map: <https://www.dfo-mpo.gc.ca/species-especes/sara-lep/map-carte/index-eng.html>.
- Consideration of Cumulative Effects: <https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures/cumulative-effects-cumalatifs-effets/index-eng.html>

4.2 Aquatic Ecosystems Sector Programs:

- Fish and Fish Habitat Protection Program: (Regulatory Review Unit and Integrated Planning)
- Species at Risk Program
- Aquatic Invasive Species Program
- Indigenous Relations Unit
- Partnerships Unit

The first three above program are supported by DFO Science.

4.3 Additional Aquatic Ecosystems Sector Initiatives

As Fisheries and Oceans Canada's (DFO's) Fish and Fish Habitat Protection Program (FFHPP) continues to develop guidance to support the modernized *Fisheries Act*, national partner and stakeholder input is being sought.

Background information and engagement material can be viewed at the following link: [Talk Fish Habitat - Canada.ca](https://www.talkfishhabitat.ca)