



Working In and Around Water – Compliance with the *Fisheries Act* and the federal *Species at Risk Act*

Watersheds Canada National Conference
May 2, 2025

Lee-Ann Smith

Manager, Provincial Partnerships

Aquatic Ecosystems

Fisheries and Oceans Canada



Presentation Overview

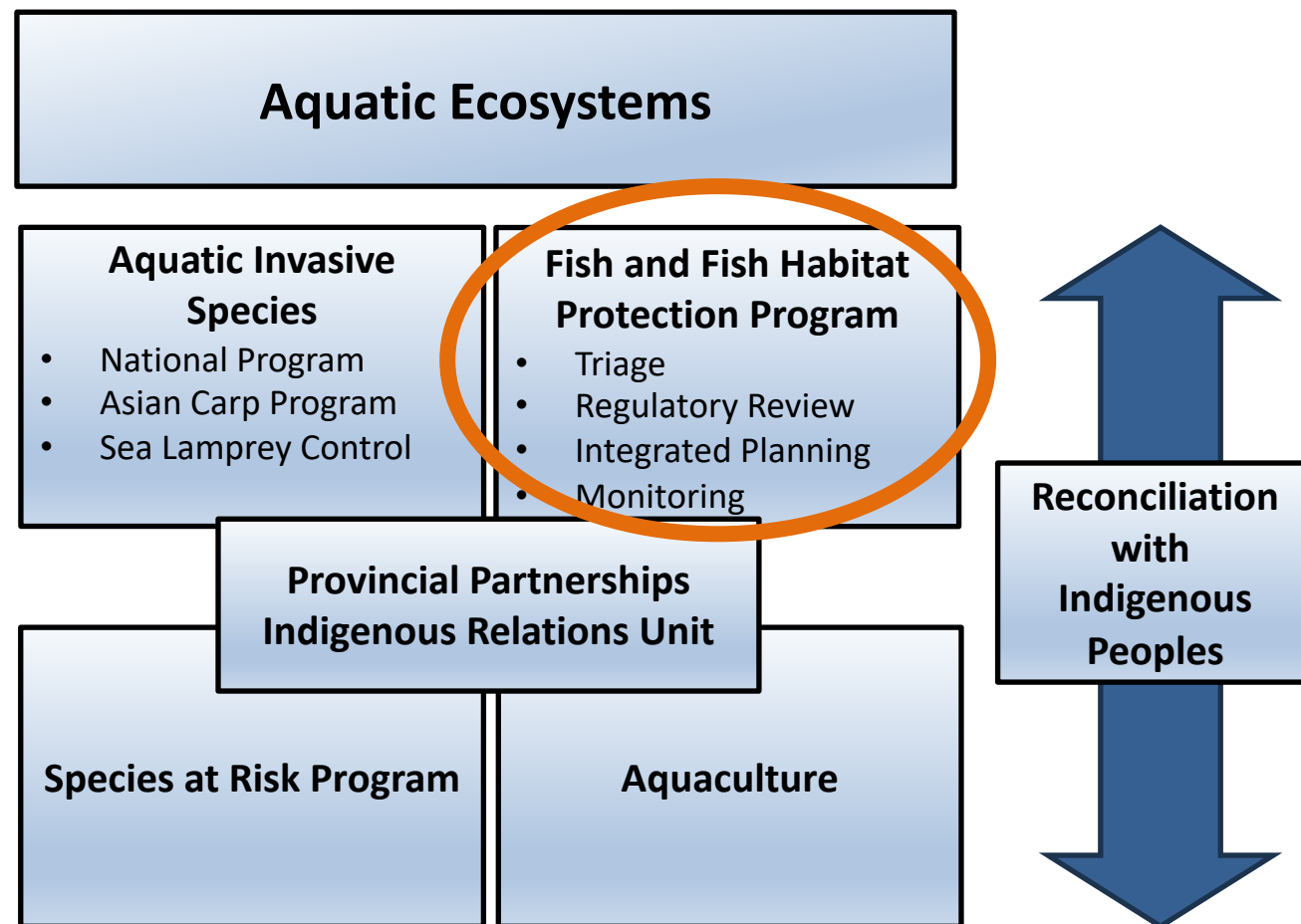
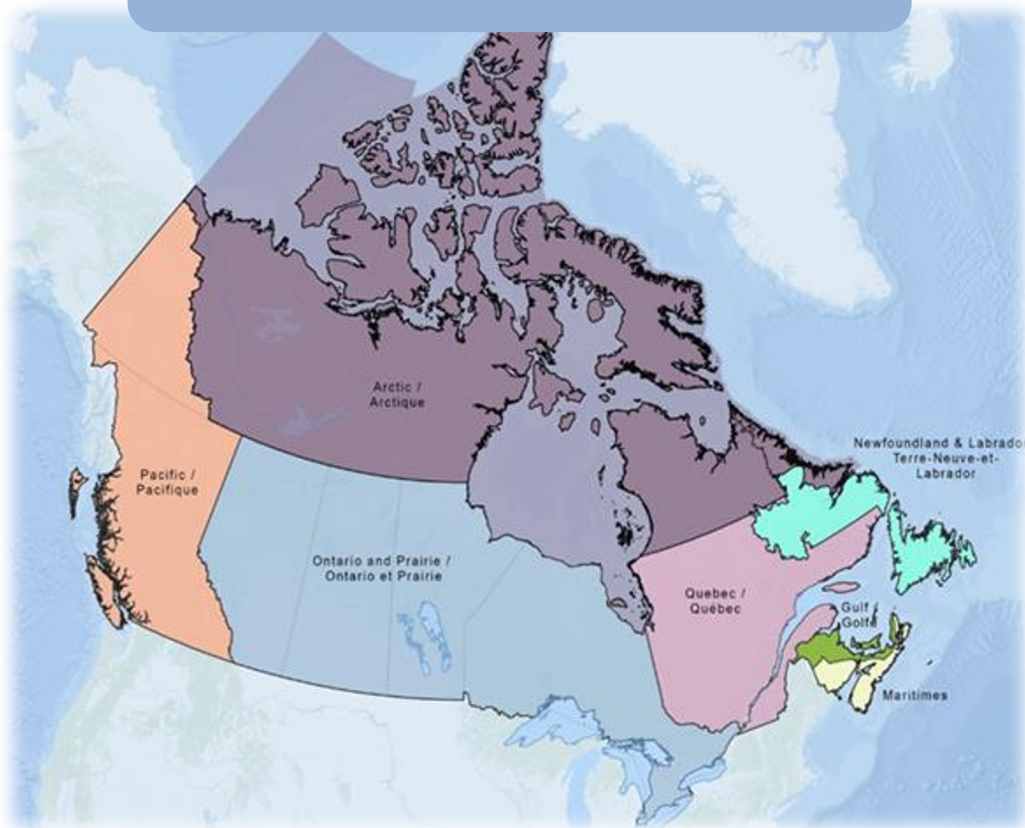
1. Ontario and Prairie Region's Aquatic Ecosystems' Organizational Structure
2. Key Sections of the Legislation
3. Projects Near Water Website





Ontario and Prairie Region (OPR) Aquatic Ecosystems

Ontario & Prairie Region includes:
Alberta | Saskatchewan | Manitoba | Ontario



Presentation Overview

1. Ontario and Prairie Region's Aquatic Ecosystems' Organizational Structure
2. Key Sections of the Legislation
3. Projects Near Water Website

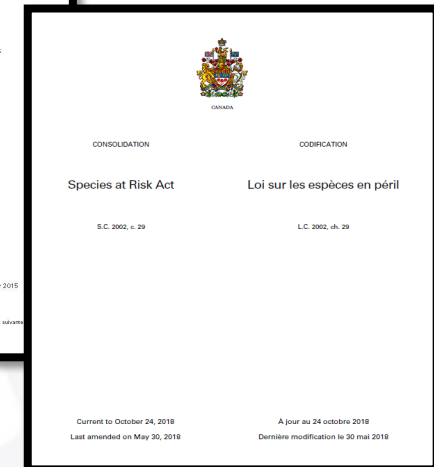
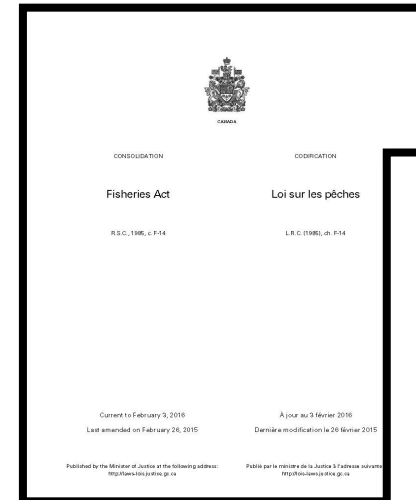


How does DFO fulfill this role?



To protect fish and aquatic species at risk (SAR), DFO works under **two key pieces of legislation**:

- ***Fisheries Act***
- ***Species at Risk Act***



FISHERIES ACT

Some Key Definitions - Subsection 2(1):

Fish

Parts of fish and all life stages

- eggs, spawn, larvae, and juvenile

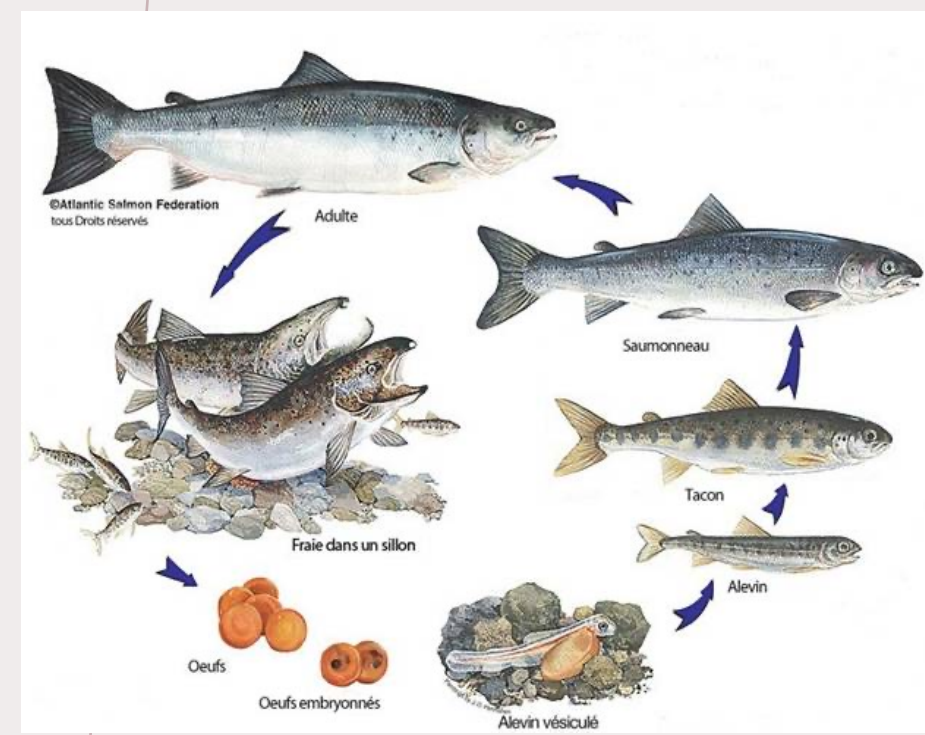
Shellfish (mussels)

Crustaceans and

Marine animals

Fish Habitat

Water frequented by fish and any other areas, on which fish depend directly or indirectly to carry out their life processes, including, spawning grounds, nursery, rearing, food supply and migration areas.





Fisheries Act - Protection Clauses



SUBSECTION 34.4 (1)

Death of Fish

No person shall carry on any work, undertaking or activity, other than fishing, that results in the death of fish.



SUBSECTION 35 (1)

Harmful Alteration, Disruption or Destruction of Fish Habitat (HADD)

No person shall carry on any work, undertaking or activity that results in the harmful alteration, disruption or destruction of fish habitat.



SUBSECTION 36.3

Prohibits: deposit of deleterious [harmful] substance in water frequented by fish

Fisheries Act: Aquatic Invasive Species Regulations (SOR/2015-121)



SECTIONS 6,7,8 and 9

It is prohibited for any persons to import, possess, transport or release aquatic invasive species set out in Part 2 of the schedule of the regulations **(unless specimen is in the physical condition set out in Part 2; e.g., dead and eviscerated)**.



SECTION 10

It is prohibited for any persons to introduce aquatic species into regions or bodies of water frequented by fish where they are not indigenous (unless authorized to do so; e.g., stocking of Rainbow Trout in Ontario).



SECTION 19

The Minister may take measures to prevent the introduction or spread of, or to control or eradicate, AIS. The Minister may authorize the deposit of a deleterious substance to control species listed in Parts 2 and 3, and non-indigenous species, which may cause harm.



Duty To Notify and Corrective Measures

If you cause, or may cause, **death of fish or harmful alteration, disruption or destruction** or deposit of a **deleterious substance**

Contact!

DFO: 1-855-852-8320

DFO.OPHabitat.MPO@dfo-mpo.gc.ca

**Environmental emergency
provincial contact information:**

[Environmental emergency
contacts - Canada.ca](http://Environmental%20emergency%20contacts%20-%20Canada.ca)



- **Notify DFO & province**
 - **Subsections 38(4), (4.1) & (5)**



- **Take corrective actions**
 - **Subsections 38(6)**



- **Provide a written report on the occurrence, or danger of the occurrence, to fish and fish habitat**
 - **Subsections 38(6)**

Species At Risk Act (SARA) – Prohibitions

For aquatic species listed as extirpated, endangered or threatened:



Subsection 32 (1)

No person shall kill, harm, harass, capture or take



Subsection 32 (2)

No person shall possess, collect, buy, sell or trade (an individual or any part or derivative of an individual)



Section 33

No person shall damage or destroy the residence



Subsection 58 (1)

No person shall destroy any part of the critical habitat





Federal Species At Risk Act

- Recovery documents are developed for all SARA listed species.
 - Documents outline the species' life history and habitat requirements, threats, recommended management and recovery actions.
 - [Species at risk public registry - Canada.ca](https://www.canada.ca/en/species-at-risk/public-registry)
- **Critical habitat:**
 - “the habitat that is necessary for the survival or recovery of a listed wildlife species and that is identified as such in the **recovery strategy or action plan for the species**”.
 - Species depend **directly** or **indirectly** to carry out their life processes:
 - spawning grounds
 - nursery, rearing, food supply, migration areas
 - for some species, includes the riparian areas (e.g., terrestrial vegetation)
- SARA s. 32 and the *Fisheries Act* are used to protect SAR habitat until critical habitat has been identified and protected under SARA through a Critical Habitat Order.





Presentation Overview

1. Ontario and Prairie Region's Aquatic Ecosystems' Organizational Structure
2. Key Sections of the Legislation
3. Projects Near Water Website





Projects Near Water Website



MENU ▾

[Canada.ca](#) > [Fisheries and Oceans Canada](#)

Projects near water

Fish and fish habitat protection, project review, project authorization, Federal contaminated sites.



Most requested

- [Standards and codes of practice](#)
- [Aquatic species at risk map](#)
- [Indigenous Habitat Participation Program](#)

[Request a review of your project](#)

Request a review of your project to find out if it is likely to result in the death of fish, or the harmful alteration, disruption or destruction of fish habitat.

[Apply for an authorization](#)

An authorization is required if your project is likely to result in the death of fish, or the harmful alteration, disruption or destruction of fish habitat.

[Report a problem](#)

Contact us if you see someone polluting, poaching, harmfully impacting fish and fish habitat or illegally fishing.

[Federal contaminated sites](#)

Expert support for the Federal Contaminated Sites Action Plan.

[About the Fish and Fish Habitat Protection Program](#)

Information about program activities and how we provide expert support.

[Contact the Fish and Fish Habitat Protection Program](#)

Regional office phone numbers, emails, fax numbers and mailing addresses.



Working Through the Projects Near Water Website:

Step 3. Check if your project needs a review

[1. What this service offers](#)

[2. Understand the project review
process](#)

3. Check if your project needs a review

[4. Request a project review](#)

[5. Apply for project authorization](#)

[Guidance documents](#)

Check the steps outlined on this page before requesting a project review.

This step involves checking:



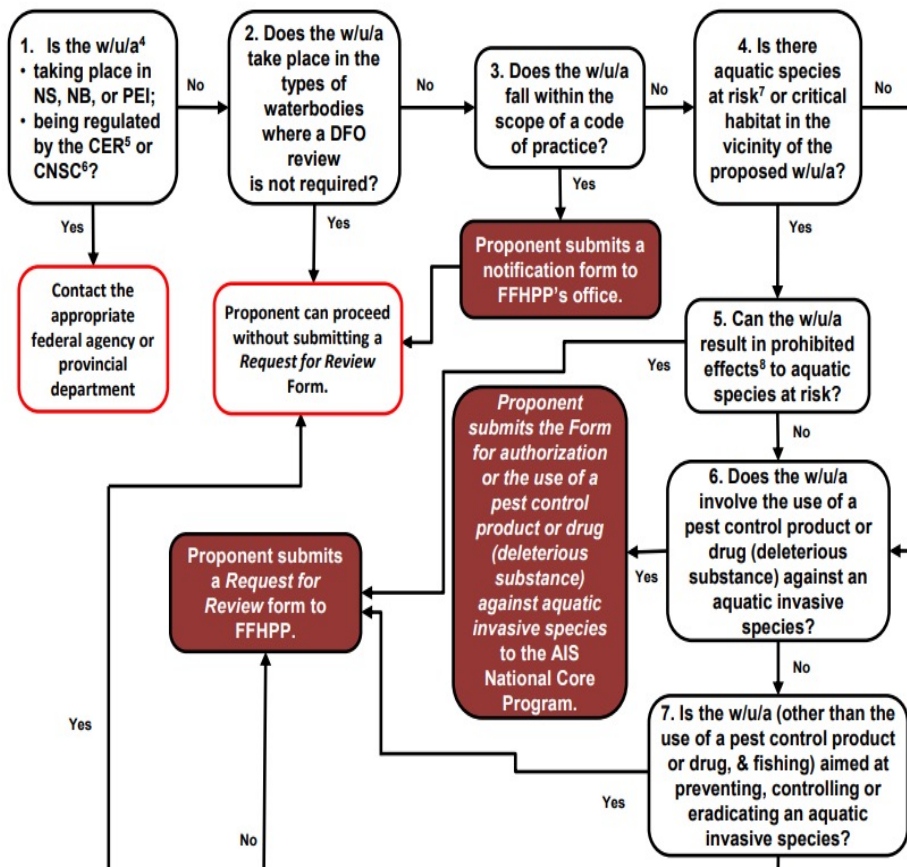
- ▶ **1. Regulatory partnerships**
- ▶ **2. For aquatic species at risk**
- ▶ **3. For marine protected areas**
- ▶ **4. For aquatic invasive species**
- ▶ **5. Measures to protect fish and fish habitat**
- ▶ **6. Waterbodies where our review isn't required**
- ▶ **7. Standards and codes of practice**



Working Through the Projects Near Water Website:

Step 3 - #1 Regulatory Partnerships

- Check if you need to go through provincial/territorial governments, the Canadian Nuclear Safety Commission or the National Energy Board.



- Regulatory partnerships
- For aquatic species at risk
- For marine protected areas
- For aquatic invasive species
- Measures to protect fish and fish habitat
- Waterbodies where review isn't required
- Compliance with standards and codes of practice

➤ [Regulatory Review Process Map](#)



Working Through the Projects Near Water Website:

Step 3 – #6 Waterbodies Review Isn't required

- [Approved marine disposal or dumping sites](#)
 - [Note](#) there is a permit system for this
- Tailings impoundment areas as listed in [Schedule 2 of the Metal and Diamond Mining Effluent Regulations](#)
- Artificial waterbodies **that are not connected to a waterbody that contains fish** at any time during any given year (e.g.):
 - Isolated private or irrigation ponds.
 - Golf course ponds or stocked fishing ponds.
 - Quarries and aggregate pits.
- Any other waterbody that **doesn't contain fish at any time** during any given year and **isn't connected to a waterbody that contains fish** at any time during any given year.



Working Through the Projects Near Water Website:

Step 3 – #7 Standards and Codes of Practice

➤ Standards and Codes of Practice

- Provide nationally consistent, streamlined guidance for avoiding and mitigating impacts from common, well understood projects.
- Comply with the fish and fish habitat protection provisions of the *Fisheries Act*.
- A **standard** outlines how to implement a specific mitigation measure.
 - Not considered stand-alone document
- Each **code of practice** describes the type of works, the conditions for when the code applies, and outlines the measures to be implemented for managing risks to fish and fish habitat.
 - If all conditions and mitigations can be met, you can go ahead and do your project without a DFO review (submit notification form).

The image shows a 'NOTIFICATION FORM' for the 'Fisheries and Oceans Canada Code of Practice'. The form is divided into several sections for data entry:

- PROPOSER INFORMATION:** Includes fields for NAME, STREET ADDRESS, CITY/TOWN, TEL. NO. (RESIDENCE), FAX NO., PROVINCE/TERRITORY, TEL. NO. (WORK), EMAIL ADDRESS, and POSTAL CODE.
- CONTRACTOR INFORMATION:** Similar fields to the proposer information, with a note to provide information if a contractor is working on behalf of the proposer.
- PROJECT INFORMATION:** Includes a section to select codes of practice (e.g., Beaver dam removal, Routine maintenance dredging, Temporary stream crossings, Culvert maintenance, Temporary cofferdams and diversion channels, End of pipe fish screens) and a section to select the type of water body or watercourse (e.g., River, Stream, Creek, Lake, Pond, Marine, Estuary, Riparian).
- PROJECT LOCATION (S):** Includes fields for Name of water body or watercourse, Coordinates of the Project (UTM co-ordinate or Degrees, Minutes, Seconds), Easting, Northing, Latitude, Longitude, and Directions to Access the Project Site.
- Proposed Start Date:** A field for the start date with a 'Click or tap to enter a date' prompt.
- Proposed Completion Date:** A field for the completion date with a 'Click or tap to enter a date' prompt.

At the bottom, there is a signature line with the text 'I, _____ (print name) certify that the information given on this form is, to the best of my knowledge, correct and complete.' followed by 'Signature' and 'Date' labels. A small note at the bottom left states: 'We ask that you notify DFO, preferably 10 working days before starting your work, by filling out and sending in, by mail, email or by fax, this notification form to the DFO office in your area. This information is requested in order to evaluate the effectiveness of the work carried out in relation to the code of practice.' The bottom right corner features the 'Canada' logo and the text 'Aussi disponible en français'.

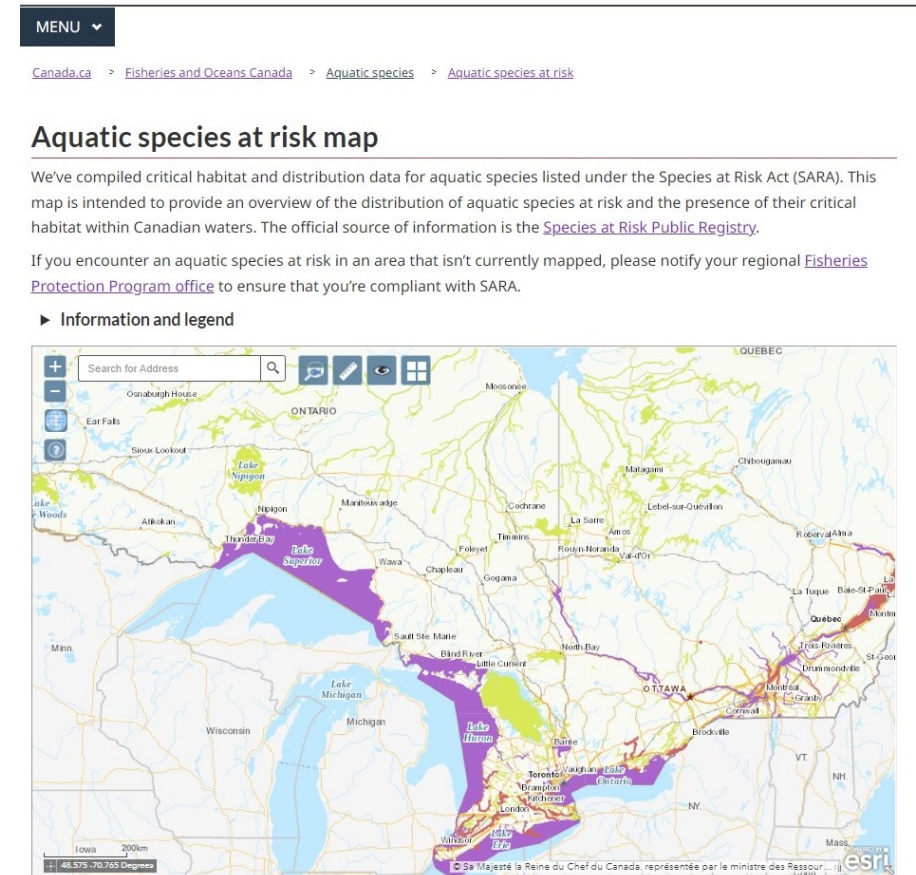
18

Working Through the Projects Near Water Website:

Step 3 – #2 Species at Risk

➤ Aquatic Species at Risk Map

- Check when **planning projects**.
 - Updated every 2-3 months
- Map includes **currently listed aquatic SAR (EXT, END, THR and SC)**.
- Indicates areas in which **Critical Habitat** is found.
- If you can avoid impacts but project occurs within the distribution range or critical habitat of an aquatic SAR, **submit Request for Review**.



<https://www.dfo-mpo.gc.ca/species-especes/sara-lep/map-carte/index-eng.html>

Working Through the Projects Near Water Website:

Step 3 – #4 Aquatic Invasive Species

➤ [Aquatic Invasive Species website for guidance.](#)

- If your project involves the use of a pest control product or drug (deleterious substance) against an aquatic invasive species, please submit an application to the Aquatic Invasive Species (AIS) National Core Program.
- If the project involves works, undertakings or activities in or near water aimed at preventing, controlling or eradicating aquatic invasive species, please submit a [request for review form](#).



[Zebra Mussel](#)



[Grass Carp](#)



[Eurasian
Watermilfoil](#)



[Sea Lamprey](#)

Working Through the Projects Near Water Website:

Step 3 – #5 Measures to protect fish and fish habitat

➤ Protecting fish and fish habitat: [Measures to protect fish and fish habitat](#)

- Description of actions that can be taken to avoid death of fish and HADD.
 - Plan in water work, undertaking or activity to respect [timing windows](#) to protect fish
 - Maintain riparian vegetation
 - Avoid work in water/ work from land
 - Maintain fish passage
 - Ensure proper sediment control
 - Prevent entry of deleterious substances into water

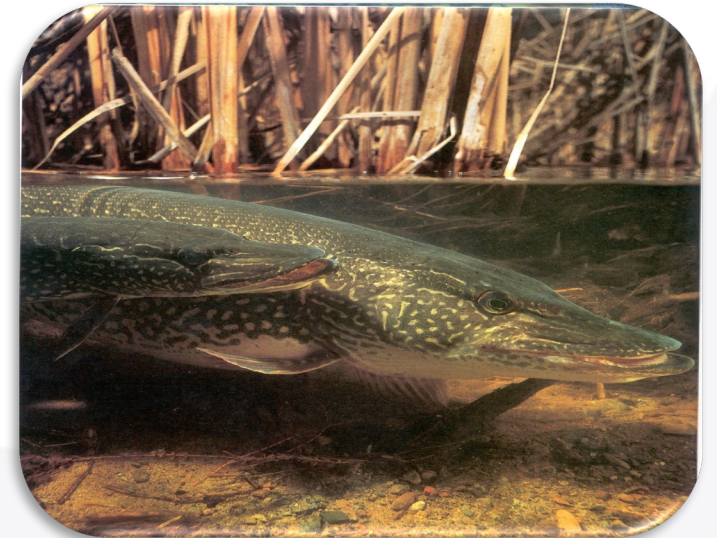




Working Through the Projects Near Water Website: **Step 3 – #5 Measures to protect fish and fish habitat**

Related links

- [The Consideration of Cumulative Effects in Support of Decision Making on *Fisheries Act* Authorizations concerning fish and fish habitat protection](#)
- [The Management of Death of Fish \(other than fishing\), under the *Fisheries Act* and the *Species at Risk Act*](#)
- [The Management of Existing Facilities and Structures under the *Fisheries Act* and the *Species at Risk Act*](#)
- [2019 changes to the *Fisheries Act*](#)
- [Request a review of your project near water](#)
- [Standards and codes of practice](#)



Working Through the Projects Near Water Website:

Step 4 Request a Review

[1. What this service offers](#)[2. Understand the project review
process](#)[3. Check if your project needs a review](#)[4. Request a project review](#)[5. Apply for project authorization](#)[Guidance documents](#)

To request a project review, download the review request form and submit it to your region's Fish and Fish Habitat Protection Program office.



To fill out a PDF form, you must:

1. download it to your computer
2. use PDF software to open it (such as, Adobe Reader or Foxit PDF)

For more information: [How to download and open a PDF form](#)

- [Request for review form and guidance](#) (PDF, 418 KB)
- [Pathways of effects](#)

Send completed form to [your regional office](#).

➤ [Standard General Avoidance and Mitigation Measures](#)



Talk Fish Habitat Website

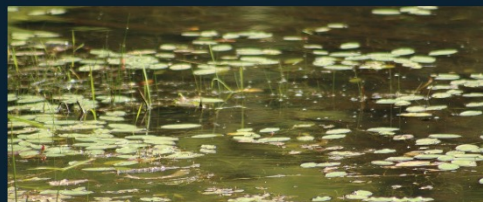
Please visit <https://www.talkfishhabitat.ca/>

Announcements



**Announcing the Policy to
Offset Harmful Impacts to
Fish and Fish Habitat!**

[Read more](#)



Risk Management Framework Overview

[View Topic](#)

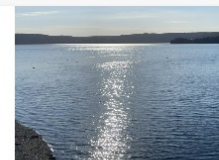


**Regional Fish Habitat Restoration
Priorities**

[View Topic](#)

Previous Engagement

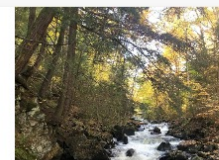
Wave 1 Engagement



Wave 2 Engagement



Wave 3 Engagement



More Information



**Implementation of the fish and fish
habitat protection provisions of the
Fisheries Act**

[File](#)



Acronyms and Definitions

[File](#)



Engagement Framework



Projects near water

What happens after RFR is submitted?



Lake Superior – Gravel River, ON

Triage Unit

- ❑ “One Window”
 - Receives and reviews all Requests for Reviews, Occurrences and General Inquires.
- ❑ Conducts initial screening/review of submissions.
 - May issue a Letter of Advice (LOA)
- ❑ Sends projects likely to impact Species at Risk (SAR) or Critical Habitat, or to cause Death of Fish, HADD of fish habitat to the Regulatory Review Unit.

Regulatory Review Unit

- ❑ Conducts detailed review of projects.
 - Mining and Oil and Gas
 - Linear Projects
 - Hydro-electric and Flows
 - Marine and Coastal



Request a review of your project near water: Guidance documents

[1. What this service offers](#)

[2. Understand the project review
process](#)

[3. Check if your project needs a review](#)

[4. Request a project review](#)

[5. Apply for project authorization](#)

Guidance documents

- **2019 *Fisheries Act* updates**

- [Fisheries Act](#)
- [2019 changes to the Fisheries Act](#)
- [Guidance and transitional provisions following the passage of Bill C-68 \(the Fisheries Act\)](#)
- [Measures to protect fish and fish habitat](#)
- [Applicant's Guide Supporting the Authorizations Concerning Fish and Fish Habitat Protection Regulations](#)



- **Other regulations and policies**

- [Aquatic Invasive Species Regulations](#)
- [Species at Risk Act](#)
- [Permitting under the Species at Risk Act](#)
- [Fish and Fish Habitat Protection Policy Statement](#)
- [Policy for applying measures to offset adverse effects on fish and fish habitat under the Fisheries Act](#)

- **Publications and reports**

- [Annual reports to Parliament](#)
- [Protocol for the detection of fish species at risk in Ontario - Great Lakes](#)
- [Protocol for the detection and relocation of freshwater mussel species at risk in Ontario- Great Lakes Area](#)





Outreach Sessions



- **Spring and Fall Series:**
 1. DFO's organization, legislation and the Project's Near Water Website
 - Wednesday, October 22, 2025
 2. Request for a Project Review form and information requirements
 - Wednesday, October 29, 2025
 3. Application for Authorization/Permit Form and Application Process
 - Wednesday, November 5, 2025
 4. Duty to Consult
 - Wednesday, November 12, 2025
- **Operating Safely in and Around Water: Navigating Legislation and Protecting Fish and Fish Habitat**
 - Thursday, May 8, 2025
 - Thursday, September 11, 2025
- **Requested Sessions**



Contact Information

Provincial/Territorial Partnerships Team

Ontario and Prairies Region

DFO.OPAEPOE-PSEEAOP.MPO@dfo-mpo.gc.ca

Fish and Fish Habitat Protection Program

Triage - Ontario and Prairies Region

DFO.OPHabitat.MPO@dfo-mpo.gc.ca

1-855-852-8320

Note: Triage staff monitor email and the phone line 5 days a week and will get back to you ASAP.

