

Modernizing the Canadian Fisheries Act Bill C-68


Protections for fish and their habitat were removed in 2012, by the federal government, causing widespread opposition from environmental groups, including First Nations and commercial and recreational fishery operators. Since then Amendments to Canada's *Fisheries Act*, also known as Bill C-68, passed its Third Reading in the House of Commons on June 19, 2018, is now in the hands of the Senate, where it has passed the Second Reading, and is now being reviewed by Committee over the coming months. You can find the latest draft of Bill C-68 [here](#).

Key improvements to the *Fisheries Act* include:

- Prohibition against the harmful alteration, disruption or destruction of fish habitat. Naturally flowing water for sustaining aquatic ecosystems and fisheries has now been recognized in the Act.
- Protection for **all** fish species, not just fish relevant to commercial, recreational or Aboriginal fisheries.
- Provisions for regulations to conserve and protect marine biodiversity.
- Responding to sudden threats by setting up short-term actions to reduce any negative impacts on fish and/or their habitat.
- Including indigenous traditional knowledge into decisions that may impact fish habitat and requiring Fisheries and Oceans Canada to consider any impact(s) from projects and/or regulations on indigenous rights and people.
- Formulating a new public registry with information on commercial licenses and tracking projects that may impact fish and fish habitat. While the Act intends to track projects, it may not have the resources to cover all the smaller ones, which will be issued "letters of advice" allowing them to proceed without authorization. Since this could mean that best practices may not be followed for these projects, oversight of these small or "low-risk" projects will be dealt with in future regulations.
- Introducing provisions for rebuilding depleted marine and freshwater fish stocks that have declined over the years by protecting and restoring commercial and recreational fisheries.
- Provisions to support the establishment of local Fisheries Advisory Panels, with a clear indication that First Nation involvement in any panel proposal will be favoured.



Many environmental and conservation organizations, commenting on Canada's Fisheries Act, have played an important role in getting these provisions, that were lost in the previous Act, replaced with new ones that appear stronger in protecting the health and sustainability of fresh water fish and their habitats. This table prepared by Fisheries and Oceans Canada provides a summary of the regulations that have been brought forward into the new Act:

<p>BEFORE proposed amendments</p> 	<p>Protection for commercial, recreational or Aboriginal fisheries</p>	<p>Uncertainty around requirements for development projects</p>	<p>No provisions referencing the independence of inshore fishers</p>	<p>No provisions specifically designed to create marine refuges</p>	<p>No provisions to include Indigenous participation in decision making</p>	<p>No provisions to restore degraded habitat and rebuild fish stocks</p>
<p>AFTER proposed amendments</p> 	<p>Protection for all fish and fish habitat</p>	<p>Clearer permitting for development projects</p>	<p>New ability to enshrine inshore fishing policies into regulations</p>	<p>Better ability to protect biodiversity in the long-term</p>	<p>Indigenous traditional knowledge provided must inform habitat decisions</p>	<p>Increased focus on habitat restoration and rebuilding fish stocks</p>

Once Bill 68 comes into force, sometime in early 2019, Fisheries and Oceans Canada has promised to provide opportunities for public participation into the ongoing development of regulations.

The announcement of an additional \$284 million investment in Fisheries and Oceans Canada to implement and enforce the Act shows the government is willing to back up the changes proposed.