



Fisheries and Oceans
Canada

Pêches et Océans
Canada

REVIEW OF THE 2012 CHANGES TO THE *FISHERIES ACT:*

Restoring Lost Protections and Incorporating Modern Safeguards

**SUMMARY REPORT OF FISHERIES AND OCEANS
CANADA PHASE 1 PUBLIC ENGAGEMENT
(1 APRIL 2016 – 28 FEBRUARY 2017)**

JUNE 2017



Canada 

EXECUTIVE SUMMARY

On November 13, 2015, the Prime Minister mandated the Minister of Fisheries, Oceans and the Canadian Coast Guard to review the previous government's changes to the *Fisheries Act*, restore lost protections, and incorporate modern safeguards.

Shortly thereafter, the federal review of Environmental and Regulatory Processes was initiated, bringing together the mandate commitments of the National Energy Board, Transport Canada, Canadian Environmental Assessment Agency, and Fisheries and Oceans Canada (DFO), setting the stage for a whole of Government approach to the review.

In the Fall of 2016, the Government of Canada requested that the House of Commons Standing Committee on Fisheries and Oceans (the Standing Committee) conduct a study to review the 2012 changes to the *Fisheries Act*. To support the Standing Committee's review, DFO undertook complementary engagement with Canadians. Online public engagement was undertaken through an online tool (Let's Talk Fish Habitat) between October 18, 2016 and November 25, 2016. The engagement website received more than 69,000 visits and 1,682 participants registered and made submissions.

This report provides an overview of the feedback collected from the public through:

- Participation in the Government of Canada's preliminary on-line questionnaire on the review of environmental and regulatory processes launched June 20, 2016 and closed August 31, 2016;
- Participation in the online "eWorkbooks" or Ideas Forum launched October 18, 2016 and closed November 25, 2016 through the letstalkfishhabitat.ca website;
- Written submissions to the Minister or DFO between April 1, 2016 and February 28, 2017;
- Written submissions to the Standing Committee on the [Review of the changes made in 2012 to the *Fisheries Act*](#); and
- An appearance as a witness in front of the Standing Committee.

Input received from Indigenous groups and Resource Management Boards through the Standing Committee process, through correspondence or submissions to the Department or Minister, or through meetings with Departmental officials have been summarized in a separate report ("What We Heard from Indigenous Groups and Resource Management Boards on the Review of the 2012 Changes to the *Fisheries Act*").

Input provided to the Standing Committee in the form of written briefs or in person interviews has also been included in a report produced by the Standing Committee in February 2017 titled



[“Review of Changes Made in 2012 to the *Fisheries Act*: Enhancing the Protection of Fish and Fish Habitat and the Management of Canadian Fisheries”](#).

The input gathered through all of these engagement activities will help inform the Government of Canada’s review of the 2012 changes to the *Fisheries Act*.

KEY FINDINGS

Almost all participants stated that fish and fish habitat are important to them because of a general concern for the environment and protection of aquatic species at risk. The top three ways the respondents would like to see DFO manage threats to fish and fish habitat were: protecting aquatic environment; protecting fish and fish habitat from human activities; and using the best available traditional ecological knowledge and scientific evidence in decision-making. The threats participants thought government should focus on managing better included: those causing environmental changes (loss of fish habitat and cumulative effects); those related to development activities; and those related to fishery activities (overfishing and aquaculture).

Reinstating the fish habitat provisions to enhance protection was a common theme. Many individuals and organizations recommended the Government of Canada return to the previous section 35 prohibition against the “harmful alteration or disruption, or destruction” (HADD) of fish habitat to restore lost protections. In addition, we heard many recommendations to apply the scope of the Fisheries Protection Provisions to all fish and fish habitat rather than just commercial, recreational, and Aboriginal (CRA) fisheries.

Alternatively, other individuals and organizations expressed support for the existing legislative framework, specifically the section 35 prohibition against serious harm to fish. However, many of these respondents also indicated that key terms (e.g.,

permanent, habitat, serious harm to fish) needed to be clarified and that DFO needs to develop better guidance and regulations. Participants indicated that the self-assessment tool on the DFO website needed to be improved or replaced with a permitting system.

Almost all written submissions indicated that the addition of the term “activity” to the prohibition was a positive change and recommended that it be maintained. Many recommendations focused on issues about how the Act has been interpreted and implemented by DFO, as well as the clarification of the policy, definitions and guidelines.

There was strong support for the Fisheries Protection Provisions to protect all fish and fish habitat. However, we also heard recommendations to stay focused on the management of Canada’s fisheries resources. Many agreed with the list of factors that must be considered prior to issuing authorizations without suggesting any changes. Of those who did make suggestions, the most common related to: increasing protection of fish habitat, addressing impacts of cumulative effects, and considering the overall ecosystem. There was also support for government to review policies and legislation related to Indigenous treaties and rights.

There was strong support for more enforcement activity related to fish and fish habitat protection to be undertaken by DFO. There were also

recommendations for more monitoring of ecosystem health and biodiversity, and monitoring for compliance with the *Fisheries Act* at project development sites. Concerns about the reduction in DFO capacity that occurred leading up to the 2012 changes to the Act was repeatedly raised among the majority of participants. Many recommended an increase or return to the previous program capacity, particularly more DFO personnel, and to either increase or improve programs, partnerships and funding resources.

Establishing a public registry was also a common recommendation, although recommendations on what the registry could be used for varied. Some suggested the registry be for project reviews and authorizations while others suggested it focus only on authorizations. The need for the development of modernized relationships with the provinces, local governments & Indigenous groups was also heard across the majority of feedback to DFO.

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BACKGROUND AND METHODOLOGY

On November 13, 2015, the Prime Minister mandated the Minister of Fisheries, Oceans and the Canadian Coast Guard to review the previous government's changes to the *Fisheries Act*, restore lost protections and incorporate modern safeguards.

Shortly thereafter, the federal review of Environmental and Regulatory Processes was initiated, bringing together the mandate commitments of several Departments, setting the stage for a whole of Government approach to the review. This included:

- Restoring robust oversight and thorough environmental assessment processes;
- Ensuring that decisions are based on science, facts and evidence and providing ways for Canadians to express their views and for experts to meaningfully participate;
- Enhancing Indigenous peoples' consultations, engagement and participatory capacity to review and monitor major resource development projects;
- Restoring lost protections and incorporate modern safeguards into the *Fisheries Act* and *Navigation Protection Act*; and
- Modernizing the National Energy Board (NEB)

The Government of Canada launched an on-line questionnaire to seek Canadians' views about the review of the Environmental and Regulatory Processes between June 20, 2016 and August 31, 2016.

In the Fall of 2016, the Government of Canada requested that the House of Commons Standing Committee on Fisheries and Oceans (the Standing Committee) conduct a study to review the changes to the *Fisheries Act*, including: 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; the use of regulatory authorities under the Act; and other related provisions of the Act.

To support the Standing Committee's review of the 2012 changes to the *Fisheries Act*, DFO undertook complementary engagement with Canadians. Online public engagement was undertaken via an online tool (www.letstalkfishhabitat.ca) between October 18, 2016 and November 25, 2016. The engagement website received more than 69,000 visits and 1,682 participants registered and made submissions.

In addition, provinces and territories were directly engaged through a task group established under the Canadian Council of Fisheries and Aquaculture Minister's. Indigenous groups were

invited to participate in the Standing Committee process, and were provided opportunities to meet with Departmental officials and provide written submissions.

Input received from Indigenous groups and Resource Management Boards through the Standing Committee process, through written submissions to the Minister or the Department, or through meetings with Departmental officials is contained in a separate report (“What We Heard from Indigenous Groups and Resource Management Boards on the Review of the 2012 Changes to the *Fisheries Act*”).

Input provided to the Standing Committee in the form of written briefs or in person interviews was also included in a report produced by the Standing Committee in February 2017 titled “Review of Changes Made in 2012 to the *Fisheries Act*: Enhancing the Protection of Fish and Fish Habitat and the Management of Canadian Fisheries”.

The focus of this report is to provide an overview of the feedback collected from the public through:

- Participation in the Government of Canada’s preliminary on-line questionnaire on the review of environmental and regulatory processes launched June 20, 2016 and closed August 31, 2016;
- Participation in the online “eWorkbooks” or Ideas Forum launched by DFO on October 18, 2016 and closed November 25, 2016 through the letstalkfishhabitat.ca website; and
- Written submissions to the Minister or DFO between April 1, 2016 and February 28, 2017;
- Written submissions to the Standing Committee on the [Review of the changes made in 2012 to the *Fisheries Act*](#); and
- An appearance as a witness in front of the Standing Committee.

The input gathered through engagement activities will help inform the Government of Canada’s review of the 2012 changes to the *Fisheries Act*.

DATA ANALYSIS

An online engagement tool was created to solicit feedback on the 2012 changes to the *Fisheries Act* and to analyze the data. The online engagement tool included four electronic workbooks (“eWorkbooks”) and an Ideas Forum. eWorkbooks are online modules for which participants could express their views and recommendations by answering a series of questions related to the review. The Ideas Forum was an online space to engage the public in active conversations where participants could post ideas or comment on other’s ideas. Participation was voluntary and in order to be able to submit responses, participants were asked to register by providing

basic information about where they live. The demographic information remains private. Once the online consultation closed, all the data was imported and consolidated into a Microsoft Excel file. In order to comply with privacy requirements, all data that could potentially identify a respondent was removed from the data set.

There were open and closed types of questions used for the online consultation. Responses to close-ended questions were analyzed through a frequency count. Open-ended responses containing text were read, analyzed, and grouped by common topics. In order to group comments and recommendations codes were created, which summarized the main idea conveyed within feedback. The number allowed the analysis of open-ended responses in aggregate. These codes were further grouped into broader topics that have been presented quantitatively in this report.

DISCLAIMER

Views analyzed throughout this report were collected through online engagement tool and written submissions to DFO. While this approach maximizes the opportunity for Canadians across the nation to participate, there are some implications inherent of the approach that should be considered when interpreting the results included in this report.

The purpose of this report is to summarize what we heard from partners, stakeholders and the public about the 2012 changes to the *Fisheries Act*. Note that submissions from Indigenous groups and Resource Management Boards are summarized in a separate report. Input provided to the Standing Committee in the form of written briefs or in person interviews was also included in a report produced by the Standing Committee.

While all care has been taken in preparing this report and summarizing the findings as accurately as possible, the report provides only a subjective and partial review of the online responses and the written submissions. Online questions and written submissions were completed on a voluntary basis, responses may have been incomplete and interpretation of the responses may vary. A wide range of comments and recommendations were received and therefore this report focuses on the feedback that DFO most commonly heard. As a result, not all of the feedback DFO has received may be reflected in this report.

ONLINE PUBLIC ENGAGEMENT

While the online data has been checked to detect multiple submissions from an individual, the data may include multiple responses from the same participant. Moreover, some submissions received represent the collective feedback of a group of individuals.

Given that no quotas to balance the composition of the sample were set, and that those participating opted to provide their opinion based on their levels of awareness, engagement, and personal interest, the results cannot be interpreted as being representative of the Canadian population. Therefore, frequencies and percentages reported should be interpreted with caution. No sampling margin of error or statistical inferences can be calculated on the data of this public consultation.

In some close-ended questions, participants were given the option to submit multiple responses. In these cases, the sum of the percentages can be higher than 100%; the frequency count for responses can also be higher than the total number of participants answering that question.

The consultation included open-ended questions where participants could express their opinions and views without any set parameters. Therefore, many of the responses provided for these questions do not directly address the topic posed. Responses to the open-ended questions have been analyzed in aggregate and reported by common topics and codes. Labels that capture the general idea of common responses under each topic and code have been assigned. The label should not be interpreted as the actual verbatim response.



WRITTEN SUBMISSIONS

Some written records and submissions received represent the collective feedback of a group of individuals or groups. Given that the number of individuals representing a written record or submission was often unknown, this has not been taken into account as part of this analysis.

Frequencies and percentages reported are based on the number of documents that include comments related to a specific topic or comment. These frequencies and percentages provide direction on which topics or comments were more common. Given that no quotas to balance the composition of the sample were set, the results cannot be interpreted as being representative of any given group. Therefore, frequencies and percentages reported should be interpreted with caution.

Given that each written record or submission contains multiple codes, the sum of the percentages reported can be higher than 100%; and the frequency count for codes can be higher than the total number of written records or submissions.

Labels that capture the general idea of common views and opinions under each topic should not be interpreted as the actual verbatim response.

REPORTING NOTES

The following notes should be taken into account while reading and interpreting the summary provided in this report:

- The label “n=” represents the number of participants considered when calculating frequencies and percentages in each graph and table.
- Percentages included in this report have been rounded and therefore, in some cases, the sum of percentages reported for single-select questions may appear to be greater than 100%.

CHAPTER 1: PRELIMINARY ON-LINE SURVEY (SUMMER 2016)

On June 20, 2016, the Government of Canada launched an online public questionnaire related to the review of environmental and regulatory processes that specifically targeted four topics:

- Rebuilding trust in environmental assessment processes;
- Modernizing the National Energy Board;
- Restoring lost protections and introducing modern safeguards to the *Fisheries Act*; and
- Restoring lost protections and introducing modern safeguards to the *Navigation Protection Act*.

A total of 695 Canadians provided their opinions on the topic of fish and fish habitat protection. The open-ended nature of the question allowed for a wide variety of views and opinions around the topic.

Several common themes emerged from the responses¹ regarding the key questions or areas that the Department should focus on:

- Fisheries protection (66%)
- Application of the *Fisheries Act* (37%)
- Regulatory and Program Activities (35%)
- Pollution prevention (27%)
- Fisheries and aquaculture management (12%)

FISHERIES PROTECTION

Views related to fisheries protection were the most common. This trend was observed across all the types of respondents. Approximately three out of every ten respondents focused their opinion around protecting and restoring fish habitat.

APPLICATION OF THE FISHERIES ACT

Approximately one-third of participants provided views related to the application of the *Fisheries Act*. One-fifth focused their responses on the need to protect all fish, fisheries, and fish-bearing waters, not just commercial, recreational, and Aboriginal fisheries.

¹ Many of the responses received included multiple recommendations for areas or activities on which the federal government should focus its efforts to ensure fish and fish habitats are protected. Therefore, the sum of percentages is greater than 100%.

REGULATORY AND PROGRAM ACTIVITIES

Participants were asked specifically for activities the federal government should focus on to protect fish and their habitat and approximately one-third included suggestions for activities. The most common suggestions included: improving and increasing regulatory review; monitoring; reporting; enforcement; and penalties. Consulting and engaging with Indigenous groups to protect indigenous fishing rights, increasing DFO capacity, improving public awareness, and improving the understanding of cumulative effects were also commonly mentioned.

POLLUTION PREVENTION

Roughly one-quarter of all responses were related to pollution prevention. Responses included references to impacts of tanker traffic; fracking; pipelines; and the oil industry in general were the most common topics mentioned. Some other responses focused on the impacts of agricultural practices, mining, municipal releases, and industrial waste.

FISHERIES AND AQUACULTURE MANAGEMENT

Approximately one in ten participants centered their views on the theme of fisheries and aquaculture management. The suggestion to focus on sustainability was the most common.

The input received and emergent themes from the preliminary survey were made available to the respective panels and committees established to undertake each component of the environmental and regulatory processes review. The summary of results should be used cautiously respecting the limitations of the survey methods and analysis.



CHAPTER 2: ONLINE QUESTIONNAIRE (FALL 2016)

Following the initial government-wide public online questionnaire, DFO launched a public online engagement process to seek the views and perspectives of Canadians on the review of the 2012 changes to the *Fisheries Act*; launched October 18, 2016 and closed November 25, 2016. Participants were able to submit feedback in various ways including completing the online questionnaire through a series of four eWorkbooks, as well as participate in an open dialogue through an Ideas Forum (this part of the public online consultation is discussed in Chapter 3 of this report).

Each of the eWorkbooks focused on a different topic with multiple questions, ranging from two to four questions per workbook for a total of twelve questions. The topics included:

1. Why you care about fish and fish habitat;
2. Threats to fish and fish habitat;
3. The right protections in the right places; and
4. Monitoring and reporting to Canadians.

PARTICIPATION SUMMARY

REGISTRATIONS

Overall, 1,682 participants registered for the Fall 2016 public online consultation (Table 1). Participants were encouraged complete the survey by working through all four of the eWorkbooks, but in some cases participants only completed one, two or three eWorkbooks totaling 4,083 completions.

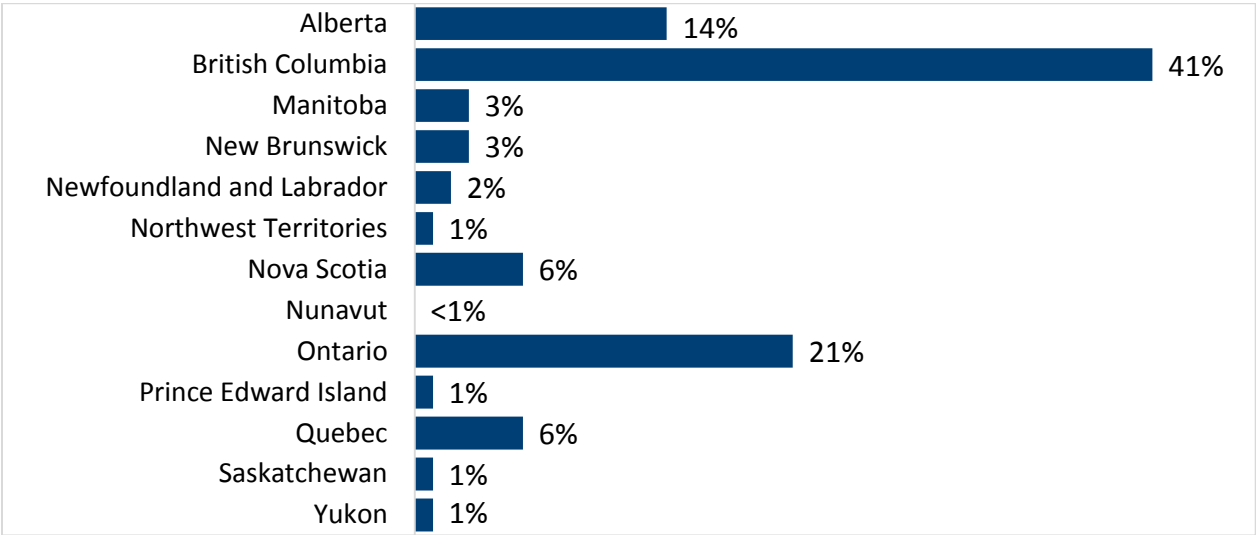
Table 1: Summary of the total registrants, page views and eWorkbook completed.

Online Public Consultation Metrics	Count
Total Registrations	1,682
Total Page Views	69,522
eWorkbook completions	4,083

REGIONAL DISTRIBUTION OF PARTICIPANTS

The regional distribution of participants is outlined in Graph 1 below. Out of a total 1,682 participants, most were from British Columbia (41%), Ontario (21%) and Alberta (14%). The other provinces were represented by participants ranging from 6% (Nova Scotia and Quebec) to less than 1% (Nunavut).

Graph 1: Regional Distribution of Participants (n=1,682)



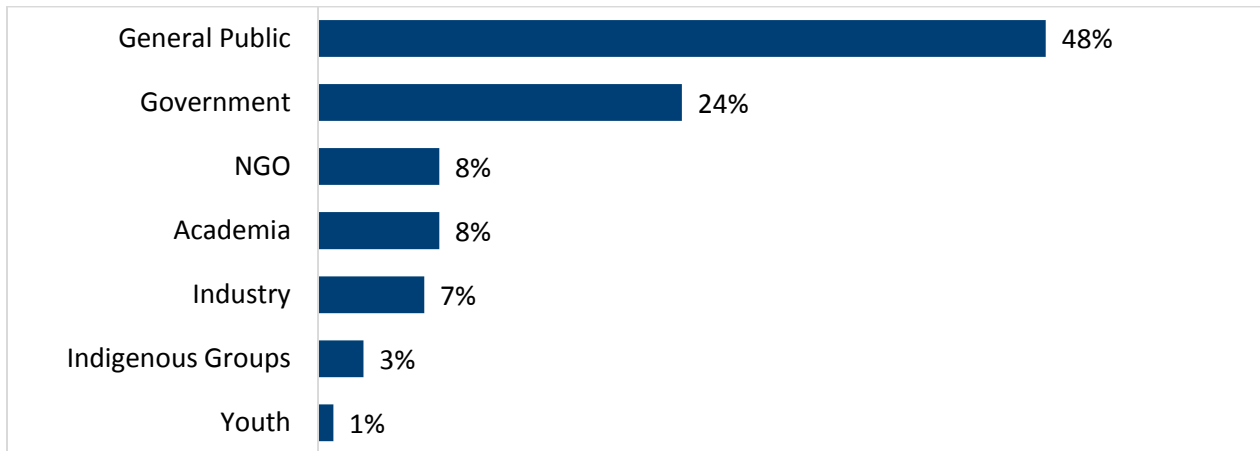
TYPE OF PARTICIPANTS

Upon registration, participants were asked to self-identify into one of seven categories (Graph 2): general public, government, non-governmental organization (NGO), academia, industry, Indigenous groups, and youth. Most participants chose to identify as general public (48%) followed by government (24%). The remaining choices represented a smaller proportion of participants ranging from 8% (NGO and Academia) to 1% (Youth).

When interpreting the summary of input of the online engagement it should be noted that only 7% of respondents self-identified under the industry category and 3% as Indigenous groups. However, Indigenous and Industry groups generally provided their input through direct written submissions and these submissions often represented the collective feedback of a group of individuals or organizations. Given that the number of individuals representing a written record or submission was often unknown, the size and category of the respective memberships could not be taken into account as part of this analysis.

Additionally, the frequencies and percentages reported are based on the number of comments related to a specific topic or idea. These frequencies and percentages simply provide an indication of the topics or comments that were more common to those who participated in the online engagement. **Given that no quotas to balance the composition of the sample were set, the results cannot be interpreted as being representative of any given group. Therefore, frequencies and percentages reported should be interpreted with caution.**

Graph 2: Type of Participants (n=1,682)



EWORKBOOK TOPIC 1: REASONS FOR CARING ABOUT FISH AND FISH HABITAT

REASONS FOR INTEREST IN FISH AND FISH HABITAT

Participants were asked to select from a list of reasons why they were interested in fish and fish habitat. They were able to select multiple reasons from the list. As indicated below in Table 2, the majority of participants expressed a concern for the environment (61%) and/or the extinction of aquatic species at risk (55%). Less than half of the registered participants expressed an interest in fish and fish habitat due to their location near water (47%), recreational purposes (45%), tourism, and/or being involved in recreational activities such as hunting, paddling, or whale watching (43%). Reasons specific to certain participants ranged from 24% (fishing by Indigenous peoples) to 13% (relating to agricultural activities such as operating a farm or ranch).

Table 2: Topic 1: “Does your interest in fish and fish habitat stem from any of the following?”

Reason for Interest in Fish and Fish Habitat	Count	Percentage of those who answered this question (n= 1,091)	Percentage relative to the total number of participants (n=1,682)
Concern for the environment	1,031	95%	61%
Concern for aquatic species at risk of extinction	933	86%	55%

Reason for Interest in Fish and Fish Habitat	Count	Percentage of those who answered this question (n= 1,091)	Percentage relative to the total number of participants (n=1,682)
Live near water	791	73%	47%
Fishing for recreational purposes	762	70%	45%
Tourism or recreational activities such as hunting, paddling, or whale watching	723	66%	43%
Fishing by Indigenous peoples	400	37%	24%
Industrial activities such as infrastructure development or resource extraction	369	34%	22%
Fishing for commercial purposes	335	31%	20%
Aquaculture activities	280	26%	17%
Cultural or ceremonial activities	232	21%	14%
Agricultural activities such as operating a farm or ranch	212	19%	13%

IMPORTANCE OF FISH AND FISH HABITAT

Table 3 illustrates the level of importance of fish and fish habitat to participants. Out of 1,682 participants, more than half (59%) stated that fish and fish habitat were very important to them, while another 5% felt fish and fish habitat are important. This means that 64% of participants felt fish and fish habitat hold some level of importance to them, while less than 1% were neutral.

Table 3: Topic 1: “To what extent are fish and fish habitat important to you?”

Level of Importance Fish and Fish Habitat are to Participants	Count	Percentage of those who answered this question (n= 1,080)	Percentage relative to the total number of participants (n=1,682)
Very important	997	92%	59%
Important	80	7%	5%
Neutral	2	<1%	<1%
Not important	1	<1%	<1%
Not at all important	0	0%	0%

EWORKBOOK TOPIC 2: PERCEIVED THREATS TO FISH AND FISH HABITATS

CONCERNS ABOUT THREATS TO FISH AND FISH HABITATS

Participants were prompted with a list of threats to fish and fish habitat and were then asked to rank the threats according to their perceived level of seriousness (Table 4). Overfishing (21%) and decreases in habitat quality or quantity (20%) were the top two threats identified when considering only which threats were ranked first. Climate change (8%) and pollution (6%) were the next two most perceived threats.

Table 4: Topic 2: “How concerned are you about the following threats to fish and fish habitat?”

Concerns about threats to fish and fish habitats – Ranked First	Count	Percentage of those who answered this question (n= 1,091)	Percentage relative to the total number of participants (n=1,682)
Overfishing (i.e., direct killing of fish)	355	33%	21%
Decreases in habitat quality or quantity (e.g., habitat damage or loss)	336	31%	20%
Climate change (e.g., increases in average water temperatures)	127	12%	8%
Pollution (e.g., chemicals that degrade in fish habitat quality or contaminate fish)	104	10%	6%
Invasive species (e.g., non-native fish displace or harm native fish)	22	2%	1%
Changes in water flow and levels (e.g., water removal resulting in decreasing habitat quality or quantity)	21	2%	1%
Obstructed or blocked fish passage	19	2%	1%
Indirect or incidental killing of fish (e.g., industrial activities resulting in fish being killed).	17	2%	1%
Other	58	5%	3%

PRIORITIES TO CONSIDER WHEN MANAGING THE THREATS TO FISH AND FISH HABITAT

Participants were also asked to rank a list of priorities that should be considered when managing threats to fish and fish habitat (Table 5). Those who responded to this question considered protecting the aquatic environment to be the top priority by the majority of the respondents (34%).

Table 5: Topic 2: “In reviewing the fisheries protection provisions of the *Fisheries Act*, how should the Government of Canada prioritize the following list of considerations when managing the threats to fish and fish habitat?” (views on priorities ranked first)

Priorities to consider when managing the threats to fish and fish habitat – Priorities Ranked First	Count	Percentage of those who answered this question (n= 1,091)	Percentage relative to the total number of participants (n=1,682)
Protecting the aquatic environment	576	53%	34%
Using the best available traditional ecological knowledge and scientific evidence in decision making	176	16%	10%
Protecting fish and fish habitat from human activities	171	16%	10%
Transparent decision-making and reporting	31	3%	2%
Restoring degraded fish habitat	29	3%	2%
Minimizing regulation and red-tape	14	1%	1%
Controlling and managing aquatic invasive species	11	1%	1%
Growing the economy and protecting jobs	7	1%	0%
Other	44	4%	3%

TOP RANKED PRIORITIES

The next question asked what priorities the Government of Canada should consider when managing threats to fish and fish habitat (Table 6). The majority of participants (55%) selected protecting the aquatic environment within the top three priorities. Protecting fish and fish habitat from human activities came in second (36%), followed by using the best available traditional ecological knowledge and scientific evidence in decision-making (32%).



Table 6: Topic 2: “In reviewing the fisheries protection provisions of the *Fisheries Act*, how should the Government of Canada prioritize the following list of considerations when managing the threats to fish and fish habitat?” (views on priorities ranked in top three)

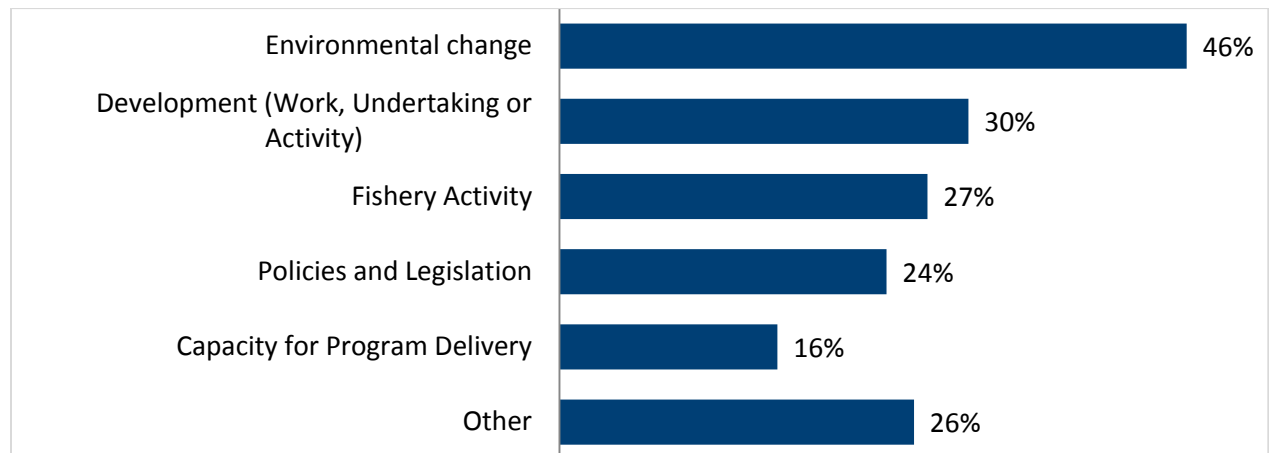
Priorities to consider when managing the threats to fish and fish habitat – Ranked in Top Three	Count	Percentage of those who answered this question (n= 1,091)	Percentage relative to the total number of participants (n=1,682)
Protecting the aquatic environment	924	85%	55%
Protecting fish and fish habitat from human activities	606	56%	36%
Using the best available traditional ecological knowledge and scientific evidence in decision making	531	49%	32%
Restoring degraded fish habitat	334	31%	20%
Transparent decision-making and reporting	219	20%	13%
Growing the economy and protecting jobs	201	18%	12%
Minimizing regulation and red-tape	177	16%	11%
Controlling and managing aquatic invasive species	111	10%	7%

THREATS TO FISH AND FISH HABITAT THAT THE GOVERNMENT SHOULD BETTER MANAGE

Participants were also given the opportunity to express their views in an open-ended question regarding the threats that they think the government should better manage. The responses received (n=935) were broad and ranged across several over-arching sub-topics with the possibility of multiple responses. The top five topics identified from the comments are as follows (Graph 3):

- Threats causing environmental changes;
- Threats related to development;
- Threats related to fishery activities;
- Threats regarding policies and legislation; and
- The capacity for program delivery.

Graph 3: “Are there any threats to fish and fish habitat that the Government of Canada should better manage?”



ENVIRONMENTAL CHANGE

Of the 935 responses, 46% mentioned that threats resulting in environmental changes are examples of priorities for the Government to better manage. There were a wide range of comments provided (Table 7), however the most common responses focused on the loss of fish habitat and habitat degradation (39%), as well as threats related to cumulative effects (23%). Other threats commonly identified were climate change, pollution, the management of fish passage, and invasive species.

Table 7: Topic 2: “Are there any threats to fish and fish habitat that the Government of Canada should better manage?” (Views on Environmental Change)

Threats that the Government should focus on managing better: <i>Environmental Change</i>	Count	Percentage of those who answered this question (n= 428)	Percentage relative to the total number of participants (n=1,682)
Loss of fish habitat/habitat degradation	165	39%	10%
Cumulative effects	97	23%	6%
Climate change	61	14%	4%
Pollution/runoffs/discharge/impacts to water quality (unspecified)	59	14%	4%
Fish passage/migration/spawning	54	13%	3%
Invasive species/Aquatic Invasive Species	47	11%	3%
Diseases/viruses/infected fish	39	9%	2%
Declines in water quantity/levels	15	4%	1%

Threats that the Government should focus on managing better: <i>Environmental Change</i>	Count	Percentage of those who answered this question (n= 428)	Percentage relative to the total number of participants (n=1,682)
Species at Risk	15	4%	1%
Removal/sale of freshwater	9	2%	1%
Ocean acidification	6	1%	<1%
Cyanobacteria/toxic algae	4	1%	<1%

DEVELOPMENT (WORKS, UNDERTAKINGS AND ACTIVITIES)

A total of 281 participants (30%) submitted their views on threats from development projects (works, undertakings, and activities) as priorities that the Government of Canada should better manage (Table 8). The most common threats mentioned were related to impacts from industrial development activities (31%), oil and gas spills from pipelines, tankers, and/or fracking (21%), as well as impacts resulting from urban, forestry, agricultural, and mining development and their discharges (16%, 14%, 14%, and 13%, respectively).

Table 8: Topic 2: “Are there any threats to fish and fish habitat that the Government of Canada should better manage?” (views on development projects: works, undertakings, and activities)

Threats that the Government should focus on managing better: <i>Development Projects (Works, Undertakings or Activities)</i>	Count	Percentage of those who answered this question (n= 281)	Percentage relative to the total number of participants (n=1,682)
Industrial/commercial impacts/ development and their discharges	87	31%	5%
Oil/gas impacts/development/spills (pipelines, tankers, fracking)	60	21%	4%
Municipal/urban impacts/ development/ and discharges from these activities	46	16%	3%
Forestry/logging impacts/ development/ and discharges from these activities	40	14%	2%
Agricultural/ranching impacts/ development/ and discharge from these activities	39	14%	2%
Mining impacts/development/and discharges from these activities	36	13%	2%
Hydro-electric/power generation impacts/ development/ dams	33	12%	2%

Threats that the Government should focus on managing better: <i>Development Projects (Works, Undertakings or Activities)</i>	Count	Percentage of those who answered this question (n= 281)	Percentage relative to the total number of participants (n=1,682)
Anchorage/tanker traffic	27	10%	2%
Plastics/microbeads in waterways	15	5%	1%
Residential/recreational impacts/development/ and discharges from these activities	10	4%	1%
Land vehicle recreation (OHV/ATV) use	9	3%	1%
Hormones/pharmaceuticals in waterways	8	3%	<1%

FISHING ACTIVITIES

Of the 935 responses, 27% suggested the government should better manage threats related to fisheries activities (Table 9). The threats related to fishing activities, for which participants recommended be better managed, were more commonly focused on overfishing, aquaculture, salmon stock management, and open-net or gill-net fishing (37%, 35%, 17%, and 16%, respectively).

Table 9: Topic 2: “Are there any threats to fish and fish habitat that the Government of Canada should better manage?” (views on fishing activities)

Threats that the Government should focus on managing better: <i>Fishing Activities</i>	Count	Percentage of those who answered this question (n= 248)	Percentage relative to the total number of participants (n=1,682)
Overfishing (includes sport/recreational and commercial fishing)	92	37%	5%
Aquaculture/fish farms	88	35%	5%
Salmon stocks/management	42	17%	2%
Open-net/gill-net fishing	39	16%	2%
Poaching/illegal fishing	22	9%	1%
Bycatch management	13	5%	1%
Dragging/trawling	9	4%	1%
Use of hooks/destructive gear	4	2%	<1%

POLICIES AND LEGISLATION

Among the 935 responses, 223 participants suggested that policies and legislation should be better managed and implemented by the Government of Canada. They provided a wide variety of recommendations for DFO to consider (Table 10). The more common recommendations were to protect riparian zones, review policies and legislation to ensure Indigenous treaties and rights are respected, protect all waters, including the restoration of the *Navigable Waters Protection Act*, and ensure decisions are made based on scientific evidence (18%, 17%, 16%, and 15%, respectively).

Table 10: Topic 2: “Are there any threats to fish and fish habitat that the Government of Canada should better manage?” (views on policies and legislation)

Threats that the Government should better manage: <i>Policies and Legislation</i>	Count	Percentage of those who answered this question (n= 223)	Percentage relative to the total number of participants (n=1,682)
Protect riparian zones	41	18%	2%
Consider Indigenous rights and treaties	37	17%	2%
Protect all waters/waterways/restore the Navigable Waters Protection Act	35	16%	2%
Ensure science and evidence-based decision making	33	15%	2%
Protect all fish species not just commercial, recreational, and Aboriginal fisheries, include marine mammals	25	11%	1%
Revise Fisheries Act and reinstate previous protections	21	9%	1%
Focus on public education and awareness	19	9%	1%
Inadequacies of self-assessment in waterway/ fish/ habitat protection	18	8%	1%
Establish adequate buffer zones	8	4%	<1%
Increase fines and penalties	8	4%	<1%
Importance of proactive/preventive/ risk management approaches	7	3%	<1%
Institute a net gain/no net loss policy	4	2%	<1%

CAPACITY FOR PROGRAM DELIVERY

A relatively small proportion (16%) provided comments related to the capacity for program delivery as examples of threats that the Government should focus on managing better. Among these respondents, 50% included comments related to insufficient compliance and/or enforcement of regulations, while 42% provided comments related to insufficient monitoring of fishing and development activities (Table 11). Another smaller number of participants also chose lack of funding, staffing or resources within DFO, and greater oversight as other areas the government should manage.

Table 11: Topic 2: “Are there any threats to fish and fish habitat that the Government of Canada should better manage?” (views on capacity for program delivery)

Threats that the Government should focus on managing better: <i>Capacity for Program Delivery</i>	Count	Percentage of those who answered this question (n= 150)	Percentage relative to the total number of participants (n=1,682)
Insufficient compliance/enforcement of regulations	75	50%	4%
Insufficient inspection/assessment/ monitoring of fishing and development activities	63	42%	4%
Lack of funding/staffing/ resources at the DFO	34	23%	2%
Greater oversight	16	11%	1%



EWORKBOOK TOPIC 3: THE RIGHT PROTECTIONS IN THE RIGHT PLACES

A PROHIBITION TO PROTECT FISH AND FISH HABITAT

Participants were asked about rules they would like to see included in a prohibition to protect fish and fish habitat. Of 927 responses, 580 (63%) preferred rules that do not allow any work in or near water that could affect fish and fish habitat, unless authorized (Table 12). Other participants selected to not allow any harmful impacts unless authorized but could allow some impact without authorization (28%), or to not allow any significant and irreversible impacts unless authorized but some harmful impacts may occur without authorization (10%).

Table 12: Topic 3: “Which rule would you like to see included in a prohibition to protect fish and fish habitat?”

Preference for rules to be included in a prohibition to protect fish and fish habitat	Count	Percentage of those who answered this question (n= 927)	Percentage relative to the total number of participants (n=1,682)
Do not allow any work in or near water that could affect fish and fish habitat, unless authorized.	580	63%	34%
Do not allow any harmful impacts on fish or fish habitat, unless authorized. (Some impact to fish and fish habitat is allowed without authorization.)	257	28%	15%
Do not allow any significant and irreversible impacts on fish or fish habitat, unless authorized. (Some harmful impact is allowed without authorization.)	90	10%	5%

VIEWS ON CURRENT LEVELS OF ENFORCEMENT

Participants were asked to select level of satisfaction with DFO’s current enforcement activity, and out of 978 respondents, the majority would like to see more enforcement activity (93% Table 13). A smaller number of participants felt the current DFO enforcement activity is about right or would like to see less (6% and 1%, respectively).

Table 13: Topic 3: “What are your views on DFO’s current level of enforcement activity related to fish and fish habitat protection?”

Views on current levels of enforcement	Count	Percentage of those who answered this question (n= 978)	Percentage relative to the total number of participants (n=1,682)
About right	58	6%	3%
Would like to see less	11	1%	<1%
Would like to see more	909	93%	54%
Don’t know	0	0%	0%

TYPES OF FISH AND FISH HABITAT THAT SHOULD BE THE FOCUS OF PROTECTION

The next question asked which fish and fish habitat should be the focus of protection by the Act (Table 14). Out of 980, the majority (90%) selected that they would like the focus of protection to cover all fish and fish habitat. A smaller proportion of participants felt the Act is adequate when focused on the fish and fish habitat that are part of, or support harvested fisheries or potentially harvested fisheries (10%).

Table 14: Topic 3: “Which fish and fish habitat do you feel should be the focus of protection by the Fisheries Act?”

Types of fish and fish habitat that should be the focus of protection	Count	Percentage of those who answered this question (n= 980)	Percentage relative to the total number of participants (n=1,682)
All fish and fish habitat in Canada, whether the fish are harvested or not.	883	90%	52%
Fish and fish habitat that are part of, or support, harvested fisheries as well as those fish, and their fish habitat, that could potentially be harvested in the future.	62	6%	4%
Fish and fish habitat that are part of, or support, harvested fisheries.	35	4%	2%

SUGGESTED EXEMPTIONS OR EXCLUSIONS

Participants were given the opportunity to provide suggestions for fish and/or fish habitats that should be exempted or excluded from being protected by the *Fisheries Act*. Participants were also asked to explain their responses (Table 15). Out of 892 responses, the majority (54%) stated that there should not be any exemptions or exclusions and an additional 4% provided no comments. Among those who provided suggestions, the most common examples of fish and fish habitat that should not be afforded protection under the Act were related to invasive or non-native species (17%) and artificial, industrial, or man-made water bodies (6%).

Table 15: Topic 3: “Are there any fish and/or fish habitats that should be exempted or excluded from being protected by the *Fisheries Act*? Why?”

Types of fish and fish habitat that should be the exempt or excluded	Count	Percentage of those who answered this question (n= 892)	Percentage relative to the total number of participants (n=1,682)
None/no fish or habitat should be excluded	483	54%	29%
Invasive/non-native species	154	17%	9%
Artificial/industrial/man-made water bodies (e.g. storm water ditches, tailing ponds)	52	6%	3%
Offline/isolated/closed systems/ waterways with no connectivity to other areas	28	3%	2%
Aquaculture and fish farming facilities	24	3%	1%
Privately owned waterways/waterways on private land	14	2%	1%
Agricultural waters/irrigation	9	1%	1%
Other	52	8%	3%
No comments	26	4%	2%

VIEWS ON THE LIST OF FACTORS CURRENTLY CONSIDERED PRIOR TO ISSUING AUTHORIZATIONS

The next question focused on the factors that the Minister must consider prior to issuing an authorization or making regulations under the fisheries protection provisions of the *Fisheries Act*.

The factors were described as:

- The impact a project has on fish and fish habitat in the area;
- Conservation priorities or fisheries management objectives;
- Whether there are measures in place to avoid, reduce or counterbalance the impacts a project has on fish and fish habitat;
- The public interest.

Participants were then asked whether they agreed or disagreed with the list and to further elaborate their response.

Out of 845 responses, 35% expressed their agreement with the list without providing any further comments (Table 16). Those who added comments expressed a variety of suggestions. Among the most common were to include increasing protection of fish habitat (9%), impacts of cumulative effects (7%), and consideration for the overall ecosystem (7%).

Table 16: Topic 3: “Do you agree or disagree with current list of factors, and why? If you disagree, which factors should be considered?”

Views on the list of factors	Count	Percentage of those who answered this question (n= 845)	Percentage relative to the total number of participants (n=1,682)
I agree with the current list of factors	294	35%	17%
Increase protection of habitat/not enough is done to curtail habitat destruction	72	9%	4%
Impacts of cumulative effects	59	7%	4%
Include consideration for overall ecosystem	59	7%	4%
Ensure consideration of Indigenous groups concerns/rights	50	6%	3%
"Public interest" phrase is too vague and requires clarification	49	6%	3%
Expand protection to all fish/fish species	40	5%	2%
Ensure proper enforcement	31	4%	2%
Ensure science and evidence based decision making	30	4%	2%
Ensure proper/widespread evaluation/monitoring of projects	29	3%	2%

Views on the list of factors	Count	Percentage of those who answered this question (n= 845)	Percentage relative to the total number of participants (n=1,682)
Public interest should have less importance/ other factors should have priority	29	3%	2%
Ensure focus on sustainability/the interests of future generation	27	3%	2%
Priorities of conservation efforts	23	3%	1%
Include a more preventive/proactive approach/ use the precautionary principle	16	2%	1%
Consider the effects of climate change	16	2%	1%
Institute a net gain/no net loss policy	14	2%	1%
Insufficient capacity to implement authorizations	13	2%	1%
Include restoration strategies	10	1%	1%
Ensure protection for endangered species/Species At Risk	8	1%	< 1%
Impacts to riparian environment	5	1%	< 1%
Factors are insufficient/do not go far enough	3	< 1%	< 1%
Problems with current Fisheries Act/old provisions should be reinstated	3	< 1%	< 1%
Other	183	22%	11%
No comments	8	1%	< 1%



EWORKBOOK TOPIC 4: MONITORING AND REPORTING BACK TO CANADIANS

MONITORING RECOMMENDATIONS

The participants were asked about their preferences for monitoring. Out of 953 responses, there was strong support for all of the options presented, ranging from 74% to 88% (Table 17). These options included monitoring:

- Ecosystem health and biodiversity;
- Compliance with the *Fisheries Act* at development sites;
- The effectiveness of restoration projects;
- The effectiveness of avoidance, mitigation and offsetting measures;
- Development projects undertaken by proponents; and
- To validate proponents’ monitoring activities and reports.

Table 17: Topic 4: “DFO relies on monitoring data to inform its reporting on fish and fish habitat protection. What kind of monitoring would you like to see more of?”

Preferences for the kinds of monitoring moving forward	Count	Percentage of those who answered this question (n= 953)	Percentage relative to the total number of participants (n=1,682)
Monitoring ecosystem health and biodiversity	835	88%	50%
Monitoring for compliance with the <i>Fisheries Act</i> at development sites	830	87%	49%
Monitoring the effectiveness of restoration projects	777	82%	46%
Monitoring the effectiveness of avoidance, mitigation and offsetting measures	763	80%	45%
Monitoring development projects undertaken by proponents (developers)	748	78%	44%
Validating proponents monitoring activities and reports	709	74%	42%

REPORTING IMPORTANT INFORMATION

Overall, participants expressed strong support for DFO reporting on the types of authorizations being issued, the effects of development projects and the health of aquatic ecosystems. Canadians were asked to rank the types of information on which it is important for DFO to report. Out of 931 responses, 32% ranked the health of aquatic ecosystems first, and therefore,

indicated that it was the most important type of information to be reported (Table 18). The types of authorizations being issued (18%), the fish and fish habitat being affected by development projects (17%), and the cumulative effects of development projects (12%) were commonly ranked second, third and fourth, respectively.

Table 18: Topic 4: “What type(s) of information reporting are most important to you?” (Views on preferences ranked first)

Preferences for the kinds of monitoring moving forward – Ranked First	Count	Percentage of those who answered this question (n= 931)	Percentage relative to the total number of participants (n=1,682)
Health of aquatic ecosystems	302	32%	18%
The types of authorizations being issued	170	18%	10%
The fish and fish habitat being affected by development projects	159	17%	9%
The cumulative effects of many projects on fish and fish habitat	109	12%	6%
The effectiveness of techniques used to avoid and reduce/minimize impacts of projects on fish and fish habitat	83	9%	5%
Areas of fish habitat that are protected or restored	62	7%	4%
Project-specific monitoring details	26	3%	2%
Other	20	2%	1%



REPORTING PREFERENCES

Three options were among the most selected by 953 participants when it comes to the way in which DFO can report to Canadians, (Table 19). Regular website updates, preferred by the vast majority of participants (88%); public registry of development and restoration projects (76%); and annually through a report to Parliament (63%).

Table 19: Topic 4: “How would you like us to report back to you on the protection of fish and fish habitat?”

Reporting Preferences	Count	Percentage of those who answered this question (n= 953)	Percentage relative to the total number of participants (n=1,682)
Regular website updates	836	88%	50%
Public registry of development and restoration projects	725	76%	43%
Annually through a report to Parliament	596	63%	35%
Social media	460	48%	27%
Town hall meetings	316	33%	19%
In-person, at regional offices	244	26%	15%

CHAPTER 3: IDEAS FORUM (FALL 2016)

During the public online engagement process from October 18, 2016 to November 25, 2016, participants were given the opportunity to post their ideas to the Ideas Forum in response to the open-ended question “What modern safeguards should be incorporated in order to ensure appropriate protections for fish and fish habitat?.” All the ideas were public and uploaded live so others could rate and/or comment on the ideas. Ratings were created for participants to demonstrate support for an idea.

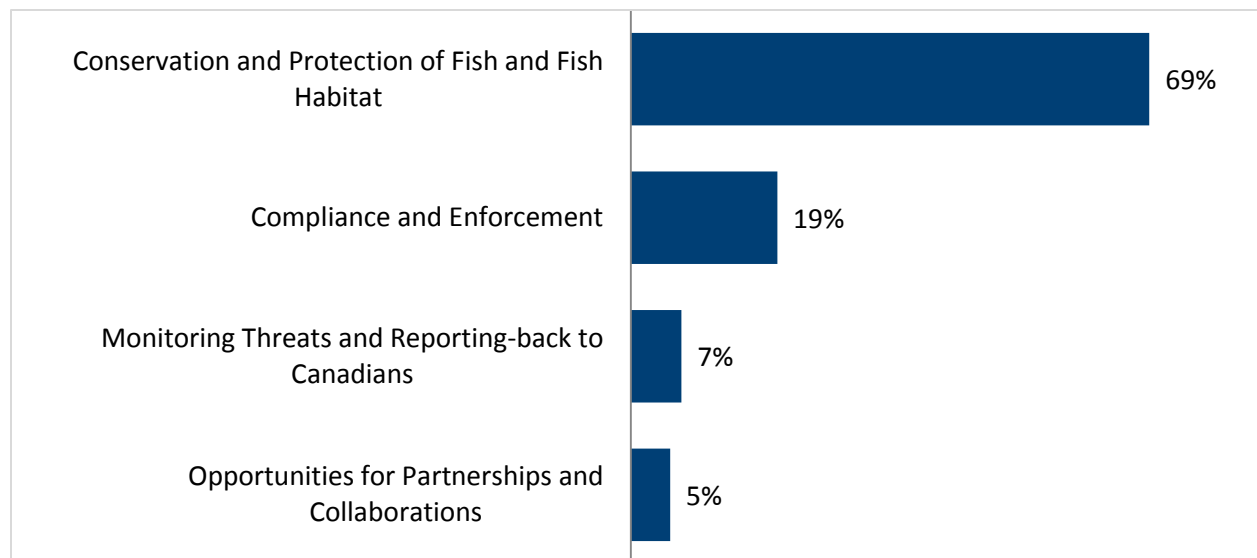
A total of 134 ideas were submitted. Participants were asked to classify their idea using one of the four following topics:

1. Conservation and Protection of Fish and Fish Habitat;
2. Compliance and Enforcement;
3. Monitoring Threats and Reporting-back to Canadians; or
4. Opportunities for Partnerships and Collaborations.

The majority of the 134 ideas posted (Graph 4) were under the classification conservation and protection of fish and fish habitat (69%), followed by compliance and enforcement (19%), monitoring threats and reporting-back to Canadians (7%), and opportunities for partnerships and collaborations (5%).

While all ideas are equally important and considered by DFO, the two most common classifications are reported here: 1) Conservation and Protection of Fish and Fish Habitat and 2) Compliance and Enforcement.

Graph 4: Classification of Ideas (n=134)



PARTICIPATION SUMMARY

There were 134 Ideas submitted along with 464 comments on the ideas (Table 20).

Table 20: Summary of the ideas submitted and the comments on the Ideas Forum.

Online Public Engagement Metrics	Count
Total Ideas Submitted	134
Total Comments on the Ideas	464

IDEAS FORUM TOPIC 1: CONSERVATION AND PROTECTION OF FISH AND FISH HABITAT

A total of 92 ideas were submitted under the topic Conservation and Protection of Fish and Fish Habitat, of which most (62%) were related to the implementation of the fisheries protection provisions of the *Fisheries Act*. Other ideas related to the prohibition against harm to habitat (26%) and the scope of application of the fisheries protection provisions (25%). These three topics were the most common for which ideas were posted and as such, are the focus of the following section in this report.

IMPLEMENTATION OF THE FISHERIES PROTECTION PROVISIONS

Out of 92 ideas, a majority (62%) posted under the topic Conservation and Protection of Fish and Fish Habitat (Table 21). The ideas under this sub-topic were evenly spread and covered a wide variety of subjects. The most common related to focusing on ecosystem remediation, habitat restoration, and habitat banking (9%), as well as comments recommending DFO have a greater consideration for the impacts of cumulative effects (9%).

PROHIBITION AGAINST HARM TO HABITAT

A total of 24 ideas were submitted under the topic Prohibition Against Harm to Habitat (Table 21). Of the 24 ideas, 22% were from participants suggesting DFO reinstate the provision against the Harmful Alteration or Disruption, or Destruction (HADD) of fish habitat and enhance habitat protection. Other participants (8%) posted comments reflecting their concerns with the current *Fisheries Act* and would also like to see the previous provisions reinstated, but did not specify which elements of those provisions they want reinstated.

SCOPE OF APPLICATION OF THE FISHERIES PROTECTION PROVISIONS

In regards to the scope of application of the fisheries protection provisions under the topic Conservation and Protection of Fish and Fish Habitat, 26% of 92 ideas recommended DFO focus protection on all fish instead of only commercial, recreational and Aboriginal (CRA) fisheries (Table 21).

Table 21: Summary of the ideas submitted under the topic Conservation and Protection of Fish and Fish Habitat.

Ideas Forum Topic 1: Conservation and Protection of Fish and Fish Habitat	Count	Percentage of those posting ideas on this topic (n= 92)	Percentage relative to the total number of ideas (n=134)
Implementation of the Fisheries Protection Provisions	57	62%	43%
Focus on ecosystem/habitat restoration/habitat banking	8	9%	6%
Greater consideration for impacts of cumulative effects	8	9%	6%
Restore net gain policy/no net loss	7	8%	5%
Abolish ocean-based fish farms/remove fish farms from public waters to land	6	7%	4%
Consideration of anchorage/the impacts of ships/ shipping practices in waterways	6	7%	4%

Ideas Forum Topic 1: Conservation and Protection of Fish and Fish Habitat	Count	Percentage of those posting ideas on this topic (n= 92)	Percentage relative to the total number of ideas (n=134)
Ensure a collaborative approach/involve all interested parties/ more partnerships	6	7%	4%
Abolish self-assessment/lack of proponent notification to the DFO/industry should not be allowed to police itself	5	5%	4%
Focus on research/testing/data collection	5	5%	4%
Ensure enforcement of policies/regulations	4	4%	3%
Ensure private/public interests are held accountable for their actions	4	4%	3%
Limit habitat offsetting practices	4	4%	3%
Greater consideration for impacts of climate change	3	3%	2%
Greater protection against deleterious substances/greater focus on contamination/spill management	3	3%	2%
Greater protection for endangered species/Species At Risk	3	3%	2%
Importance of environmental assessments/make environmental assessments mandatory/independent	3	3%	2%
Importance of openness/transparency	3	3%	2%
Abolish gravel mining in waterways	2	2%	1%
Prohibition Against Harm to Habitat	24	26%	18%
Reinstate HADD/Fish Habitat provisions/enhance habitat protection/protect against any harmful alteration	20	22%	15%
Problems with current <i>Fisheries Act</i> /old provisions should be reinstated	7	8%	5%
Scope of Application of the Fisheries Protection Provisions	24	26%	18%
Importance of the protection of fish stocks	14	15%	10%
Protect all fish/fish beyond CRA	11	12%	8%
Importance of sustainability/sustainable fisheries	4	4%	3%
Focus on an ecosystem-based approach/focus on whole ecosystem	3	3%	2%

IDEAS FORUM TOPIC 2: COMPLIANCE AND ENFORCEMENT

A total of 26 ideas were submitted under the topic Compliance and Enforcement. Many of the ideas under this topic were related to the implementation of the fisheries protection provisions (12 ideas, or 46% of the comments on Compliance and Enforcement) and the Capacity for Program Delivery (9 ideas, or 35% of the comments on Compliance and Enforcement; Table 22). These two sub-topics were the most common and as such are the focus of the following section in this report.

IMPLEMENTATION OF THE FISHERIES PROTECTION PROVISIONS

A total of 13 participants posted ideas related to the implementation of the fisheries protection provisions. These ideas ranged from ensuring that DFO staff are knowledgeable and trained (15%), to comments about ensuring decisions are made are based on scientific evidence (8%; Table 22).

CAPACITY FOR PROGRAM DELIVERY

Participants indicated that there is insufficient staffing, funding and capacity for proper monitoring and enforcement (27%). Further, 8% of respondents suggested that there is insufficient monitoring of habitat and waterways and a desire to see more fisheries officers onboard commercial vessels.

Table 22: Summary of the ideas submitted under the topic Compliance and Enforcement.

Ideas Forum Topic 2: Compliance and Enforcement	Count	Percentage of those posting ideas on this topic (n= 26)	Percentage relative to the total number of ideas (n=134)
Implementation of the Fisheries Protection Provisions	13	50%	10%
Ensure knowledgeable/trained DFO staff	4	15%	3%
Ecological damage is a criminal act/ensure charges are laid for damage to fish habitat	3	12%	2%
Expand partnerships/collaboration/ensure involvement of interested parties	2	8%	1%
Greater protection against presence of chemicals/deleterious substances in waterways	2	8%	1%
Insufficient enforcement of policies/regulations	2	8%	1%
Expand ticketing/ability to charge companies for destroying fish/habitat	2	8%	1%

Ideas Forum Topic 2: Compliance and Enforcement	Count	Percentage of those posting ideas on this topic (n= 26)	Percentage relative to the total number of ideas (n=134)
Ensure science/evidence based decision making/opportunities for peer review	2	8%	1%
Capacity for Program Delivery	9	35%	7%
Insufficient staffing/funding/capacity for proper monitoring/ enforcement	7	27%	5%
Insufficient monitoring of habitat/waterways/put fisheries officers directly onboard commercial vessels	2	8%	1%

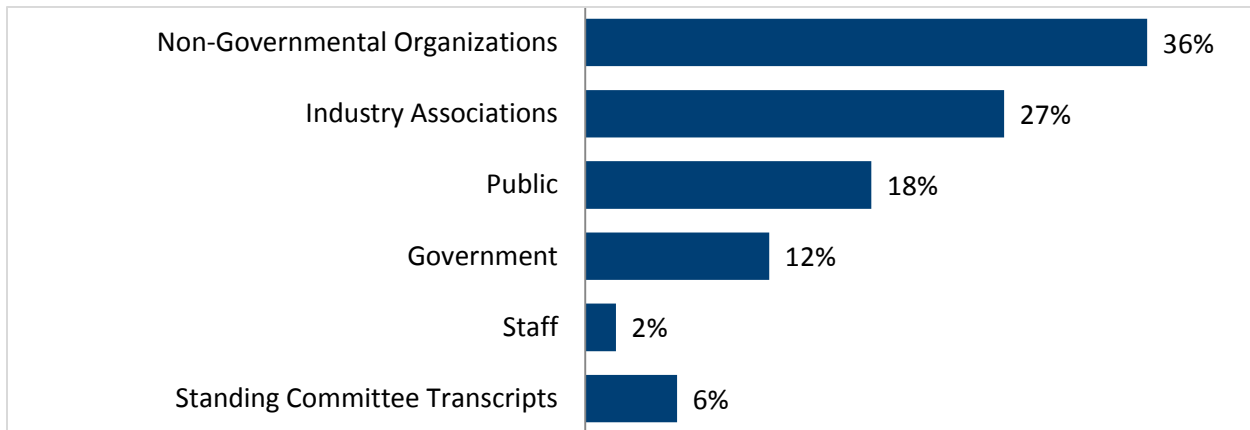
CHAPTER 4: WRITTEN SUBMISSIONS (APRIL 2016 TO FEBRUARY 2017)

PARTICIPATION SUMMARY

One hundred and fifty four submissions were sent to the Minister of Fisheries Oceans and the Canadian Coast Guard or the Standing Committee between April 1, 2016 and February 28, 2017. Written submissions were from industry associations (commercial fisheries, electricity, forestry, mining and oil & gas), non-governmental organizations (academia, legal, environmental, and conservation groups), governments (federal, provincial, territorial and municipal), and the public (Graph 5). Also included were the transcripts from the witnesses who went before the Standing Committee. Hundreds of pages of diverse and extensive comments, concerns and recommendations covering legislative, policy, program, and regulatory changes have been reviewed by DFO and will inform the Government of Canada’s review of the 2012 changes to the *Fisheries Act*.

The majority of the written submissions from a group, organization or association represent the collective feedback of multiple individuals and broader groups or organizations. Given that the number of individuals or members represented by a written submission was often unknown, an organization or group’s membership size has not been taken into account as part of these analyses.

Graph 5: Summary of the stakeholder groups that provided written submissions to DFO or the Standing Committee (n=154). The Standing Committee transcripts represent the presentations from various witnesses.



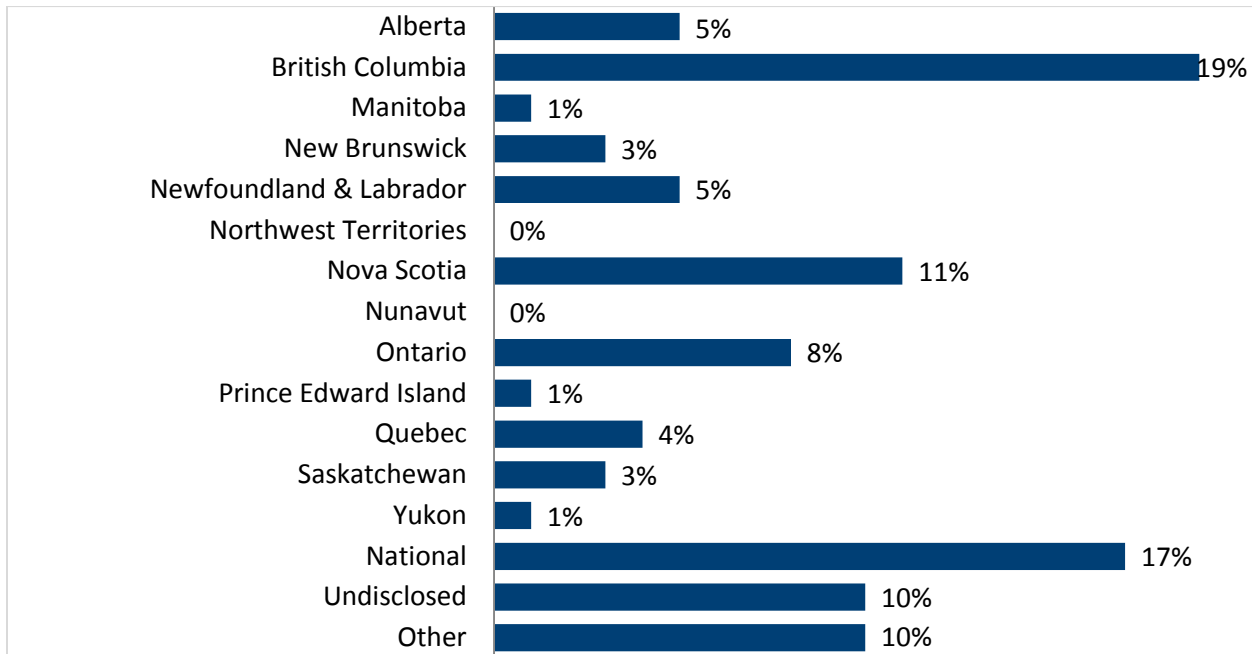
Information received from Indigenous groups and Resource Management Boards through the Standing Committee process, through written submissions to the Minister or the Department, or through meetings with Departmental officials is also contained in a separate report (“What We Heard from Indigenous Groups and Resource Management Boards on the Review of the 2012 Changes to the *Fisheries Act*”).



REGIONAL DISTRIBUTION OF PARTICIPANTS

Written submissions were received from participants from most provinces and territories throughout Canada, except Northwest Territories and Nunavut (Graph 6). Out of the total 154 written submissions, the majority were from British Columbia, Nova Scotia, and Ontario (19%, 11%, and 8%, respectively). Ten percent of written submissions did not disclose their locations.

Graph 6: Regional Distribution of Participants (n=154). The ‘Other’ category represents submissions from individuals or multiple participants representing more than one province.

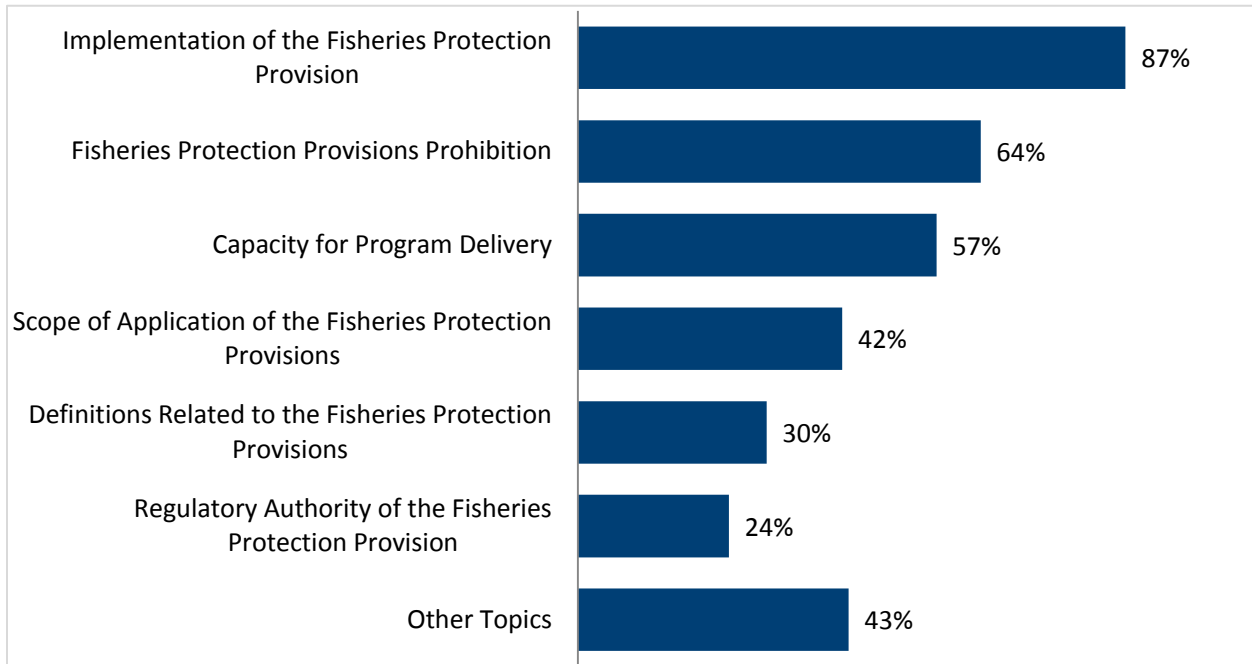


COMMON TOPICS

To support DFO’s review of the 154 submissions, a quantitative analysis was conducted. Various over-arching topics became evident from the comments, concerns and recommendations from participants: 1) Implementation of the Fisheries Protection Provisions, 2) Fish and Habitat Protection 3) Capacity for Program Delivery, 4) Scope of Application of the Fisheries Protection Provisions, 5) Definitions Related to the Fisheries Protection Provisions, 6) Regulatory Authority of the Fisheries Protection Provisions and 7) Other Topics.

The majority (87%) of written submissions included comments related to the topic on Implementation of the Fisheries Protection Provisions (Graph 7). More than half of the feedback collected was related to the Fish and Habitat Protection and Capacity for Program Delivery (64% and 57%, respectively). A little less than half of the written submissions had comments about the Scope of the Application of the Fisheries Protection Provisions topic (42%), and fewer written submissions had feedback related to the topic of Definitions and Regulatory Authority of the Fisheries Protection Provisions (30% and 24%, respectively). Some participants provided DFO with comments and recommendations that fell outside of the scope of these topics and have been reflected in an “Other Topics” category (43%). Most of the submissions related to more than one category resulting in the total being greater than 100%.

Graph 7: Distribution of Participant Comments by Topic (n=154). The ‘Other’ category represents comments that could not be included in the other over-arching topics.



WRITTEN SUBMISSIONS TOPIC 1: IMPLEMENTATION OF THE FISHERIES PROTECTION PROVISIONS

The vast majority (134, or 87%) of all 154 written submissions included views and opinions related to the implementation of the fisheries protection provisions of the *Fisheries Act*. Participants primarily encouraged DFO to collaborate with local authorities (39%), include science-based decision-making (37%), apply an ecosystem-based approach (34%), and include provisions for the impacts of cumulative effects (31%). There were a wide range of comments and recommendations from participants on how DFO could improve the implementation of the provisions (Table 23).

Table 23: Topic 1: Implementation of the Fisheries Protection Provisions.

Topic 1: Implementation of the Fisheries Protection Provisions	Count	Percentage relative to submissions on Topic 1 (n=134)	Percentage relative to the total number of submissions (n=154)
Encourage partnerships/ collaboration/ teamwork/ consultation/ co-management/ liaising with local authorities	52	39%	34%

Topic 1: Implementation of the Fisheries Protection Provisions	Count	Percentage relative to submissions on Topic 1 (n=134)	Percentage relative to the total number of submissions (n=154)
Ensure science and evidence-based decision making	49	37%	32%
Apply an ecosystem-based approach/institute designation of ecologically significant areas for fish/Ecosystem Approach to Fisheries Management	46	34%	30%
Ensure provisions for the impacts of cumulative/incremental effects	41	31%	27%
Proponent self-assessment is ineffective/cannot be tracked	30	22%	19%
Ensure sustainability/long-term viability of fisheries	29	22%	19%
Ensure consultation/Duty to Consult with First Nations/respect treaty rights/make use of traditional knowledge	28	21%	18%
Fish habitat need to be managed with the purpose of Net Gain and meeting or exceeding No Net Loss	27	20%	18%
Increase transparency of review/monitoring processes/ensure access to data	27	20%	18%
Create an online/public registry/database of major DFO projects	25	19%	16%
DFO should recognize importance of development and social/economic objectives	25	19%	16%
Concerns over climate change impacts	23	17%	15%
Greater focus on proactive/preventive/risk management measures/use the precautionary principle	21	16%	14%
Better identify/protect Species At Risk	15	11%	10%
Concerns over offsetting/allows for destruction of valuable habitat	10	7%	6%
Timelines for the <i>Fisheries Act</i> review are too tight/do not represent meaningful consultation	5	4%	3%

Topic 1: Implementation of the Fisheries Protection Provisions	Count	Percentage relative to submissions on Topic 1 (n=134)	Percentage relative to the total number of submissions (n=154)
Reduce bureaucracy/red tape	5	4%	3%
Act should reflect full federal jurisdiction/officially recognize DFO authority/ curtail outside influence	4	3%	3%
Focus on public education/awareness	3	2%	2%
Poor/insufficient DFO communication among sectors/during review process/ensure Aboriginal communities are notified of all activities in their territories	2	1%	1%
Follow an adaptive management process	2	1%	1%
Provide sufficient funding/resources to ensure the full participation of Indigenous/local populations	1	1%	1%



WRITTEN SUBMISSIONS TOPIC 2: FISH AND HABITAT PROTECTION

A total of 98 out of 154 (64%) written submissions included opinions related to section 35 of the *Fisheries Act*. The majority of views under this topic covered issues related to reinstating the provision against the harmful alteration or disruption, or destruction (HADD) of fish habitat and the legal precedents that come with it (76%; Table 24). Other common trends include comments related to the need for greater protection or restoration of fish habitat, and thoughts around restoring the section 32 prohibition against the destroying fish by any means other than fishing (43% and 24%, respectively). Other participants expressed support for the current fisheries protection provisions and the section 35 prohibition against “serious harm to fish” (24%). These participants felt the “serious harm to fish” prohibition does not lead to lost protections because it combines the former section 32 (killing of fish by means other than fishing) and section 35 - HADD prohibition; therefore those protections remain.

Table 24: Topic 2: Fisheries Protection Provisions

Topic 2: Fish and Habitat Protection	Count	Percentage relative to submissions on Topic 2 (n=98)	Percentage relative to the total number of submissions (n=154)
Reinstate section 35/HADD/HADD brings with it existing legal precedents	74	76%	48%
Fish habitat needs greater protection/restore lost habitat protections/Essential Fish Habitat	42	43%	27%
Restore prohibition (section 32) against destroying/killing fish	24	24%	16%
Support for the current fisheries protection provisions and the section 35 prohibition	24	24%	16%
Maintain the use of the word "activity" in section 35/"activity" was a positive addition	22	22%	14%
"Permanent alteration" criterion is too narrow/expand to include harmful/sub-lethal/ temporary alteration	17	17%	11%
Ensure provisions for riparian/buffer zone protection	10	10%	6%
Strengthen provisions for the impacts of minor/smaller/lower-risk projects	9	9%	6%
Revise <i>Fisheries Act</i> /reinstate previous protections (unspecified)	4	4%	3%

WRITTEN SUBMISSIONS TOPIC 3: CAPACITY FOR PROGRAM DELIVERY

A total of 88 out of 154 (57%) of all written submissions included views related to DFO’s capacity for program delivery. The concerns include the lack of proper protection, enforcement and monitoring by the Department (91%), the insufficient monitoring of fishing activities (17%), and need for greater DFO oversight (8%; Table 25).

Table 25: Topic 3: Capacity for Program Delivery

Topic 3: Capacity for Program Delivery	Count	Percentage relative to submissions on Topic 3 (n=88)	Percentage relative to the total number of submissions (n=154)
Lack of proper protection/monitoring/enforcement by the DFO/the DFO lacks capacity (staffing/resources/funding) to carry out its mandate/ downloading of work onto municipalities	80	91%	52%
Insufficient inspection/assessment/monitoring of fish/fishing activity	15	17%	10%
Greater DFO oversight is required	7	8%	5%



WRITTEN SUBMISSIONS TOPIC 4: SCOPE OF THE APPLICATION OF THE FISHERIES PROTECTION PROVISIONS

A total of 64 written submissions had comments and recommendations on the scope of the application of the Fisheries Protection Provisions. Among these submissions, the most common recommendation was for DFO to broaden the application of the provisions to protect all native fish species and aquatic organisms and not just the fish that support commercial, recreational and Aboriginal (CRA) fisheries (70%). Other participants expressed support for the scope of application of the Fisheries Protection Provisions focusing on CRA fisheries (36%) and state this does not diminish protections of fisheries. Other recommendations suggested expanding the application of the provisions to include “any harm” to fish and their habitat, to ensure fish passage is effectively considered in the decision-making process, to protect all waterways, and protect floodplains (Table 26).

Table 26: Topic 4: Scope of the application of the fisheries protection provisions

Topic 4: Scope of Application of the Fisheries Protection Provisions	Count	Percentage relative to submissions on Topic 4 (n=64)	Percentage relative to the total number of submissions (n=154)
Protect all native fish species/aquatic organisms/not just fish that support CRA (commercial, recreational and Aboriginal fisheries)	45	70%	29%
Scope of application does not diminish protections/ support for focus on CRA (commercial, recreational and Aboriginal fisheries)	23	36%	15%
"Serious harm" criterion is too narrow/expand to include "any harm" to fish/fish habitat	21	33%	14%
Ensure consideration for fish passage/migration/spawning	18	28%	12%
Protect all waters/waterways	6	9%	4%
Ensure Floodplain protection/flood mitigation plans	5	8%	3%

WRITTEN SUBMISSIONS TOPIC 5: DEFINITIONS RELATED TO THE FISHERIES PROTECTION PROVISIONS

Of the 154 written submissions, 64 (42%) included comments regarding the definitions related to the fisheries protection provisions in the *Fisheries Act*. Among the comments related to the definitions, the primary concern heard from participants was that the definitions in the Act are unclear and vague, and that the language could be simplified (59%). Some participants also recommended a purpose section be added to the Act (43%; Table 27).

Table 27: Topic 5: Definition Related to the Fisheries Protection Provisions

Topic 5: Definitions Related to the Fisheries Protection Provisions	Count	Percentage relative to submissions on Topic 4 (n=64)	Percentage relative to the total number of submissions (n=154)
Wording is unclear/definitions are vague/language should be simplified/specific (general)	27	59%	18%
Restoration of Purposes Section of the Act/Act should contain a statement of its public purpose	20	43%	13%

WRITTEN SUBMISSIONS TOPIC 6: REGULATORY AUTHORITY OF THE FISHERIES PROTECTION PROVISIONS

A relatively smaller number (37; Table 28) of written submissions had comments related to the regulatory authority of the Fisheries Protection Provisions, and of these the primary recommendations were to reduce ministerial discretion and regulatory authority, and institute larger fines and penalties for violations of the Act (70% and 38%, respectively).

Table 28: Regulatory authority of the fisheries protection provisions

Topic 6: Regulatory Authority of the Fisheries Protection Provisions	Count	Percentage relative to submissions on Topic 4 (n=37)	Percentage relative to the total number of submissions (n=154)
There should be a reduction in ministerial discretion/regulatory authority	26	70%	17%
Institute larger fines/penalties for violations	14	38%	9%

WRITTEN SUBMISSIONS: OTHER TOPICS

There were 66 out of 154 written submissions (43%) with concerns and recommendations that fell outside of the main topics described above. The comments were broad and widespread, however could be categorized into two overarching concepts: fishing activities and development projects (works, undertakings and activities).

FISHING ACTIVITIES

Feedback regarding fishery activity included concerns over the impacts of aquaculture (38%), the protection of fish stocks (32%), the need to strengthen owner-operator policies (27%), and recognizing and protecting the rights of fishers (27%). Other concerns raised were related to aquaculture regulations, the impacts of overfishing, strengthening rights for fishing licence holders, and concerns about open-net or gill-nets of fish (Table 29).

DEVELOPMENT PROJECTS (WORKS, UNDERTAKINGS OR ACTIVITIES)

Of the 66 written submissions, 38 (58%) raised concerns about particular development activities. Participants referred to oil and gas impacts most frequently (26%; n=66), followed by pollution, hydro generation and dams, as well as the impacts and discharges related to agriculture, mining, urban development and forestry (Table 29).

Table 29: Other Topics including concerns about fishing activities and development projects (works, undertakings or activities)

Other Topics	Count	Percentage relative to submissions on this topic (n=66)	Percentage relative to the total number of submissions (n=154)
Fishing Activities	50	76%	32%
Concerns over aquaculture impacts/fish farms	25	38%	16%
Protection of fish stocks/ensure rebuilding of depleted stocks	21	32%	14%
Strengthen Owner-Operator and Fleet-Separation policies	18	27%	12%
Recognize/protect rights/independence of fishers/commercial fisheries	18	27%	12%
Repeal the Aquaculture Activity Regulations	10	15%	6%
Concerns over overfishing impacts	8	12%	5%
Strengthen rights of license/permit holders	8	12%	5%
Concerns over open-net/gill-net fishing impacts	5	8%	3%

Other Topics	Count	Percentage relative to submissions on this topic (n=66)	Percentage relative to the total number of submissions (n=154)
Development projects (works, undertakings or activities)	38	58%	25%
Concerns about oil and gas impacts/ development/spills (pipelines, tankers, fracking)	17	26%	11%
Concerns about pollution/runoff/discharge/ impacts to water quality	11	17%	7%
Concerns about hydro-electric/power generation impacts/ development/dams	10	15%	6%
Concerns about agricultural/ranching impacts/ development/ discharge	5	8%	3%
Concerns about mining impacts/development/discharge	5	8%	3%
Concerns about municipal/residential/industrial impacts/ development/discharge	4	6%	3%
Concerns about forestry/logging impacts/development/discharge	4	6%	3%



CONCLUSION

Fisheries and Oceans Canada appreciates the time taken by the public to contribute to the review of the 2012 changes to the *Fisheries Act* through the online questionnaire, eWorkbooks or Ideas Forum, and through written submissions to the Minister or DFO.

DFO is taking these submissions into account and commits to considering their content as the review of the 2012 changes to the *Fisheries Act* moves forward.

The Department will be launching a phase II engagement on the review of the 2012 changes of the *Fisheries Act* in the summer of 2017. This next phase will focus on opportunities for policy and program change. DFO will again be asking for input through another online questionnaire and written submissions on future policy and program direction.